

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

Wednesday, January 2, 2019

Hearing Room 302

10:00 AM

1:17-12284 Seyed A Amid

Chapter 13

#1.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18; 11/7/18

Docket 25

***** VACATED *** REASON: Matter cont. to 1/9/19 @10am (eg)**

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, January 2, 2019

Hearing Room 302

10:00 AM

1:18-10094 Donald A Hilland

Chapter 7

Adv#: 1:18-01120 Zamora v. Ottosi et al

#2.00 Status conference re: removal of state court action
to federal bankruptcy court (Los Angeles County
Superior Court Case No BC621482)

Docket 0

*** VACATED *** REASON: Matter cont. to 1/9/19 @10am (eg)

Party Information

Debtor(s):

Donald A Hilland Pro Se

Defendant(s):

Does 1-25, Inclusive Pro Se

Paul H. Ottosi and Linda Ottosi Pro Se

Estate of Paul H. Ottosi Pro Se

Paul H Ottosi Pro Se

Linda Ottosi Pro Se

Plaintiff(s):

Nancy J. Zamora Represented By
Toan B Chung

Trustee(s):

Nancy J Zamora (TR) Represented By
Toan B Chung

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

Wednesday, January 9, 2019

Hearing Room 302

9:30 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#1.00 Motion to reconsider

Docket 51

***** VACATED *** REASON: Cont. to be heard at 10am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On September 13, 2018, the Court ruled on an unopposed Motion to Value as to the property located at 13458 Vose St., Van Nuys, CA 91405 (the "Property"). Movant Wilmington Savings Fund Society, FSB ("Wilmington"), acting as trustee for the creditor secured by a first position deed of trust on the Property, filed a motion for reconsideration on October 2, 2018. The grounds for the motion were improper service, as well as certain defenses to the merits of the valuation motion, discussed further below. By stipulation dated October 30, 2018, the parties agreed to "set the Motion to Value back on the [Court's] calendar."

Wilmington filed an opposition to the Motion to Value, arguing that Debtor's attempted cram down of its lien violates the anti-modification provision of § 1123(b) (5) because Debtor resides at the Property. Wilmington further offers a competing valuation of the Property. It appears that an evidentiary hearing will be necessary to determine whether Debtor in fact resides at the Property, and, if not, the correct valuation.

Per Debtor's Motion

First trust deed: \$781,136.85

Fair market value per Debtor's appraisal: \$500,000

Unsecured portion \$281,136.85

Per Wilmington's Opposition

First trust deed: \$ 783,525.93

Fair market value per Wilmington's appraisal: \$728,000

Unsecured portion \$55,525.93

APPEARANCE REQUIRED

Party Information

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

Wednesday, January 9, 2019

Hearing Room 302

9:30 AM

CONT... Godwin Osaigbovo Iserhien

Chapter 11

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:15-12349 Marjan Bahman

Chapter 13

#2.00 Motion for relief from stay

WELLS FARGO BANK

fr. 11/7/18

Docket 52

***** VACATED *** REASON: Resolved per APO (doc. 58) - hm**

Courtroom Deputy:

H.D.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marjan Bahman

Represented By
Ali R Nader

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:17-12284 Seyed A Amid

Chapter 13

#3.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18; 11/7/18; 1/2/19

Docket 25

Courtroom Deputy:

- NONE LISTED -

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

11-7-18 TENTATIVE BELOW

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

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

CONT... Seyed A Amid

Chapter 13

HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#4.00 Motion for relief from stay

PARKWOOD VAN NUYS HOA

fr. 12/5/18; 12/12/19

Docket 50

***** VACATED *** REASON: Resolved per APO (doc. 65) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

#5.00 Motion for relief from stay

CIVIC HOLDINGS 1 TRUST

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/17/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 1000 Free Silver Rd., Nashville, TN 37207

Property Value: \$364,603 (per debtor's schedules)

Amount Owed: \$304,498

Equity Cushion: 16%

Equity: \$60,105

Delinquency: \$15,060 (approx. 4 payments of \$4,320)

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):

Bruce DeWayne Johnson

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

CONT... Bruce DeWayne Johnson

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-12861 Mike Sterling

Chapter 7

#6.00 Motion for relief from stay

US BANK N.A

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/28/18

Ch: 7

Service: Proper. No opposition filed.

Movant: U.S. Bank

Property Address: 4233 Woodcliff Rd., Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 5/29/18

UD case filed: 9/20/18

UD Judgment: n/a (trial cont'd from 12/6/18 to 1/22/19, pending resolution of this Motion)

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.

Party Information

Debtor(s):

Mike Sterling

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

CONT... Mike Sterling

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-10094 Donald A Hilland

Chapter 7

Adv#: 1:18-01120 Zamora v. Ottosi et al

#7.00 Status conference re: removal of state court action to federal bankruptcy court (Los Angeles County Superior Court Case No BC621482)

fr. 1/2/19

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

How much discovery was done before the action was removed?

Discovery cut-off (all discovery to be completed): May 10

Expert witness designation deadline (if necessary): Will this be likely?

Case dispositive motion filing deadline (MSJ; 12(c)): Will this be likely?

Pretrial conference: June 26 at 10 am

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

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Donald A Hilland

Pro Se

Defendant(s):

Linda Ottosi

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

CONT... Donald A Hilland

Chapter 7

Paul H Ottosi	Pro Se
Estate of Paul H. Ottosi	Pro Se
Paul H. Ottosi and Linda Ottosi	Pro Se
Does 1-25, Inclusive	Pro Se

Plaintiff(s):

Nancy J. Zamora	Represented By Toan B Chung
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Trustee(s):

Nancy J Zamora (TR)	Represented By Toan B Chung
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:18-01052 Hernandez et al v. Choe

#8.00 Pre-Trial conference re: complaint for
nondischargeability of debt

fr. 7/18/18; 12/12/18

Docket 1

***** VACATED *** REASON: Stipulated Judgment filed**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

As Defendant debtor has stipulated to non-dischargeability, the matter is resolved and will be closed once judgment order is entered

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

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#9.00 Motion to compel deposition and supplemental discovery responses and request for reimbursement of fees and expenses

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

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

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:14-14636 Joseph Youseffia

Chapter 11

#10.00 Application for compensation for William H Brownstein
period: 10/10/2014 to 12/14/2018

Docket 254

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the fee application filed by William Brownstein & Associates,
the Court finds that the fees and costs are reasonable and are approved as
requested.

APPEARANCES WAIVED ON 1/9/19.

Party Information

Debtor(s):

Joseph Youseffia

Represented By
William H Brownstein

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#11.00 U.S. Trustee's motion to dismiss or convert case

Docket 410

***** VACATED *** REASON: Ntc. of w/d filed 1/4/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:17-12980 Mainstream Advertising, a California Corporation

Chapter 7

#12.00 Motion to withdraw as debtor's bankruptcy counsel

Docket 147

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#13.00 Motion for Nunc Pro Tunc Order Authorizing Payment
of Prepetition Wages

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The motion is GRANTED. Debtor to lodge order. NO 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#13.01 Motion to reconsider

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On September 13, 2018, the Court ruled on an unopposed Motion to Value as to the property located at 13458 Vose St., Van Nuys, CA 91405 (the "Property"). Movant Wilmington Savings Fund Society, FSB ("Wilmington"), acting as trustee for the creditor secured by a first position deed of trust on the Property, filed a motion for reconsideration on October 2, 2018. The grounds for the motion were improper service, as well as certain defenses to the merits of the valuation motion, discussed further below. By stipulation dated October 30, 2018, the parties agreed to "set the Motion to Value back on the [Court's] calendar."

Wilmington filed an opposition to the Motion to Value, arguing that Debtor's attempted cram down of its lien violates the anti-modification provision of § 1123(b) (5) because Debtor resides at the Property. Wilmington further offers a competing valuation of the Property. It appears that an evidentiary hearing will be necessary to determine whether Debtor in fact resides at the Property, and, if not, the correct valuation.

Per Debtor's Motion

First trust deed: \$781,136.85

Fair market value per Debtor's appraisal: \$500,000

Unsecured portion \$281,136.85

Per Wilmington's Opposition

First trust deed: \$ 783,525.93

Fair market value per Wilmington's appraisal: \$728,000

Unsecured portion \$55,525.93

APPEARANCE REQUIRED

Party Information

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

CONT... Godwin Osaigbovo Iserhien

Chapter 11

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, January 9, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#14.00 Status and case management conference

fr. 5/23/18; 11/7/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#15.00 Motion for relief from stay

JPMORGAN CHASE BANK

fr. 11/7/18

Docket 2166

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/9/12

Converted to Ch. 7: 3/14/12

Service: Proper; original borrower served. Trustee filed notice of non-opposition on 12/19/18 (doc. 2205)

Property: 4642 Ranchgrove Dr., Irvine, CA 92604

Property Value: not provided

Amount Owed: \$323,964

Equity Cushion: unk.

Equity: unk.

Delinquency: \$27,926 (approx. 29 payments of \$1,194.99)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property, including the unauthorized transfer to Debtor in 2008.

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); **9** (relief under 362(d)(4)); and **10** (relief binding & effective for 180 days against any debtor).

DENY relief requested in paragraph **6** (relief from co-debtor stay of 1301(a)) as there is no co-debtor stay in this chapter 7 case

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

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):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:12-17261 Elizabeth Maybalian

Chapter 13

#16.00 Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18, 6/13/18, 8/8/18, 9/12/18, 11/14/18

Docket 78

***** VACATED *** REASON: Cont'd per stipulation to 3/6/19 at 10 a.m. -
hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#17.00 Motion for relief from stay

NEW PENN FINANCIAL, LLC dba
SHELLPOINT MORTGAGE SERVICING

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date:

Chapter 13 plan confirmed: 3/9/17

Service: Proper. Opposition filed.

Property: 10220 De Soto Ave. #23, Chatsworth, CA 91311

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

Amount Owed: \$187,161

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$13,262 (approx. 8 payments of \$1,633; one payment of \$1,223, less suspense account balance of \$1,031.80)

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 the last payment received was on or about 11/12/18.

Debtor opposes the Motion, arguing that more payments have been made than are accounted for in the Motion and that she requests to cure any deficiency that may remain after proper accounting per an APO.

APPEARANCE REQUIRED

Party Information

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Deborah Rose Sanders

Chapter 13

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-11545 Ian Ellis Silber and Jane Ellen Silber

Chapter 13

#18.00 Motion for relief from stay

SURETEC INSURANCE CO.

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 6/20/18

Chapter: 13

Service: Proper. No opposition filed.

Property: \$135,000 Appeal Bond Deposit, pursuant to General Agreements of Indemnity and Collateral Agreement

Property Value: \$135,000

Amount Owed: \$366,316

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: n/a

SureTec ("Movant"), as surety, issued two appeal bonds: Bond Number 3378921 in the amount of \$217,000, and an additional bond, Bond Number 3379148, in the amount of \$135,000 ("Additional Bond") (collectively, "Bonds") on behalf of Debtors in connection with a civil appeal they pursued in the case titled: Kurt Silber, et al. v. Ian Silber, et al., No. LC099686, in Los Angeles Superior Court.

On or about March 16, 2016, Debtor Ian Silber executed a Collateral Receipt and Security Agreement ("Collateral Agreement") in favor of Movant, whereby Silber deposited the sum of \$135,000 ("Appeal Bond Deposit") as collateral and partial consideration for Movant to issue the Additional Bond. Movant received the Deposit on March 16, 2016 and has maintained possession of the Appeal Bond Deposit at all times thereafter.

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... **Ian Ellis Silber and Jane Ellen Silber**

Chapter 13

On May 25, 2018, the Court in the State Court Action entered a First Amended Judgment against Debtors, jointly and severally, in favor of plaintiffs Kurt and Irene Silber in excess of the Bonds issued by Movant. On June 20, 2018, the Debtors filed their most-recent Chapter 13 petition with this court. In that petition, Debtors disclosed they previously had filed two chapter 13 bankruptcy actions within the year.

When Debtors did not satisfy the First Amended Judgment entered in the State Court Action, judgment creditors Kurt Silber and Irene Silber made demand on the Bonds. As a precaution, Sure-Tec, advised of the recently-filed bankruptcy, postponed payment under the Bonds. Judgment Creditors Silber filed for relief from the automatic stay on July 25, 2018. [Dkt. 39] The motion was granted on August 30, 2018. [Dkt. 45].

Movant investigated and resolved Kurt and Irene Silber's claims under the Bonds. As of October 1, 2018, Movant paid claims in the amount of \$352,500, the penal sum of the Bonds, and has suffered total losses in the amount of \$366,216.99 as of the date of Movant's Amended Proof of Claim. By this Motion, Movant seeks the ability to enforce all applicable nonbankruptcy rights related to the Appeal Bond Deposit.

Movant requests that relief be binding and effective due to the history of multiple filings by Debtors.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); **7** (relief is binding & effective in any case purporting to affect the Property for two years from the date of the entry of the order); and **8** (relief is binding & effective in any case purporting to affect the Property for 180-days).

DENY relief requested in paragraph **11** (binding and effective in any future case), as such relief requires filing an adversary complaint under FRBP 7001.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 13

Party Information

Debtor(s):

Ian Ellis Silber

Represented By
Henry Glowa

Joint Debtor(s):

Jane Ellen Silber

Represented By
Henry Glowa

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-11760 Paul T Formanek

Chapter 7

#19.00 Motion for relief from stay

YOSEMITE CAPITAL LLC

fr. 8/15/18

Docket 7

***** VACATED *** REASON: Cont'd to 3/6/19 per doc. #51. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-12102 Parviz Paul Mehdizadeh

Chapter 7

#20.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/18/18

Chapter 7 discharge entered: 12/12/18

Service: Proper. No opposition filed.

Property: 4351 Park Arroyo Calabasas, CA 91302

Property Value: \$889,000 (per Movant's evidence)

Amount Owed: \$854,317

Equity Cushion: 3.9%

Equity: \$34,683

Delinquency: \$155,578 (approx. 27 payments of \$6,002.64)

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):

Parviz Paul Mehdizadeh

Represented By
Glenn Ward Calsada

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

Wednesday, January 9, 2019

Hearing Room 302

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-12548 Joseph Ryan Gotto

Chapter 7

#21.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/16/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Ford CMXPHE

Property Value: \$14,900 (per debtor's schedules)

Amount Owed: \$34,217

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,291.22

Movant notes that Debtor indicated on his Statement of Intention that he intended to surrender this vehicle.

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):

Joseph Ryan Gotto

Represented By

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Joseph Ryan Gotto

Heather J Canning

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-12743 Antonio Morales Arevalo and Vanessa Morales

Chapter 7

#22.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/10/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Toyota Tacoma

Property Value: unk. (leased vehicle not listed on schedules)

Amount Owed: \$45,966

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$3,631 (approx. 4 payments of \$907.97)

Movant alleges that it regained possession of the vehicle pre-petition on 11/4/18.

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):

Antonio Morales Arevalo

Represented By
Karine Karadjian

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Antonio Morales Arevalo and Vanessa Morales

Chapter 7

Joint Debtor(s):

Vanessa Morales

Represented By
Karine Karadjian

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-12816 Jason Freedman

Chapter 13

#23.00 Motion for relief from stay

WILLIE GUTMAN AND INNA SHTURMAN

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/20/18

Chapter: 13

Service: Proper; original borrower and HOA served. No opposition filed.

Property: 21901 Lassen St., Chatsworth, CA 91311

Property Value: \$400,000 (per debtor's schedules)

Amount Owed: \$374,504

Equity Cushion: 6.4%

Equity: \$18,064

Post-Petition Delinquency: \$7,666.09 (one payment of \$5,332.80; one late charge of \$533.29; attorneys fees of \$1,800)

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); **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 the self-represented Debtor is a transferee of interest via quitclaim deed from non-debtor borrower Joan Fan. Movant alleges that this transfer was done without its consent or court order. Debtor originally filed skeleton petition, and no plan has been filed (as of the date of the filing of the Motion), which Movant argues shows that this case was filed in bad faith. Movant also alleges that this is this Debtor's seventh bankruptcy case filed since May 2012.

Movant alleges that no payments have been made since April 2018, that

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Jason Freedman

Chapter 13

there is no proof of insurance, and that no property tax payments have been made.

On Dec. 19, 2018, self-represented Debtor filed a chapter 13 plan. No proof of service of the Plan was filed.

Service proper. No opposition filed. Motion GRANTED in full, as requested

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):

Jason Freedman

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-11821 Sonia D. Roman

Chapter 7

Adv#: 1:18-01110 Roman v. US Bank ELT Brazos ELA Inc. et al

#24.00 Status conference re complaint for:
dischargeability of student loan

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Discovery cut-off (all discovery to be completed): July 26, 2019

Expert witness designation deadline (if necessary): Discuss at next S/C

Case dispositive motion filing deadline (MSJ; 12(c)):Discuss at next S/C

Pretrial conference: Status conference on 8/21/19 at 10 am

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

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Sonia D. Roman

Represented By
Christine A Kingston

Defendant(s):

US Bank ELT Brazos ELA Inc.

Pro Se

Pennsylvania Higher Education

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Sonia D. Roman

Chapter 7

Plaintiff(s):

Sonia D. Roman

Represented By
Christine A Kingston

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-11965 Ian Jacoby

Chapter 7

Adv#: 1:18-01117 Williams v. Jacoby

#25.00 Status conference re complaint for:
willful and malicious injury

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Discovery cut-off (all discovery to be completed): September 13, 2019

Expert witness designation deadline (if necessary): Is this likeley?

Case dispositive motion filing deadline (MSJ; 12(c)): Self calendar before pretrial

Pretrial conference: October 23, 2019 at 10 am

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

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Pro Se

Plaintiff(s):

Garrett Williams

Represented By
Lazaro E Fernandez

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

CONT... Ian Jacoby

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:16-13120 Elsa Araceli Perez

Chapter 13

#26.00 Motion to dismiss case for failure to make plan payments

Docket 27

***** VACATED *** REASON: Incorrect hearing date, should be for 1/22/19
on the chapter 13 cal.(eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elsa Araceli Perez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 9, 2019

Hearing Room 302

11:00 AM

1:18-12687 Anna Mkrtchyan

Chapter 7

#27.00 Motion to vacate dismissal

Docket 26

*** VACATED *** REASON: Order entered vacating dismissal 12/19/18
(eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Mkrtchyan

Represented By
Tony Forberg

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Tuesday, January 15, 2019

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**

fr. 11/20/18

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 11/20/18 so that the Debtor had an opportunity to speak with the lender about modifying the amount of, or interest rate on, the debt. What is the status of this reaffirmation agreement?
APPEARANCE REQUIRED, or this reaffirmation agreement may be denied.

11-20-18 TENTATIVE BELOW

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

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

Tuesday, January 15, 2019

Hearing Room 302

8:30 AM

CONT... Florence Hamilton

Chapter 7

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**.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 15, 2019

Hearing Room 302

8:30 AM

1:18-12882 Peter Andrew Bianchi

Chapter 7

**#2.00 Reaffirmation Agreement with
FreedomRoad Financial**

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 11/30/18

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: 2014 Ducati 1199S (motorcycle)

Debtor's valuation of property (Sch. B): \$9,000

Amount to be reaffirmed: \$8,240.23

APR: 7.5% (fixed)

Contract terms: \$375.76 per month for 25 months

Monthly Income (Schedule I): \$1,300

Monthly expenses: (Schedule J): \$2,598

Disposable 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?

Debtor states that he is attempting to increase his income and that his payments are current. This payment is listed on Sch. J. Debtor also has a \$649 payment for a Toyota truck listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until February 12, 2019, whichever is later.

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

Tuesday, January 15, 2019

Hearing Room 302

8:30 AM

CONT... Peter Andrew Bianchi

Chapter 7

Party Information

Debtor(s):

Peter Andrew Bianchi

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:15-10079 Judy Marie Napolitano

Chapter 13

#1.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

Docket 70

*** VACATED *** REASON: Cont'd to 2/6/19 per Order #74. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Judy Marie Napolitano

Represented By
Robert Reganyan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:15-14115 Audrey M Whittinhall

Chapter 13

#2.00 Motion for relief from stay

WILMINGTON TRUST N.A.

fr. 12/12/19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of the this Motion?
APPEARANCE REQUIRED

12/12/18 Tentative

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... **Audrey M Whittinhall**
post-petition arrearages as of date 11/20/2018.

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Audrey M Whittinhall

Represented By
Michael D Luppi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:17-12768 Nicholas Peter Mascis

Chapter 13

#3.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/15/2017

Chapter13 Plan confirmed on 02/02/2018

Service: Proper. Original borrower was served. Opposition filed.

Property: 11930 Nugent Dr., Granada Hills, CA 91344-2236

Property Value: \$ 812,000 (per debtor's schedules)

Amount Owed: \$ 525,939.59 (per RFS motion)

Equity Cushion: 27.0%

Equity: \$ 286,060.41.

Post-Confirmation Delinquency: \$ 7,467.55(3 payment of \$3,368.22; less suspense account or partial paid balance: \$2,637.11)

Last payment was received on 11/23/2018

Movant alleges causes 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); **6** (termination of co-debtor stay) and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Property is debtor's primary residence; he is elderly and disabled; Debtor and his wife's sole income is social security and veterans disability benefits; Debtor has fallen behind on post-petition payments due to medical issues involving his adult daughter, who resides in the property and acts as full-time care giver. Considering the equity, have the parties discussed an APO?

APPEARANCE REQUIRED

Party Information

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... Nicholas Peter Mascis

Chapter 13

Debtor(s):

Nicholas Peter Mascis

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-10587 Marcela Navarrete Melendrez

Chapter 13

#4.00 Motion for relief from stay

BANK OF AMERICA, N.A.

fr. 10/24/18; 12/12/18

Docket 42

***** VACATED *** REASON: Settled per APO Doc. 42 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#5.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 11/14/18; 12/12/18

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued on 12/12/18 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

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?

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Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... Thomas Vy Nguyen

Chapter 13

APPEARANCE REQUIRED

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-11366 Irene Franklin

Chapter 13

#6.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued on 12/12/18 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

12-12-18 TENTATIVE

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

**United States Bankruptcy Court
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San Fernando Valley
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Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... Irene Franklin

Chapter 13

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-12738 Orlando Huete

Chapter 13

#7.00 Motion in individual case for order imposing a stay or continuing the automatic stay

fr. 11/27/18; 12/12/18

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

12-12-18 TENTATIVE BELOW

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

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... Orlando Huete

Chapter 13

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 shortened time, APPEARANCE REQUIRED.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-12937 Susan Anne Silvestri

Chapter 7

#8.00 Motion for relief from stay

DAIMLER TRUST

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Anne Silvestri

Pro Se

Movant(s):

Daimler Trust

Represented By
Jennifer H Wang

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#9.00 Status Conference re: Notice of removal to the United States Bankruptcy Court of Litigation pending in Los Angeles County Superior Court

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deadlines to be discussed at the status conference.
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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

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

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

CONT... Akhoian Enterprises, Inc.

Chapter 7

Ascensus, Inc., a Delaware Pro Se

DOES 1 through 10, inclusive Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc. Represented By
Richard Burstein

John Akhoian Represented By
Richard Burstein

Tamar Akhoian Represented By
Richard Burstein

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-11853 Daniel Mark Stipkovich

Chapter 13

Adv#: 1:18-01099 Stipkovich v. Trinity Financial Services, LLC et al

#9.01 Status Conference Re: Complaint for:
1 - Declaratory Relief to Determine the Validity of Lien
2 - Fraud

fr. 10/24/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Mark Stipkovich

Represented By
Brandon J Anand

Defendant(s):

Trinity Financial Services, LLC

Pro Se

Patrick Joseph Soria

Pro Se

West H&A, 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:17-10256 Tours Incorporated, Inc.

Chapter 11

#10.00 U.S. Trustee's motion to dismiss or convert

Docket 82

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The debtor has filed a non-opposition. There does not appear to be anything for a trustee to administer, so the case will be dismissed. This likelihood was discussed at the last status conference, so there does not need to be any hearing to discuss this further. Because of the government shutdown, there may be no timely order submitted on this motion. If any party wishes the order entered more quickly, they are welcome to upload such an order.

GRANTED. NO 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#11.00 Motion for setting property value re:
2027 Lemoyne Street, Los Angeles, CA 90026

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service: Proper
Property Address: 2027 Lemoyne St., L.A., CA 90026
First trust deed: \$893,247.22
Fair market value per appraisal: \$1,250,000

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued.

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):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

10:00 AM

1:16-13624 Hugo Cesar Carreon and Maria Concepcion Carreon

Chapter 7

#12.00 Trustee's Final Report and Applications for Compensation

Docket 26

Courtroom Deputy:

- NONE LISTED -

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):

Hugo Cesar Carreon	Pro Se
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Joint Debtor(s):

Maria Concepcion Carreon	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

Hearing Room 302

11:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#13.00 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, 8/15/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed Plaintiff's status report, this status conference is continued to February 27, 2019 at 10:00 a.m.

NO APPEARANCES REQUIRED ON 1/16/19

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

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

Wednesday, January 16, 2019

Hearing Room 302

11:00 AM

CONT... David Brown Levy

Bernard J Kornberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 16, 2019

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

#14.00 Status Conference Re: Complaint to
Establish Debt and Determine Debt to be
Non-Dischargeable

fr. 7/18/18, 12/12/18

Docket 1

***** VACATED *** REASON: Closed 12/28/18 - hm**

Courtroom Deputy:

- NONE LISTED -

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

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

Wednesday, January 16, 2019

Hearing Room 302

11:00 AM

CONT...

Karmile Yurdumyan

Peter A Davidson

Chapter 7

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

Wednesday, January 16, 2019

Hearing Room 302

1:00 PM

1:18-12070 Bagrat Ogannes

Chapter 11

Adv#: 1:18-01118 Kavoukjian et al v. Ogannes

#15.00 Status Conference re: Complaint for: Nondischargeability of debt pursuant to 11 u.s.c. 523(A)(2); 523 (A)(6) and 523(A)(19)

Docket 1

***** VACATED *** REASON: Cont'd to 6/12/19 per Order #7. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bagrat Ogannes

Represented By
Crystle Jane Lindsey

Defendant(s):

Bagrat Ogannes

Pro Se

Plaintiff(s):

Armen Kavoukjian

Represented By
Stella A Havkin

Greeneden, LLC

Represented By
Stella A Havkin

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:13-14291 Laura Ann Redgrave

Chapter 13

#40.00 Trustee's motion for order dismissing chapter 13 case
due to expiration of the plan

Docket 99

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Laura Ann Redgrave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:13-15406 Luis Bolanos

Chapter 13

#41.00 Motion to excuse the debtor from completing an application for entry of discharge and from signing the certification about a financial management course

Docket 63

Tentative Ruling:

Section 1328(g)(1) states that the court shall not grant a discharge unless the debtor "has completed an instructional course concerning personal financial management described in section 111." However, the personal financial management course requirement does not apply to persons who are unable to complete the requirement due to "incapacity, disability, or active military duty. . . ." 11 U.S.C. § 109(h)(4). Courts have generally found that death is a disability or incapacity for purposes of § 109(h)(4). In re Shorter, 544 B.R. 654 (Bankr. E.D. Ark. 2015). In the event of debtor's death the case may be dismissed, or, "if administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred." Fed. R. Bankr. P. 1016.

The spouse of debtor Luis Bolenos filed a death certificate indicating that Debtor passed away on November 14, 2016. The Court therefore excepts debtor from filing a personal financial management course. Motion GRANTED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Luis Bolanos

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:13-15903 Jesus Lazo and Adela Lazo

Chapter 13

#42.00 U.S. Trustee's motion for escrow account reconciliation statement and waiver of unnoticed escrow charges or refund of escrow surplus

Docket 34

***** VACATED *** REASON: Cont. to 2/26/19 @ 11am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Lazo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Adela Lazo

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:13-16338 Sasha Natali Davidian

Chapter 13

#43.00 Trustee's motion for order dismissing chapter 13 case
due to expiration of the plan

Docket 76

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sasha Natali Davidian

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:14-15090 Israel Deleon and Yvonne Deleon

Chapter 13

#44.00 Motion to dismiss case for failure to make plan payments

fr. 11/27/18

Docket 59

Tentative Ruling:

Order modifying plan entered on December 13, 2018. The motion is DENIED as moot.

NO APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:14-15589 Henry Guzman

Chapter 13

#45.00 Motion to dismiss case for failure to make plan payments
fr. 9/11/18, 10/23/18, 11/27/18

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:15-13072 Ana Elsa Maza and Ricardo Salvador Maza, Sr.

Chapter 13

#46.00 Motion to dismiss case for failure to make plan payments

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:15-14147 Jared Garcia Canchola

Chapter 13

#47.00 Motion to dismiss case for failure to make plan payments

Docket 69

*** VACATED *** REASON: Withdrawal filed by Trustee - Doc #73. If

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#48.00 Motion to dismiss case for failure to make plan payments

Docket 84

Tentative Ruling:

Order modifying plan entered on January 15, 2019. The motion is DENIED as moot.

NO APPEARANCES REQUIRED

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-11078 Art Summroell

Chapter 13

#49.00 Motion to dismiss case for failure to make plan payments
fr. 10/23/18, 11/27/18

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-11646 Edgar Rufino Hernandez

Chapter 13

#50.00 Motion to dismiss case for failure to make plan payments
fr. 11/27/18

Docket 58

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke

Chapter 13

#51.00 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, 11/27/18

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-12965 Yinka Brandy Nunoo

Chapter 13

#52.00 Motion to dismiss case for failure to make plan payments

fr. 11/27/18

Docket 49

Tentative Ruling:

Order granting motion to modify entered no December 31, 2018. The motion is DENIED as moot.

NO APPEARANCE REQUIRED

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-13120 Elsa Araceli Perez

Chapter 13

#53.00 Motion to dismiss case for failure to make plan payments

Docket 27

Tentative Ruling:

A motion to modify was filed in this case and the trustee filed an opposition. What is the status of the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Elsa Araceli Perez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-13218 Richard Calvin Shirley and Sandra Alexis Pearsonshirley

Chapter 13

#54.00 Motion to dismiss case for failure to make plan payments

Docket 62

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:16-13460 Kathy Sophia Brening-Ray

Chapter 13

#55.00 Motion to dismiss case for failure to make plan payments
fr. 9/11/18, 10/23/18

Docket 56

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-10117 Gregory A Harris

Chapter 13

#56.00 Motion to dismiss case for failure to make plan payments
fr. 10/23/18, 11/27/18

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#57.00 Motion to dismiss case for failure to make plan payments

Docket 46

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-11141 Aaron Michael Halawani

Chapter 13

#58.00 Motion to dismiss case for failure to make plan payments

Docket 24

***** VACATED *** REASON: Motion withdrawn. Doc. 27. -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Michael Halawani

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-11267 Irma Villalpando

Chapter 13

#59.00 Motion to dismiss case for failure to make plan payments

fr. 7/31/18, 9/11/18, 10/23/18, 11/27/18

Docket 82

Tentative Ruling:

Order granting motion to modify entered December 12, 2018. The motion is therefore DENIED as moot.

NO APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-11564 Isidro Gonzalez Rodriguez

Chapter 13

#60.00 Motion to dismiss case for failure to make plan payments
fr. 10/23/18

Docket 35

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#61.00 Motion to dismiss case for failure to make plan payments

fr. 10/23/18, 11/27/18

Docket 125

***** VACATED *** REASON: Cont'd to 2/26/19 @ 12:00 -CT**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#62.00 Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17, 2/7/18, 3/21/18; 12/5/18; 12/12/18

Docket 12

*** VACATED *** REASON: Cont'd to 2/26/19 @ 12:00 -CT

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:17-13398 Juan Jose Berganza

Chapter 13

#63.00 Debtor's objection to claim number 3

Docket 40

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. 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)). 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.

Debtor filed an objection to the claim of Hong Soo Jun ("Claimant"). Debtor argues that Claimant failed to comply with the documentation requirement of Fed. R. Bankr. P. 3001(c)(1). Debtor further argues that Claimant's claim is outside of the four-year statute of limitations under Cal. Civ. Pro. § 337.

Section 502(b) lists nine exclusive grounds for disallowance of a claim. Failure to file the documents required by Rule 3001(c)(1) is not among those grounds. See § 502(b); Heath v. Am. Express Travel Related Servs. Co. (In re Heath), 331 B.R. 424, 431 (B.A.P. 9th Cir. 2005). Regardless, the proof of claim does attach the writing upon which the claim is based. The proof of claim attaches a copy of the purchase and sale agreement (the "Agreement"). Debtor is incorrect to assert that Rule 3001(c)(1) requires that Claimant attach a copy of "the lawsuit" resulting from an alleged breach of that agreement to Claimant's proof of claim. To the extent Debtor objects to the claim due to failure to comply with Fed. R. Bankr. P. 3001(c)(1), the objection is **OVERRULED**.

The second issue is whether the statute of limitation has expired on Claimant's claim. The parties agree that the four-year statute of limitations under Cal. Civ. Pro. § 337 applies. The facts as stated by Claimant in the opposition, which Debtors have not disputed, are that the parties signed the Agreement on or around February, 2012. Under the agreement, the Debtor agreed to purchase two trucks and two

**United States Bankruptcy Court
Central District of California
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Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

CONT... **Juan Jose Berganza**

Chapter 13

trailers from Claimant in exchange for \$60,000, to be paid in installments of \$2,000 per month for 30 months. Debtor has not made any payments under the agreement since September 1, 2012. On January 20, 2017, Claimant filed an action in state court for breach of the Agreement.

Claimant argues that the statute of limitations should be measured from the date of the filing of the state court action, January 20, 2017. Claimant then argues that because the Agreement required Debtor to make 30 payments, dating from April 1, 2012 to September 1, 2014, Debtor has continuously breached the Agreement since October 1, 2012. Therefore, Claimant argues that only breaches of the Agreement prior to January 19, 2013 are beyond the four-year statute of limitations.

"When an instrument is payable in installments, the cause of action on each installment accrues on the day following the date the installment is due. The statute of limitations begins to run against the cause of action for the recovery of an unpaid installment *at the time it is payable.*" White v. Moriarty, 15 Cal. App. 4th 1290, 1299 (1993)(citations omitted, emphasis in original). The Agreement is an installment contract. There seems to be no dispute that the applicable statute of limitations is four years. Claimants filed an action in state court on January 20, 2017, to enforce the Agreement. Claimant is therefore correct that the statute of limitations has run only on installments that were due before January 19, 2013. There remain 20 installment payments of \$2,000 (those due February 1, 2013 through September 1, 2014) which are not precluded by the statute of limitations. Claimant therefore properly asserts a claim for \$40,000 of the unpaid principal.

Claimant also asserts a claim for \$28,833.33 as late charges. Debtor does not specifically dispute the amount or the calculation of late charges as laid out in the response. Debtor therefore has failed to "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. The objection to claim is therefore OVERRULED.

Because the parties did not provide any legal authority to support their arguments regarding statute of limitations issues, the Court will set a briefing schedule if the parties wish to make further arguments on this issue. The Court also notes that the Agreement provides that the agreement was secured by the trucks and trailers and that the seller would hold the deeds until performance was complete, but the proof of claim asserts only an unsecured claim.

APPEARANCE REQUIRED

Party Information

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

CONT... Juan Jose Berganza

Chapter 13

Debtor(s):

Juan Jose Berganza

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-10524 Peter A. Holliday

Chapter 13

#64.00 Debtor's objection to claim number 8

Docket 48

Tentative Ruling:

Kristie Holliday ("Claimant") filed claim number 6 on May 9, 2018 in the amount of \$203,806, representing debt arising from her dissolution of marriage (also referred to as equalization by the Court) with the Debtor. On July 16, 2018, Claimant amended claim number 6 to include \$152,836 in alleged priority claims stemming from unpaid alimony and child support. After discussion at the October 23, 2018 hearing, the Court ordered Claimant to file a separate claim as to alleged alimony and child support obligations, notwithstanding the claims bar date, in order to make the various portions of Claimants claim clear.

The Court determined that claim number 6 for debt arising from dissolution of marriage (equalization) was allowed as an unsecured claim of \$203,806. The court also determined that claim number 7, for attorneys' fees in the amount of \$19,962.56, was allowed as a general unsecured claim. The Court now addresses claim number 8, alleged to be priority domestic support obligations in the amount of \$138,426.

Claim number 8 includes unpaid monthly domestic support payments from October 2009 to September 2012, plus interest. Debtor argues that the orders of the Los Angeles Superior Court on March 21, 2013 and February 28, 2018 are res judicata as to these amounts.

The Superior Court order dated March 21, 2013 addresses child support arrears directly. "CHILD SUPPORT ARREARS: The parties stipulate and the Court finds that Petitioner owes Respondent child support arrears in the amount of \$7,500 through January 31, 2013. The parties shall meet and confer regarding the payment of these arrears." Doc. 48, ECF pagination 19 of 28. The order is somewhat ambiguous as to whether unpaid spousal support was resolved (\$8,000 for the period at issue, according to the Department of Child Support Services worksheet attached to the proof of claim as page 15 on the ECF generated pagination). However, there does not appear to be any ambiguity regarding unpaid child support: "through January 31, 2013," necessarily includes the entire period for which Claimant seeks a priority claim for domestic support payments. Therefore, unpaid child support cannot form

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

CONT... Peter A. Holliday

Chapter 13

the basis of Claimant's priority domestic support obligation claim.

In fact, there appears to be no independent basis for claim number 8. Claimant has not filed an opposition or produced any evidence in support of claim number 8 other than an itemized list of alleged payments due. The objection to claim number 8 is therefore GRANTED in full.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Peter A. Holliday

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#65.00 Motion to dismiss case for failure to make plan payments

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-10933 Bertha Perez

Chapter 13

#66.00 Motion to dismiss case for failure to make plan payments

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bertha Perez

Represented By
Michael E Clark

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-11561 Mercedes R. Morales

Chapter 13

#67.00 Motion to dismiss case for failure to make plan payments

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-11851 Grace Daniels Cervantes

Chapter 13

#68.00 Motion to avoid junior lien on principal residence with Windsor Townhomes

Docket 29

Tentative Ruling:

Service: Proper. No opposition filed.
Property Address: 21121 Lassen St. 1, Chatsworth, CA 91311
First trust deed: \$405,955.64 (Deutsche)
Second position lien: \$10,000 (Valley Economic Dev. Ctr.)
Third position lien: \$5,000 (Valley Economic Dev. Ctr.)
Fourth Position lien (TO BE AVOIDED): \$3,315 (Windsor Townhomes)
Fair market value per attached evidence: \$409,750.00

Disposition: GRANTED.

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

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):

Grace Daniels Cervantes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12122 Jay Scott Cohen

Chapter 13

#69.00 Trustee's objection to debtor's exemptions

Docket 34

***** VACATED *** REASON: Case dismissed 11/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12199 Dilip Vasant Ghotikar

Chapter 13

#70.00 Trustee's objection to debtor's exemptions

Docket 14

Tentative Ruling:

Debtor filed an amended schedule C. The motion is therefore DENIED as moot.

Party Information

Debtor(s):

Dilip Vasant Ghotikar

Represented By
Scott Kosner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12231 Manouchehr Kouchakali

Chapter 13

#71.00 Motion to avoid junior lien with Wells Fargo Bank, N.A.

fr. 11/27/18,

Docket 17

Tentative Ruling:

At the previous hearing, Debtor's counsel represented that they were working with Wells Fargo to facilitate an interior appraisal of the property which might resolve their opposition.

On January 7, Wells Fargo's appraiser filed a declaration containing his appraisal on the docket. Wells Fargo's appraiser concluded that the fair market value as of the petition date is \$735,000, which is in line with their initial appraisal. No additional pleadings were filed to indicate whether the parties request an evidentiary hearing or otherwise request that the court resolve the matter on the papers. The parties should come prepared to discuss potential dates for an evidentiary hearing.

APPEARANCE REQUIRED

11/27/18 Tentative

Service: Proper

Property Address: 8739 Farralone Avenue, Canoga Park (West Hills), CA 91304

First trust deed: \$ 635,468.52

Second trust deed (to be avoided): \$ 182,000.00

Fair market value per Debtor's appraisal: \$ 600,000.00

Fair Market Value per Wells Fargo: \$740,000

Wells Fargo Bank, the second position lienholder, filed an opposition disputing the value of the property. Wells Fargo believes that its second position mortgage is partially secured, and it is in the process of obtaining an appraisal. Wells Fargo also contends that the amount owed under the first trust deed is only \$623,413.78, as set forth in the proof of claim.

The parties should come prepared to discuss whether they would like to have an evidentiary hearing or whether this matter can be decided on the papers.

APPEARANCE REQUIRED

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

CONT... Manouchehr Kouchakali

Chapter 13

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#72.00 Trustee's objection to debtor's exemptions

Docket 20

Tentative Ruling:

Debtor claims an exemption in \$6,000 in funds deposited in a bank account under C.C.P. § 704.070. Debtor has provided no support for the claimed exemption. C.C.P. § 704.070(b)(2) is available to exempt equity from paid earnings subject to a withholding order or a wage assignment. There is no indication from Debtor that she is entitled to such an exemption.

The motion is GRANTED.

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12410 Terry Gale Moorhead

Chapter 13

#73.00 Trustee's objection to debtor's exemptions

Docket 18

Tentative Ruling:

Trustee objected to Debtor's enhanced homestead exemption under C.C.P. § 704.730 on the grounds that Debtor has not provided any evidence that they are entitled to the \$175,000 exemption. In response, Debtor filed a declaration stating that he has permanent nerve damage in their neck and right shoulder. Debtor attached evidence of monthly disability benefit payments from the Social Security Administration.

Does the trustee wish to pursue this objection to exemption further?

Party Information

Debtor(s):

Terry Gale Moorhead

Represented By
Leon D Bayer
Jeffrey N Wishman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 22, 2019

Hearing Room 302

11:00 AM

1:18-12438 Luz Del Carmen Tamariz

Chapter 13

#74.00 Objection to claim number 3 by claimant Citibank, N.A.

Docket 19

Tentative Ruling:

Citibank, N.A. ("Claimant") filed a claim for \$1,913.78 on account of debt arising from a Best Buy Visa card. Claimant filed its claim on December 11, 2018. The deadline for filing claims was December 10, 2019. Claimant has not filed any opposition to this motion and its claim was filed a day late. Because Claimant does not assert that it falls within one of the enumerated exceptions to § 502(b)(9), the motion is GRANTED.

No APPEARANCE REQUIRED

Party Information

Debtor(s):

Luz Del Carmen Tamariz

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:17-10117 Gregory A Harris

Chapter 13

#1.00 Motion for relief from stay

LISAUDIT CORPORATION, INC.

Docket 94

Tentative Ruling:

Petition Date: 01/17/2017

Chapter 13 plan confirmed on 09/28/2017

Service: Proper. Senior lien holder was served. No opposition filed.

Property: 8918 Collett Avenue, Los Angeles (North Hills Area), CA 91343

Property Value: \$552,685.00 (per debtor's schedules)

Debtor is co-owner with father RT Harris, Debtor asserts that the value of the portion of the property he owns is \$276,342.50

The senior lienholder on this property is Well Fargo Bank N.A. of \$282,660.00 (per debtor's schedules)

Amount Owed: \$86,093.77 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Confirmation Delinquency: \$22,496.71 (1 payment of \$1,511.83; 8 payments of \$1,936.14; post-petition advances or other charges due but unpaid: \$2,745.76; attorneys' fees and costs: \$2,750)

Last payment was received on 05/16/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 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):

Gregory A Harris

Represented By

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

CONT... Gregory A Harris

Brad Weil

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:18-12991 Arpine Parsekhian

Chapter 7

#2.00 Motion for relief from stay

HARBINGER INVESTMENTS, LLC

Docket 8

Tentative Ruling:

Petition Date: 12/13/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: Harbinger Investments, LLC

Property Address: 8745 Etiwanda Avenue #5, Northridge, CA 91325 Type of

Property: Residential

Occupancy: holdover after lease in default

Foreclosure Sale: N/A

UD case filed: 10/15/2018

UD Judgment: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). 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 without further notice); and **9** (relief binding and effective for 180 days against any debtor without further notice).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Arpine Parsekhian

Pro Se

Movant(s):

Harbinger Investments, LLC

Represented By
Agop G Arakelian

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

CONT... Arpine Parsekhian

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:18-12816 Jason Freedman

Chapter 13

#2.01 Motion for relief from stay

WILLIE GUTMAN AND INNA SHTURMAN

fr. 1/9/19

Docket 12

Tentative Ruling:

At the hearing on January 9, Debtor appears *pro se* and opposed the motion orally. Debtor stated that he was in the process of obtaining an attorney in connection with this case. Debtor also stated that he would submit proof to the Court of his attempt to make post-petition payments. Debtor has not filed anything since that hearing.

APPEARANCE REQUIRED

1/9/19 Tentative

Petition Date: 11/20/18

Chapter: 13

Service: Proper; original borrower and HOA served. No opposition filed.

Property: 21901 Lassen St., Chatsworth, CA 91311

Property Value: \$400,000 (per debtor's schedules)

Amount Owed: \$374,504

Equity Cushion: 6.4%

Equity: \$18,064

Post-Petition Delinquency: \$7,666.09 (one payment of \$5,332.80; one late charge of \$533.29; attorneys fees of \$1,800)

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); **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 the self-represented Debtor is

**United States Bankruptcy Court
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10:00 AM

CONT... Jason Freedman

Chapter 13

a transferee of interest via quitclaim deed from non-debtor borrower Joan Fan. Movant alleges that this transfer was done without its consent or court order. Debtor originally filed skeleton petition, and no plan has been filed (as of the date of the filing of the Motion), which Movant argues shows that this case was filed in bad faith. Movant also alleges that this is this Debtor's seventh bankruptcy case filed since May 2012.

Movant alleges that no payments have been made since April 2018, that there is no proof of insurance, and that no property tax payments have been made.

On Dec. 19, 2018, self-represented Debtor filed a chapter 13 plan. No proof of service of the Plan was filed.

Service proper. No opposition filed. Motion GRANTED in full, as requested

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):

Jason Freedman

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:18-12972 Renee Thomos

Chapter 7

#2.02 Motion for relief from stay

PUNAM GOHEL

Docket 14

Tentative Ruling:

Petition Date: 12/11/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: Punam Gohel

Property Address: 20248 Hart Street, Winnetka, CA 91306

Type of Property: Residential

Occupancy: holder after lease in default

Foreclosure Sale: N/A

UD case filed: 07/26/2018

UD Judgment: N/A

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 without further notice); **9** (relief binding and effective for 180 days against any debtor without further notice); and **11** (binding and effective against Debtor for 180 days).

DENY relief under paragraph **5** (termination of co-debtor stay) as no codebtor stay under § 1301 is in effect in this chapter 7 case.

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

Party Information

Debtor(s):

Renee Thomos

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

CONT... Renee Thomos

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#3.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 6

Tentative Ruling:

On 1/8/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 16-13174-MB, was a chapter 13 that was filed on 11/1/16 and dismissed on 1/7/19 for failure to make plan payments.

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 plan payments. Debtor states that the First Filing was dismissed when her business declined to an unexpected degree. At the same time, Debtor had to pay numerous end-of-year bills to her vendors; the combination caused her to fall behind on her plan payments. Debtor lists "internet sales" as her employment on Sch. I, and is self-employed. Debtor states that since the First Filing was dismissed, because she is working on an expansion of her business that is intended to increase her income. A family member has also pledged to help Debtor with financial assistance, should it be necessary. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence.

Service proper. No opposition filed.

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

Party Information

Debtor(s):

Yoonah Mason

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
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10:00 AM

CONT... Yoonah Mason

Chapter 13

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

Adv#: 1:18-01079 Seror v. Gregorian et al

#4.00 Status conference re: complaint to determine validity, priority and extent of liens

fr. 9/26/18; 12/5/18; 12/12/18

Docket 1

Tentative Ruling:

Having considered Trustee's Unilateral status report, the status conference is continued to February 6, 2019 at 10:00 a.m. to be heard with Trustee's motion(s) for default judgment.

APPEARANCE WAIVED on January 23, 2019.

Party Information

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
David Seror (TR)

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC

Chapter 7

Steven T Gubner
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Talin Keshishian

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#5.00 Status conference re: complaint to determine dischargeability

Docket 1

Tentative Ruling:

Having considered the Order Staying the Entire Case Due to the Lapse of Appropriations (ECF doc. 8) and finding good cause, this status conference is continued to **March 13, 2019, at 10:00 a.m.**

Plaintiff to give notice of continued status conference.

APPEARANCES WAIVED ON 1/23/19

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

United States Department of

Pro Se

United States Department of

Pro Se

Defense Finance and Accounting

Pro Se

Plaintiff(s):

Len Teo Flores

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#5.01 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, 11/14/18; 1/23/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#6.00 Disclosure statement describing chapter 11 plan dated December 11, 2018

Docket 575

Tentative Ruling:

Service proper. No opposition filed. Debtor's Disclosure Statement is APPROVED.
Dates for plan solicitation and confirmation to be discussed at status conference.

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

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

Wednesday, January 23, 2019

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, 9/21/18

Docket 1

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):

Process America, Inc.

Represented By
Ron Bender
John-patrick M Fritz

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

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

CONT... Process America, Inc.

Chapter 11

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#8.00 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, 11/14/18

Docket 1

Tentative Ruling:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#9.00 Motion to sell property of the estate free
and clear of liens under section 363(f)

Docket 675

*** VACATED *** REASON: Amended notice of hearing filed, Doc. #686.
Moved to 2/6/19 at 10 am - lf

Tentative Ruling:

- NONE LISTED -

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, January 23, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#10.00 Motion to sell property of the estate free
and clear of liens under section 363(f) 0

Docket 678

*** VACATED *** REASON: Amended notice of hearing filed, Doc. #683.
Moved to 2/6/19 at 10 am - lf

Tentative Ruling:

- NONE LISTED -

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

11:00 AM

1:18-11732 Susan Fines Caldera

Chapter 7

Adv#: 1:18-01090 American Contractors Indemnity Company v. Caldera

#11.00 Status conference re: complaint to determine
dischargeability of debt [11 u.s.c. section 523(a)(4)

fr. 10/10/2018

Docket 1

*** VACATED ***

Tentative Ruling:

Having considered Plaintiff's Unilateral status report and finding good cause,
this status conference is continued to **April 17, 2019 at 10:00 a.m.**

APPEARANCES WAIVED ON 1/23/19

Party Information

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, January 23, 2019

Hearing Room 302

11:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#12.00 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, 11/14/18

Docket 1

***** VACATED *** REASON: moved to 10:00 am. (eg)**

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

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Thursday, January 24, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#1.00 Case Management Conference

fr. 12/19/18

Docket 1

***** VACATED *****

Tentative Ruling:

Having considered the current lapse in appropriations to fund the federal government, the Court finds cause to continue this status conference to **March 13, 2019, at 11:00 a.m.** Status report to be filed on or before March 6, 2019.

Debtor to give notice of continued status conference within 7 days.
APPEARANCES WAIVED on 1/24/19

Party Information

Debtor(s):

Green Nation Direct, Corporation

Represented By
Giovanni Orantes

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

Tuesday, February 5, 2019

Hearing Room 302

9:30 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#1.00 Objection to claim number 7
fr. 12/12/18

Docket 83

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 5, 2019

Hearing Room 302

9:30 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#2.00 Objection to claim number 8
fr. 12/12/18

Docket 84

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 5, 2019

Hearing Room 302

9:30 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#3.00 Objection to claim number 9
fr. 12/12/18

Docket 85

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

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, 9/26/18

Docket 1

Tentative Ruling:

Having reviewed the status report, this matter will be continued to April 8, 2019. Plaintiff to lodge order.

NO APPEARANCE REQUIRED ON 2/6/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

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, 9/26/18

Docket 1

Tentative Ruling:

Having reviewed the status report, this matter will be continued to April 8, 2019. Plaintiff to lodge order.

NO APPEARANCE REQUIRED ON 2/6/19

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

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

Wednesday, February 6, 2019

Hearing Room 302

9:30 AM

CONT... C.M. Meiers Company, Inc.

Chapter 11

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

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, 9/26/18

Docket 1

Tentative Ruling:

Status Conference to go forward on February 6 in case any party wishes to raise a concern. If no further issues are presented, the debtor's status report was informative and a continuation of the status conference until June 26 at 10 am seems appropriate.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

**#4.00 Objection to Claim by Claimant Mortgage
Electronic Registration Systems.**

Docket 171

Tentative Ruling:

This matter should have been calendared for 10:00 a.m. The Court will hear the objection at 10:00 a.m. at the same time as the Debtor's objection to Bayview's claim.

After previous improper objections to claim, the Court set additional requirements for this Debtor to object to claims in this case. "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 address of that creditor."

Debtor filed this objection to the claim of Mortgage Electronic Registration Systems ("MERS"). While MERS has not filed a proof of claim in this case, Debtor listed MERS in its schedules as having a claim for \$0. Debtor states that, while MERS has not requested any payment from Debtor, it allegedly has a second position lien against the property located at 11733 Castillo Ln, Porter Ranch, CA 91326 (the "Property"). Debtor argues that the claim lacks any supporting documentation and that MERS has made no demand upon Debtor, but refuses to release the lien. Debtor further states that Nationstar dba Mr. Cooper "appears to be its loan servicer," but "Mr. Cooper denies that it is servicing this loan."

The second position loan originated with Joe K's enterprise. Debtor's principal, Ahron Zilberstein, states in his declaration that he knows Joe K's enterprise, Inc. to have operated a restaurant, and that the loan was taken out for the restaurant business. The title report attached to the Objection as exhibit 2 shows that the second position lien was not taken out by the referenced corporate entity, but by Benjamin and Nily Kolodaro. The debtor later received the property as "a bona fide gift" from Nily Kolodaro in January 2006. Nily Kolodaro is listed as a creditor in this case. Her address is 6360 Van Nuys Blvd. according to Debtor's schedules. The proof of service for this objection indicates that Nily Kolodaro was

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

Wednesday, February 6, 2019

Hearing Room 302

9:30 AM

CONT... Castillo I Partnership

Chapter 11

served at a different address: 5028 Varna Street in Sherman Oaks. Service is attempted upon Benjamin Kolodaro at three addresses. It seems that the Kolodaros may still have personal liability on certain of these liens, but there has been no participation from them in this case and the Debtor seems to be uncertain where to serve either of them.

MERS is generally not the beneficial interest holder of a mortgage. "MERS is a private electronic database, operated by MERSCORP, Inc., that tracks the transfer of the 'beneficial interest' in home loans, as well as any changes in loan servicers. After a borrower takes out a home loan, the original lender may sell all or a portion of its beneficial interest in the loan and change loan servicers. The owner of the beneficial interest is entitled to repayment of the loan." Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034, 1038 (9th Cir. 2011); See also In re Green, No. BAP CC-11-1374-MKHHA, 2012 WL 4857552, at *8 (B.A.P. 9th Cir. Oct. 15, 2012) ("*Cervantes*' holding is consistent with a number of published decisions within this circuit opining that MERS merely serves as the agent for the true beneficiary.").

Debtor must attempt to determine from MERS who the beneficial interest holder is of this second position mortgage. Debtor can try the tool at MERS's website: <https://www.mers-servicerid.org/sis/common/search>. Debtor could also attempt to contact the Kolodaros to determine whether there has been any demand upon the debt. Debtor, once again, has not done enough to attempt to determine whether the "claimant" actually has a claim against the debtor or property of the debtor's estate.

It has become clear in the objection and supporting documentation that Debtor's purpose in this objection to claim is to determine the validity, priority, or extent of a lien. Such actions require an adversary proceeding to be filed under FRBP 7001(2). FRBP 3007(b) explicitly states that "a party in interest shall not include a demand for relief of a kind specified in Rule 7001 in an objection to the allowance of a claim, but may include the objection in an adversary proceeding." The greater process required in an adversary proceeding is particularly relevant in light of the continued service issues in this case. Comerica was previously granted relief from stay under section 362(d)(4), in part due to its allegation that it was never served with notice of this case. Previous claims objections have been denied due to improper service. The Court will therefore require this objection to claim to be filed in an adversary action.

The delay in this case and the Debtor's pervasive lack of forthrightness have become unconscionable. The Court is setting a deadline of Thursday, February 21, 2019 for Debtor to file any adversary proceedings to address any claims objections affecting liens on the

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

Wednesday, February 6, 2019

Hearing Room 302

9:30 AM

CONT... **Castillo I Partnership**
property.

Chapter 11

The objection to claim is DENIED.

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

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

Wednesday, February 6, 2019

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

#5.00 Objection to Claim by Claimant Bayview
Loan Servicing, LLC.

Docket 173

***** VACATED *** REASON: Duplicate of #26 -CT**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10088 Bryant Michael Davis

Chapter 13

#5.01 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 -

Party Information

Debtor(s):

Bryant Michael Davis	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10098 Pedro Velasco

Chapter 13

#5.02 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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Velasco

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10106 Rick Verdugo

Chapter 13

#5.03 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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick Verdugo

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10107 Guadalupe M Villagrana

Chapter 13

#5.04 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 -

Party Information

Debtor(s):

Guadalupe M Villagrana	Pro Se
------------------------	--------

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
-----------------------------	--------

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10188 Keisha Johnson

Chapter 13

#5.05 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 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keisha Johnson

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:15-10079 Judy Marie Napolitano

Chapter 13

#6.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 1/16/19

Docket 70

Tentative Ruling:

Petition Date: 01/09/2015

Chapter 13 Plan confirmed on 12/08/2015

Service: Proper. Opposition filed.

Property:10831 Roycroft Street #55, Sun Valley, CA 91352

Property Value: \$ 300,000 (per debtor's schedules)

Amount Owed: \$ 225,406.64 (per RFS motion)

Equity Cushion: 17.0%

Equity: \$58,220.36.

The amount of lien held by homeowner association is \$16,373.00 (per debtor's schedules)

Post-Confirmation Delinquency: \$18,108.69 (10 payments of \$1,356.67; 1 payment of \$1,139.82; post-petition advances or other charges due but unpaid: \$2,989.66; attorneys' fees and costs: \$1,031; less suspense account or partial paid balance: \$618.49)

Movant alleges cause for 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, arguing that she had missed payments because her catering business had faced tough times and her income was not steady; the Subject Property has large equity cushion and Movant's interests has been protected; the Debtor is willing to work out an APO with Movant.

Relief is denied under paragraph **6** (termination of co-debtor stay). The motion does not indicate the existence of a co-debtor with respect to this property, nor does the loan documents show any borrower other than the Debtor. If there was a co-debtor, they have not been properly served.

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Judy Marie Napolitano

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Judy Marie Napolitano

Represented By
Robert Reganyan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#7.00 Motion for relief from stay

US BANK TRUST NA

Docket 77

Tentative Ruling:

Petition Date: 04/03/2015
Chapter 13 Plan confirmed on 03/09/2016
Service: Proper. Opposition filed.
Property: 20971 Avenue San Luis, Woodland Hills, CA 91364
Property Value: \$ 575,000 (per debtor's schedules)
Amount Owed: \$ 433,321.05 (per RFS motion)
Equity Cushion: 17.0%
Equity: \$41,816.95
The amount of HELOC is \$99,862 (per debtor's schedules)
Post-Confirmation Delinquency: \$ 66,500.92 (16 payments of \$3,412.97; 4 payments of \$3,272.35; attorneys' fees and costs: \$1,031; less suspense account or partial paid balance: \$2,227)
Last payment was received on 04/06/2018

Movant alleges cause for 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, arguing that he got behind on his mortgage payments because he lost job last year. The Debtor began a new business to generate income again. And if the Debtor is not able to work out and APO with Movant, he will be filling a motion to commence participation in the Court's loan modification program. The Debtor's second mortgage has already agreed to a loan modification which the Debtor accepted.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Steven Sandler

Represented By

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Chapter 13

Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By

Michelle R Ghidotti

Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:16-11945 Misak Sionovich Melikyan and Ruzanna Boyadshyan

Chapter 13

#8.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 43

Tentative Ruling:

Petition Date: 07/01/2016
Chapter 13 Plan confirmed on 09/07/2016
Service: Proper. Co-debtor was served No opposition filed.
Property: Vehicle 2016 Toyota Camry
Property Value: N/A
Amount Owed: N/A, lease matured
Equity Cushion: N/A
Equity: N/A
Delinquency: N/A

Debtors are the lessee of the Vehicle. Creditor states that the vehicle was leased for Joint-Debtor's mother, and was co-signed by Debtors. Creditor states that it regained possession of the vehicle on 11/30/2018.

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):

Misak Sionovich Melikyan

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Ruzanna Boyadshyan Melikyan

Represented By
Sanaz S Bereliani

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Misak Sionovich Melikyan and Ruzanna Boyadshyan

Chapter 13

Movant(s):

Toyota Motor Credit Corporation as

Represented By
Stephanie R Lewis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-10662 Ned Gilman

Chapter 13

#9.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 49

Tentative Ruling:

Petition Date: 03/15/2017
Chapter 13 Plan confirmed on 08/31/2017
Service: Proper. Opposition filed.
Property: 16721 Los Alimos Street, Granada Hills, CA 91344
Property Value: \$ 500,000 (per debtor's schedules)
Amount Owed: \$ 436,944 (per RFS motion)
Equity Cushion: 5.0%
Equity: \$0.00.
Post-Confirmation Delinquency: \$9,904.80 (3 payments of \$3,363.92; less suspense account or partial paid balance: \$186.96)

The amount of the second mortgage on the real property is \$94,129 held by Well Fargo Bank N.A and the amount of the third mortgage is \$57,524 held by Well Fargo Bank N.A. (per debtor's schedules)

Movant alleges cause for 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, arguing that more payments have been made to Movant than the Motion accounts for; the property is necessary for an effective reorganization, because it is the Debtor's primary residence; Debtor denies that this bankruptcy case was filed in bad faith.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Ned Gilman

Chapter 13

Movant(s):

U.S. Bank National Association, as

Represented By
Kristin A Zilberstein
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-10023 Gennady Aleksandrovsky

Chapter 13

#10.00 Motion for relief from stay

ACAR LEASING LTD DBA
GM FINANCIAL LEASING

Docket 51

Tentative Ruling:

Petition Date: 01/04/2018
Chapter 13 Plan confirmed on 11/27/2018
Service: Proper. No opposition filed.
Property: Vehicle (2016 Chevrolet Equinox)
Property Value: N/A
Amount Owed: \$17,774 (per RFS motion)
Equity Cushion: N/A
Equity: N/A
Delinquency: N/A
Debtor is the lessee of the Vehicle

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's confirmed chapter 13 plan provides for assumption of this lease (doc.

35 and 47). In the personal property declaration that accompanies the Motion, Movant also states that all payments that have come due under the lease have been paid. Lastly, Movant contends that it regained possession of the vehicle on 11/30/18, after the plan was confirmed, but does not explain the circumstances of how it regained possession without having been granted relief from stay.

APPARANCE REQUIRED

Party Information

Debtor(s):

Gennady Aleksandrovsky

Represented By
David S Hagen

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Gennady Aleksandrovsky

Chapter 13

Movant(s):

ACAR Leasing LTD dba GM

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#11.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 27

*** VACATED *** REASON: Cont'd per stipulation to 2/27/19 at 10:00
a.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#12.00 Motion for relief from stay

NEW PENN FINANCIAL, LLC

Docket 32

Tentative Ruling:

Petition Date: 09/10/2018

Chapter: 11

Service: Proper. Opposition filed.

Property: 10533 S Wilton Pl, Los Angeles, CA 90047-4351

Property Value: \$ 400,000 (per debtor's schedules)

Amount Owed: \$ 353,064.17 (per RFS motion)

Equity Cushion: 4.0%

Equity: \$46,935.83.

Delinquency: \$7,131.96

Movant alleges cause for 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).

Debtor opposes the Motion, arguing that the value of the property is \$450,000 because of the increase based on recent comps; the total amount of debt on the property is \$346,967; the property is necessary for an effective reorganization. Debtor contends that she stands ready to make payments and has segregated rents from the property into a separate account where such funds remain. No funds have been used for any other purpose. Debtor alleges that the only reason that no payment has been made to date is the inability to get the lender to respond, however the rents have been segregated and are being held in the Debtor in Possession account.

Debtor has proposed a new 30-year loan at 4%; Debtor's counsel called lender numerous times attempting to work out an APO with no response. A continued hearing on Debtor's motion to impose plan treatment will be heard on 3/6/19 at 10:00 a.m.

APPEARANCE REQUIRED

Party Information

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Catherine J. Watkins

Chapter 11

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

Movant(s):

New Penn Financial, LLC DBA

Represented By
S Renee Sawyer Blume

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

#13.00 Motion for relief from stay

WILSHIRE HOBART 337, LLC

Docket 21

***** VACATED *** REASON: Ntc. of w/d filed 1/2519 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce DeWayne Johnson

Pro Se

Movant(s):

Wilshire Hobart 337, LLC

Represented By
Agop G Arakelian

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

#14.00 Motion for relief from stay

ESSEX PORTFOLIO LP

Docket 25

Tentative Ruling:

Petition Date: 09/17/2018

Chapter: 7

Service: Proper. Co-tenants was served. No opposition filed.

Movant: ESSEX PORTFOLIO, LP

Property Address: 690 South Catalina Street, Apt. PH-H, Los Angeles, CA 90005

Type of Property: Residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 9/25/2018

UD Judgment: N/A (U.D. trial continued to 2/11/19)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). 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, without further notice); **9** (relief binding and effective for 180 days against any debtor without further notice); and **10** (Binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years)

DENY request for relief under paragraph **8** (relief under 362(d)(4) for bad faith), 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

Debtor(s):

Bruce DeWayne Johnson

Pro Se

Movant(s):

Essex Portfolio, LP

Represented By

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Bruce DeWayne Johnson

Chapter 7

Julian K Bach

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12948 Clara Noemi Barrera

Chapter 7

#15.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP

Docket 9

Tentative Ruling:

Petition Date: 12/07/2018
Chapter: 7
Service: Proper. No opposition filed.
Property: Vehicle (2011 Scion XB)
Property Value: \$ 8,089 (per debtor's schedules)
Amount Owed: \$13,515.79 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Delinquency: \$ 1,008.04

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):

Clara Noemi Barrera

Represented By
Daniel F Jimenez

Movant(s):

Toyota Motor Credit Corporation

Represented By
Stephanie R Lewis

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-13007 Alex Fabian Svoboda

Chapter 13

#16.00 Motion for relief from stay

CAB WEST, LLC

Docket 11

Tentative Ruling:

Petition Date: 12/17/2018
Chapter:13
Service: Proper. No opposition filed.
Property: Vehicle (2017 Ford Edge)
Property Value: N/A
Amount Owed: \$ 36,562.45 (per RFS motion)
Equity Cushion: N/A
Equity: N/A
Delinquency: \$ 1,188.34
Debtor is the lessee of the Vehicle

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):

Alex Fabian Svoboda

Represented By
Nima S Vokshori

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Alex Fabian Svoboda

Chapter 13

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10144 Delmy Lucia Orozco

Chapter 13

#16.01 Motion for relief from stay

ATTION LLC

Docket 11

Tentative Ruling:

Petition Date: 1/22/19

Chapter: 13

Service: Proper per Order Shortening Time (doc. 14). No opposition filed.

Property: 13014 Chestnut Ave., Rancho Cucamonga, CA 91739

Property Value: \$380,000 (per Movant's evidence, broker's price opinion)

Amount Owed: \$360,118.69

Equity Cushion: 5.23%

Equity: -\$13,999.82.

Post-Petition Delinquency: \$9,220.28 (1 payment of \$5,536.76; 1 late charge of \$553.68; post-petition advances & charges paid of \$1,279.84; attorney's fees of \$1,850)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant alleges that the original borrower, Oscar Cruz, transferred the subject property to Debtor Delmy Orozco as a "bona fide gift." This Debtor then filed a facesheet chapter 13 petition on 10/24/18, 18-12610. Before Movant's motion for relief from the automatic stay could be heard in the prior case, it was dismissed on 12/12/18 for failure to file all required case commencement documents. This chapter 13 case was filed just over one month later.

Movant contends this is the second bankruptcy filed by Delmy Orozco to affect its rights to the subject property, and requests *in rem* relief under 362(d)(4) because it argues that the filing of this case was part of a scheme to delay, hinder, 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

**United States Bankruptcy Court
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10:00 AM

CONT... Delmy Lucia Orozco

Chapter 13

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** (relief binding and effective in any future case), as such relief must be sought by adversary complaint 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.

Party Information

Debtor(s):

Delmy Lucia Orozco

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
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Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:19-10144 Delmy Lucia Orozco

Chapter 13

#16.02 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 -

Party Information

Debtor(s):

Delmy Lucia Orozco	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#17.00 Status Conference re: Notice of removal to the United States Bankruptcy Court of Litigation pending in Los Angeles County Superior Court

fr. 1/16/19

Docket 1

***** VACATED *** REASON: Stip. cont. to 4/3/19, @ 10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

Ascensus, Inc., a Delaware

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.

Represented By
Richard Burstein

John Akhoian

Represented By
Richard Burstein

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
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Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Akhoian Enterprises, Inc.

Chapter 7

Tamar Akhoian

Represented By
Richard Burstein

Trustee(s):

David Seror (TR)

Represented By
Steven T Gubner
Richard Burstein
Talin Keshishian

**United States Bankruptcy Court
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Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#18.00 Motion (1) Objecting To Removal And
(2) To Remand Adversary Proceeding
To State Court Pursuant To 28 U.S.C. § 1452;

Docket 7

***** VACATED *** REASON: Stip. cont. to 4/3/19, @ 10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

Ascensus, Inc., a Delaware

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.

Represented By
Richard Burstein
Gregory K Jones

John Akhoian

Represented By
Richard Burstein
Gregory K Jones

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Akhoian Enterprises, Inc.

Chapter 7

Tamar Akhoian

Represented By
Richard Burstein
Gregory K Jones

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-11870 Neil D Gitnick

Chapter 7

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

#19.00 Status Conference re Complaint to determine
non-dischargeability of debt

fr. 12/13/17; 6/20/18; 12/12/18

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.

Party Information

Debtor(s):

Neil D Gitnick

Represented By
James R Selth
Nina Z Javan

Defendant(s):

Neil D Gitnick

Represented By
James R Selth

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Neil D Gitnick

Chapter 7

Anita Marton

Elaine Nguyen

Represented By
James R Selth

Joint Debtor(s):

Anita Marton

Represented By
James R Selth
Nina Z Javan

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12338 Edward Ivan Mitchell

Chapter 7

Adv#: 1:18-01128 University Credit Union v. Mitchell

#20.00 Status Conference Re: Complaint
Under 11 USC 523(a)(2)

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Is it Edward Allen Mitchell or Edward Ivan Mitchell?
Please address issue of defendant answering following entry of default

Party Information

Debtor(s):

Edward Ivan Mitchell Pro Se

Defendant(s):

Edward Alan Mitchell Pro Se

Plaintiff(s):

University Credit Union Represented By
A. Lysa Simon
A. Lysa Simon

Trustee(s):

Diane C Weil (TR) Pro Se

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#21.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) 0 Sequoia Avenue, Hesperia CA 92345, APN 0414-021-019.

fr. 1/23.19

Docket 678

Tentative Ruling:

Service proper. No opposition filed. Having considered the motion and finding good cause, the Motion to Sell is granted. Trustee 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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#22.00 Motion to Sell Property of the Estate Free
and Clear of Liens under Section 363(f)
APN 3093-571-12, Victorville, CA 92395.

fr.1/23/19

Docket 675

Tentative Ruling:

Service proper. No opposition filed. Having considered the motion and finding good cause, the Motion to Sell is granted. Trustee 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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

Adv#: 1:18-01079 Seror v. Gregorian et al

#23.00 Motion for Default Judgment

Docket 20

Tentative Ruling:

Chapter 7 trustee David Seror ("Trustee") seeks a default judgment against La Vista Properties ("LVT"), and entity of unknown origin, and Alfred Gregorian ("Gregorian"). Trustee's action arises in connection with Trustee's sale of property located at 631 Caleb St., Glendale, CA, 91202 (the "Property"). At the time of the sale, Trustee identified a deed of trust (the "LVT DOT") he deemed suspicious. The deed of trust was granted in favor of LVP as beneficiary with Gregorian identified as the trustor (the "LVT DOT"). LVT and Gregorian had the same address and the title history reflected a number of suspicious transfers around the time of execution of the LVT DOT. The execution of fraudulent deeds of trust is consistent with a pattern of fraudulent behavior that has arisen with respect to other properties in this case.

The Court granted Trustee's motion to sell on February 26, 2018. This adversary was subsequently filed to determine whether LVT's lien attached to the net proceeds of that sale. Neither Gregorian nor LVT have responded to this adversary or communicated with the trustee in any way. Trustee's request for judicial notice is granted. The Motion is supported by persuasive evidence that no valid lien exists or existed against the property. The motion is GRANTED.

**BECAUSE THERE WAS NO RESPONSE, NO APPEARANCE IS
REQUIRED**

Party Information

Debtor(s):

Owner Management Service, LLC	Pro Se
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Defendant(s):

Alfred Gregorian	Pro Se
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La Vista Properties	Pro Se
---------------------	--------

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

Adv#: 1:18-01079 Seror v. Gregorian et al

#23.01 Status conference re: complaint to determine
validity, priority and extent of liens

fr. 9/26/18; 12/5/18; 12/12/1; 1/23/19

Docket 1

Tentative Ruling:

NO APPEARANCE REQUIRED

Party Information

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
David Seror (TR)
Steven T Gubner
Reagan E Boyce
Jessica L Bagdanov

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC

Chapter 7

Reed Bernet
Talin Keshishian

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:16-11598 Farideh Warda

Chapter 11

#24.00 First and Final Application by Resnik Hayes Moradi LLP, Former General Bankruptcy Counsel for the Debtor, for Allowance of Fees for the Period of January 30, 2017 through July 11, 2017.

Docket 226

Tentative Ruling:

Appearance required. No tentative.

Party Information

Debtor(s):

Farideh Warda

Pro Se

Movant(s):

Resnik Hayes Moradi LLP

Represented By
Roksana D. Moradi-Brovia

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor

Chapter 11

#25.00 Post-Confirmation Status Conference

fr. 1/12/17, 8/16/17, 11/1/17, 10/25/17, 12/13/17,
3/21/18, 1/30/19

Docket 16

Tentative Ruling:

Having reviewed the status conference and for good cause appearing, this status conference will be continued to November 6, 2019 at 10:00 a.m.

NO APPEARANCE REQUIRED on February 6, 2019.

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

**#26.00 Debtor's Objection to and Motion to Disallow
Claim off Bayview Loan Servicing, LLC**

Docket 178

Tentative Ruling:

After previous improper objections to claim, the Court set additional requirements for this Debtor to object to claims in this case. "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 address of that creditor."

The original loan at issue was issued by the United States Small Business Administration ("SBA") to Benjamin and Nily Kolodaro in 1993. After running a title report, the Debtor objected to the claim of the SBA on the grounds that no demand had been made on the loan and that the claim provided no documentation to support the obligation. The SBA, notably, did not file a proof of claim in this case, but Debtor scheduled the SBA's claim in its schedule D. The Court found that the objection to SBA's claim was improperly served. When the SBA was re-served at the correct address, it filed a response stating that it had assigned the loan in March 2002 to Bayview Financial Trading Group, L.P. Debtor states that "Bayview has promised to provide its position by January 24, 2019." Debtor filed an additional declaration stating that Bayview neither filed anything on the docket of this case nor contacted Debtor's counsel with its position.

It has become clear in the objection and supporting documentation that Debtor's purpose in this objection to claim is to determine the validity, priority, or extent of a lien. Such actions require an adversary proceeding to be filed under FRBP 7001(2). FRBP 3007(b) explicitly states that "a party in interest shall not include a demand for relief of a kind specified in Rule 7001 in an objection to the allowance of a claim, but may include the objection in an adversary proceeding." The greater process required in an adversary proceeding is particularly relevant in light of the continued service issues in this case. Comerica was previously granted relief from stay under section 362(d)(4), in part due to its allegation that

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

CONT... Castillo I Partnership

Chapter 11

it was never served with notice of this case. Previous claims objections have been denied due to improper service. The Court will therefore require this objection to claim to be filed in an adversary action.

The delay in this case and the Debtor's pervasive lack of forthrightness have become unconscionable. The Court is setting a deadline of Thursday, February 21, 2019 for Debtor to file any adversary proceedings to address any claims objections affecting liens on the property.

The objection to claim is 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#27.00 Scheduling and Case Management Conference

fr. 3/28/18; 10/24/18

Docket 0

*** VACATED *** REASON: stip. cont. to 2/27/19 @10am (eg)

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#28.00 Chapter 11 Plan of Reorganization

Docket 75

*** VACATED *** REASON: Continued per stip to April 3, 2019 at 10:00

--CT

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#29.00 Scheduling and Case Management Conference

Docket 1

Tentative Ruling:

Claims bar date: April 15, 2019 (see Order, doc. 23)

Objections to claims deadline: _____

Avoidance actions deadline: _____

Proposed disclosure statement filing deadline: _____

Proposed disclosure statement hearing: _____

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

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#30.00 Disclosure Statement in Support of Plan of
Reorganization

fr. 11/7/18

Docket 41

Tentative Ruling:

An evidentiary hearing to resolve the motion to reconsider valuation is set for March 25, 2019. A status conference was set for March 27, 2019 in recognition of the fact that the case cannot move forward until the valuation is resolved. Disclosure will also be continued to March 27, 2019 at 10:00.

NO APPEARANCE REQUIRED ON FEBRUARY 6, 2019

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#31.00 Motion to Reconsider Default Valuation
Order Based on Lack of Service,
Excusable Neglect and Meritorious
Defenses.

fr. 11/7/18

Docket 51

*** VACATED *** REASON: Duplicate of hearing on March 25, 2019 at
10:00 -CT

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

10:00 AM

1:17-10861 FAMOSO PORTERVILLE, LLC

Chapter 11

#32.00 Motion For Final Decree, Entry of Discharge
and Closure of Case

Docket 138

Tentative Ruling:

Service proper. No objections filed. Having considered the Motion for Final Decree, this Motion is GRANTED. Movant to lodge order within 7 days.

NO APPEARANCE REQUIRED on 2/6/19.

Party Information

Debtor(s):

FAMOSO PORTERVILLE, LLC

Represented By
Jeffrey S Shinbrot

Movant(s):

FAMOSO PORTERVILLE, LLC

Represented By
Jeffrey S Shinbrot

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

Wednesday, February 6, 2019

Hearing Room 302

11:00 AM

1:17-11888 ALLIANCE FUNDING GROUP INC.

Chapter 7

Adv#: 1:18-01076 Seror v. Aslanjan et al

#33.00 Status Conference re: First Amended Complaint

fr. 8/29/18, 10/3/18; 10/10/2018

Docket 3

Tentative Ruling:

The proposed pretrial hearing for trial against the remaining defendants will be November 13, 2019, with the pretrial stip due 2 weeks beforehand.

Parties may discuss the date and any additional issues at the status conference.

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

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

Wednesday, February 6, 2019

Hearing Room 302

11:00 AM

CONT... ALLIANCE FUNDING GROUP INC.

Chapter 7

Natalia Usmanova	Represented By Eamon Jafari
Alexander Usmanov	Represented By 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
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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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

11:00 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#34.00 First Amended Chapter 11 Plan of Reorganization

Docket 53

Tentative Ruling:

The parties should address which issues have been resolved by stip and which still require a ruling

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 6, 2019

Hearing Room 302

11:00 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#35.00 Status and Case Management Conference

fr. 5/23/18, 9/12/18, 11/14/18

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

MEJD PARTNERSHIP

Represented By
Mark E Goodfriend

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

Wednesday, February 6, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#36.00 Defendants Motion for Summary Judgment.

12/19/18

Docket 28

***** VACATED *** REASON: continued to 2/27/19 at 1:00 p.m.**

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, February 6, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#37.00 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, 8/15/18

Docket 1

***** VACATED *** REASON: continued to 2/27/19 at 1:00 p.m.**

Tentative Ruling:

- NONE LISTED -

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, February 7, 2019

Hearing Room 302

10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#1.00 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, 11/14/18, 1/23/19

Docket 1

Party Information

Debtor(s):

Osher And Osher, Inc.

Represented By
Raymond H. Aver

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

Wednesday, February 20, 2019

Hearing Room 302

10:00 AM

1:19-10208 Byung Chol Lee

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 -

Party Information

Debtor(s):

Byung Chol Lee

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 20, 2019

Hearing Room 302

10:00 AM

1:19-10209 Kathie Denise Wargo

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 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathie Denise Wargo

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 20, 2019

Hearing Room 302

10:00 AM

1:19-10230 Jermaine Green

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 -

Party Information

Debtor(s):

Jermaine Green

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 20, 2019

Hearing Room 302

10:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#1.00 Evidentiary Hearing re: Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18; 12/18/18

Docket 0

Tentative Ruling:

APPERANCE REQUIRED

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

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

Wednesday, February 20, 2019

Hearing Room 302

11:00 AM

1:17-13208 Nataly Lavy

Chapter 7

Adv#: 1:18-01024 Personal Energy Finance, Inc. v. Lavy

#2.00 Status Conference re: First Amended Complaint

fr. 9/12/18

Docket 18

***** VACATED *** REASON: Dismissed per stipulation 1/15/19 (doc. 26) -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 20, 2019

Hearing Room 302

1:00 PM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#3.00 Status Conference re: Complaint

fr. 8/29/18

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 6/26/19 at 10:00
a.m. (doc. 18) - hm**

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.

Party Information

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

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

Wednesday, February 20, 2019

Hearing Room 302

1:00 PM

CONT... John Gordon Jones

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-10064 Alex Montez

Chapter 13

#34.00 Trustee's motion for order dismissing chapter 13 proceeding
due to expiration of the plan

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The Motion is GRANTED. No appearances required.

Party Information

Debtor(s):

Alex Montez

Represented By
David Tang

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-13056 Patricia Maria Blume

Chapter 13

#35.00 Debtor's motion for order awarding attorneys fees to Blume's counsel as the prevailing party on her motion for order sustaining objection to amended claim no.1 of Deutsche Bank Trust

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Patricia Blume ("Debtor") moves for the award of attorney's fees of \$48,400 as prevailing party in the claims objection proceedings against Deutsche Bank Trust Company Americas ("Deutsche") pursuant to the terms in Debtor's promissory note with Deutsche's predecessor-in-interest. The

"California Civil Code § 1717 makes reciprocal an otherwise unilateral contractual obligation to pay attorney's fees. *Santisas v. Goodin*, 17 Cal.4th 599, 71 Cal.Rptr.2d 830, 951 P.2d 399, 406 (1998). Three conditions must be met before the statute applies. First, the action in which the fees are incurred must be an action 'on a contract,' a phrase that is liberally construed. *In re Tobacco Cases I*, 193 Cal.App.4th 1591, 124 Cal.Rptr.3d 352, 359 (2011). Second, the contract must contain a provision stating that attorney's fees incurred to enforce the contract shall be awarded either to one of the parties or to the prevailing party. And third, the party seeking fees must be the party who 'prevail[ed] on the contract,' meaning . . . 'the party who recovered a greater relief in the action on the contract.' Cal. Civ.Code § 1717(b)(1)." *In re Penrod*, 802 F.3d 1084, 1087–88 (9th Cir. 2015)

The three conditions set forth in Penrod are satisfied here.

1) The objection to claim was an action on the promissory note between Debtor and Deutsche's predecessor in interest.

2) The contract contains an attorney's fees provision located at paragraph 7E: "the Note Holder will have the right to be paid back by me for all of its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. These expenses include, for example, reasonable attorneys' fees." Debtor also cites two

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

CONT... Patricia Maria Blume Chapter 13

other attorneys fees provisions, one located in a previous settlement agreement and another in the loan modification agreement. The second condition is therefore satisfied.

3) Debtor was the prevailing party at the evidentiary hearing on the claim objection, as she recovered greater relief in the action.

Service is proper under LBR 9036-1(a), as Deutsche's attorney of record, Angie Marth, was served via NEF. No opposition was timely filed. The motion is therefore GRANTED in full.

NO APPEARANCE REQUIRED

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-13540 Donald F Gilman and Terese L Gilman

Chapter 13

#36.00 Trustee's motion for order dismissing chapter 13 proceeding due to expiration of the plan

Docket 163

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On January 10, 2019, the chapter 13 trustee ("Trustee") filed this motion to dismiss due to expiration, stating that a balance of \$2,875 remains to be paid under the plan. Less than a month later, on February 6, 2019, the Trustee filed her yearly Periodic Accounting Report indicating that the outstanding balance was only \$2,604.12, despite no payments being made during that period.

According to the Trustee's website, Debtors stopped making plan payments in month 57 of the plan, and the outstanding balance is only \$1,399.88. The Trustee therefore has provided three different numbers for the outstanding balance on the plan. What accounts for these discrepancies, and what is the correct outstanding balance? The Court is inclined to grant the motion but would like an explanation for the confusing accounting.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Donald F Gilman

Represented By
James Studer

Joint Debtor(s):

Terese L Gilman

Represented By
James Studer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-14291 Laura Ann Redgrave

Chapter 13

#37.00 Order to show cause why debtor's attorney Scott Olsen should not be sanctioned for failure to comply with rights and responsibilities agreement.

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Appearance required. If possible, Debtor should also appear personally.

Party Information

Debtor(s):

Laura Ann Redgrave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-14291 Laura Ann Redgrave

Chapter 13

#38.00 Trustee's motion for order dismissing chapter 13 case
due to expiration of the plan

fr. 1/22/19

Docket 99

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Laura Ann Redgrave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:13-15903 Jesus Lazo and Adela Lazo

Chapter 13

#39.00 U.S. Trustee's motion for escrow account reconciliation statement and waiver of unnoticed escrow charges or refund of escrow surplus

fr. 1/22/19

Docket 34

***** VACATED *** REASON: Cont'd to 3/26 at 11:00 per stipulation -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Lazo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Adela Lazo

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:14-15589 Henry Guzman

Chapter 13

#40.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 9/11/18, 10/23/18, 11/27/18, 1/22/19

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#41.00 Trustee's motion for dismissing chapter 13 case
for delinquency

fr. 1/22/19

Docket 84

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:16-11078 Art Summroell

Chapter 13

#42.00 Trustee's motion for oder dismissing chapter 13 case
for delinquency

fr. 10/23/18, 11/27/18, 1/22/19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:16-12637 Bernardino Sanchez

Chapter 13

#43.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 53

*** VACATED *** REASON: Withdrawal filed by debtor's atty - Doc. #57.
If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernardino Sanchez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:16-12965 Yinka Brandy Nunoo

Chapter 13

#44.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 11/27/18, 1/22/19

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:16-13547 John Stanley Mekrut

Chapter 13

#45.00 Motion for court consent to enter into trial loan modification agreement

fr. 2/7/19

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the papers, the Motion is GRANTED. Movant to lodge order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

John Stanley Mekrut

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-10524 Peter A. Holliday

Chapter 13

#46.00 Objection to claim number 9
by Internal Revenue Service

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor objects to the claim of the IRS as time-barred, as well as "unliquidated and disputed." The proof of claim was filed on December 26, 2018, four months after the deadline for government entities to file claims.

In its response, the IRS states that it did not receive notice of Debtor's bankruptcy until December 13, 2018 because Debtor failed to list the IRS as a creditor in his schedules. It is unclear whether Debtor filed his 2017 tax returns. The IRS additionally seeks income taxes from 2013-2015.

The parties should come prepared to discuss a deadline for Debtor to file his 2017 tax returns and work out a plan for moving this case forward.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Peter A. Holliday

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#47.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#48.00 Objection to claim no. 2
by LDI Ventures, LLC.

fr. 10/23/18

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This matter is trailing the related adversary proceeding, 18-01101 (the "Adversary"). Nothing new has been filed in either the lead case or the Adversary since the previous Adversary status conference. The next status conference in the Adversary is scheduled for July 31, 2019. The plan cannot be confirmed and this objection to claim cannot be resolved until after the Adversary is resolved. This objection to claim will therefore be continued to August 20, 2019.

NO APPEARANCE REQUIRED

10/23/19 Tentative

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-11366 Irene Franklin

Chapter 13

#49.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irene Franklin

Represented By
Sunita N Sood

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-11561 Mercedes R. Morales

Chapter 13

#50.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-12231 Manouchehr Kouchakali

Chapter 13

#51.00 Debtor's motion to avoid junior lien on principal residence with Wells Fargo Bank, N.A.

fr. 11/27/18, 1/22/19

Docket 17

***** VACATED *** REASON: Resolved per stip -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, Debtor's counsel represented that they were working with Wells Fargo to facilitate an interior appraisal of the property which might resolve their opposition.

On January 7, Wells Fargo's appraiser filed a declaration containing his appraisal on the docket. Wells Fargo's appraiser concluded that the fair market value as of the petition date is \$735,000, which is in line with their initial appraisal. No additional pleadings were filed to indicate whether the parties request an evidentiary hearing or otherwise request that the court resolve the matter on the papers. The parties should come prepared to discuss potential dates for an evidentiary hearing.

APPEARANCE REQUIRED

11/27/18 Tentative

Service: Proper

Property Address: 8739 Farralone Avenue, Canoga Park (West Hills), CA 91304

First trust deed: \$ 635,468.52

Second trust deed (to be avoided): \$ 182,000.00

Fair market value per Debtor's appraisal: \$ 600,000.00

Fair Market Value per Wells Fargo: \$740,000

Wells Fargo Bank, the second position lienholder, filed an opposition disputing the value of the property. Wells Fargo believes that its second position mortgage is partially secured, and it is in the process of obtaining an appraisal. Wells Fargo also contends that the amount owed under the first trust deed is only \$623,413.78, as set forth in the proof of claim.

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

CONT... Manouchehr Kouchakali

Chapter 13

The parties should come prepared to discuss whether they would like to have an evidentiary hearing or whether this matter can be decided on the papers.

APPEARANCE REQUIRED

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#52.00 Debtor's objection to claim number 7

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Sonia Figueroa ("Debtor") files this objection to the claim of Wilmington Savings Fund Society, FSB, dba Christiana Trust ("Wilmington"), arguing that the amount claimed is incorrect due to a prior loan modification agreement and that the issues surrounding this claim were litigated and a final order on the claim was entered in Debtor's previous bankruptcy case.

Wilmington's response simply states that it is in the process of obtaining information from prior servicers regarding the loan modification agreement. The Court is willing to grant Wilmington a short continuance to March 26 if necessary; however, the Court is wary of allowing lenders' habitual transferring of distressed mortgages inure to a creditor's benefit while prejudicing debtor's ability to secure the protections of the bankruptcy code in a timely manner. Any further continuance will require the agreement of the Debtor.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#53.00 Objection to claim number 1
Cascade Funding Mortgage Trust

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Salomon Llanos ("Debtor") objects to the arrearage claim of Cascade Funding Mortgage Trust ("Cascade"), which holds a first position deed of trust secured by property located at 23741 Burton St., West Hills, CA 91304 (the "Property").

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. 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). 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." Id. "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)).

Debtor alleges that Cascade's claim stems from a default which Debtor cured by tendering \$86,073.10 to Citimortgage Inc. on or about October 10, 2016 pursuant to a reinstatement quote. Cascade's opposition states that Debtor is simply mistaken in claiming that the arrearage stems from pre-October 2016 amounts due. Cascade states that the entire arrearage stems from defaults between May 1, 2017 and the petition date. The balance sheet attached to the original proof of claim supports Cascade's assertion. That balance sheet indicates \$23,106.74 in Principal, Interest, and Escrow Past Due Balance; -\$12,534.75 in escrow balance; and \$2,601.50 in fee/charges balance for a total of \$38,242.99. Debtor has failed to carry his burden to put any facts tending to defeat Cascade's claim. Debtor's argument that the

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

CONT... Salomon Llanos

Chapter 13

arrearage predates the October 2016 reinstatement payment is undermined by the supporting documents attached to the proof of claim.

Cascade also states that its initial proof of claim was incorrect, and that the correct amount of the arrearage is \$66,869.86 rather than the initially claimed \$38,242.99 arrearage. Cascade's claim has not yet been amended to reflect that amount, and the Court does not address any updated arrearage amount.

Debtor further argues that Cascade does not have standing to assert a claim because Cascade has not set forth documentation demonstrating that it is the holder of a secured loan on Debtor's property. Debtor essentially argues that the chain of title was not properly recorded.

The note was originally held by Citibank and recorded on July 27, 2007. Omitting momentarily the problematic assignment, dated April 7, 2017 (the "April 7 Assignment"), the next transfer was Citimortgage, Inc. assigning its interest in the deed of trust to Waterfall Victoria Grantor Trust II Series G ("Waterfall") on May 19, 2017 (recorded on June 8, 2017). Waterfall then assigned its interest to Cascade Funding, LP, Series I ("Cascade LP") on September 26, 2017, which was recorded on December 28, 2017. Cascade then assigned its interest to Cascade (the secured creditor in this case) in an assignment on September 26, 2017, recorded on December 28, 2017.

The April 7 Assignment could cast doubt on the chain of title. The April 7 Assignment states as follows:

'Through this assignment **CitiMortgage, Inc. transfers to RLF Mortgage Corporation** without recourse, representation or warranty except as provided in the related Master Mortgage Loan Sale Agreement dated March 25, 2016.

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, **CITIBANK, N.A.**, WHOSE ADDRESS IS 1000 TECHNOLOGY DRIVE, O'FALLON, MO 63368, (ASSIGNOR), by these presents **does convey**, grant, assign, transfer and set over the described Deed of Trust, without recourse, representation or warranty, together with all rights, title and interest secured thereby, all liens, and any rights due or to become due thereon **to CITIMORTGAGE, INC.**, WHOSE ADDRESS IS 1000 TECHNOLOGY DRIVE, O'FALLON, MO 63368 (877)286-4272, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

CONT... **Salomon Llanos**

Chapter 13

Claim 1-1 Ex. C (emphasis changed from original). As indicated in bold above, the April 7 Assignment names two separate transferors (Citimortgage, Inc. and Citibank, N.A.) and two separate beneficiaries (RLF Mortgage Corporation and Citimortgage, Inc.). Cascade advances several theories as to why this assignment did not transfer the property to RLF Mortgage Corporation. Cascade has also provided evidence that it is the holder of a properly endorsed note. Cascade correctly states that assignment of the note also assigns the deed of trust. Yvanova 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."). Furthermore, Cascade is likely correct that the April 7 Assignment contained a typographical error. Debtor has not filed a reply, so it is unclear whether he disputes any of the evidence or law advanced by Cascade. Will an evidentiary hearing or adversary proceeding be required? An objection to claim may not include a demand for relief to determine the validity, priority, or extent of a lien—such a demand requires an adversary proceeding. FRBP 3007(b); 7001(2).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-12559 Jacqueline B Urenda

Chapter 13

#54.00 Trustee's objection to debtor's homestead exemption

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed an amended Schedule C. Have the Trustee's issue been addressed?

Party Information

Debtor(s):

Jacqueline B Urenda

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:18-12718 Maria Guadalupe Garcia Andrade

Chapter 13

#55.00 Trustee's objection to the debtor's exemptions

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed an amended Schedule C. Have the Trustee's issue been addressed?

Party Information

Debtor(s):

Maria Guadalupe Garcia Andrade

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

11:00 AM

1:17-12764 Sheldon Scott Green and Laura Elaine Green

Chapter 13

#56.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheldon Scott Green

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Laura Elaine Green

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#57.00 Motion to dismiss case for failure to make plan payments
fr. 10/23/18, 11/27/18, 1/22/19

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#58.00 Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17, 2/7/18, 3/21/18; 12/5/18; 12/12/18, 1/22/19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#59.00 Motion for setting property value
Kern County Tax Collector and
Rosemond Community Services District
Parcel # 252-320-08-00-4

Docket 152

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#60.00 Motion for setting property value
Kern County tax Collector and
Rosemond Community Services District
Parcel # 372-062-03-00-4

Docket 153

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#61.00 Motion for setting property value
Kern County tax Collector and
Rosemond Community Services District
Parcel # 375-072-20-00-6

Docket 154

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#62.00 Motion to modify plan or suspend plan payments

Docket 135

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#63.00 Objection to claim no.2
by Kern County

Docket 162

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 26, 2019

Hearing Room 302

12:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#64.00 Objection to claim no. 3
by Kern County Tax Collector

Docket 163

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No tentative will be issued. Appearance required.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

9:30 AM

1:17-10861 FAMOSO PORTERVILLE, LLC

Chapter 11

#0.01 Scheduling and case management conference

fr. 5/31/17; 11/8/17; 11/15/17, 1/17/18, 4/25/18

Docket 1

***** VACATED *** REASON: moved to 10:00 am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Post-confirmation status conference will be held on February 27, 2019 at 9:30 am
Please advise if any date conflict.

Party Information

Debtor(s):

FAMOSO PORTERVILLE, LLC

Represented By
Jeffrey S Shinbrot

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-12270 Alejandra Castellanos

Chapter 13

#1.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/25/17

Chapter 13 plan confirmed: 2/2/18

Service: Proper. No opposition filed.

Property: 9543 Obeck Ave., Arleta, CA 91331

Property Value: \$446,000 (per debtor's schedules)

Amount Owed: \$202,688.11

Equity Cushion: 55%

Equity: \$207,631.89

Post-confirmation Delinquency: \$10,439.85 (1 payment of \$1,568.01; 5 payments of \$1,573.99; attorney's fees of \$957.50; less suspense account balance of \$35.61)

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), alleging that Debtor is delinquent in post-confirmation payments.

Given the large equity cushion here, have the parties had an opportunity to discuss whether an APO can resolve this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Alejandra Castellanos

Represented By

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Alejandra Castellanos

Julie J Villalobos

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10088 Bryant Michael Davis

Chapter 13

#2.00 Motion for relief from stay

REAL PROPERTY MANAGEMENT INC.

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on 2/7/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Bryant Michael Davis

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-10737 Dana Stone Goldberg and Barry David Goldberg

Chapter 13

#3.00 Motion for relief from stay

VW CREDIT INC.

fr. MB cal

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 3/22/18

Chapter 13 plan confirmed: 6/29/18

Service: Proper. Opposition timely filed.

Property: 2017 Volkswagon Jetta (sedan)

Property Value: \$0 (per debtor's schedules)

Amount Owed: \$16,213.51 (LEASE)

Equity Cushion: 0.0%

Equity: unk.

Post-Petition Delinquency: \$2,034.02 (approx. 5-6 payments of \$385.32)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2) due to lack of adequate protection, 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, explaining that co-debtor is recovering from surgery and is on disability and they fell behind on payments. Debtor states that they would like to enter into an agreement to repay the alleged default.

APPEARANCE REQUIRED

Party Information

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Dana Stone Goldberg and Barry David Goldberg

Chapter 13

Debtor(s):

Dana Stone Goldberg

Represented By
Kevin T Simon

Joint Debtor(s):

Barry David Goldberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#4.00 Motion for relief from stay

NEW PENN FINANCIAL, LLC dba
SHELLPOINT MORTGAGE SERVICING

fr. 1/9/19

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 1/9/19, so that the parties could discuss whether a loan modification was possible in this case. Nothing filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED.

1-9-19 TENTATIVE RULING BELOW

Petition Date:

Chapter 13 plan confirmed: 3/9/17

Service: Proper. Opposition filed.

Property: 10220 De Soto Ave. #23, Chatsworth, CA 91311

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

Amount Owed: \$187,161

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$13,262 (approx. 8 payments of \$1,633; one payment of \$1,223, less suspense account balance of \$1,031.80)

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 the last payment received was on or about 11/12/18.

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Deborah Rose Sanders

Chapter 13

Debtor opposes the Motion, arguing that more payments have been made than are accounted for in the Motion and that she requests to cure any deficiency that may remain after proper accounting per an APO.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10201 Eloy Medina, Jr.

Chapter 13

#5.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 1/28/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-10796-VK, was a chapter 13 that was filed on 3/29/17 and dismissed on 11/6/18 for failure to make plan payments. Relief from the automatic stay under 362(d)(1) was granted on 10/4/18 as to 7266 Oakdale Ave., Winnetka, CA 91306.

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 plan payments because his income is now stabilized. Debtor states that he is a contractor and experienced a significant and unusual drop in business after the wildfires that affected his area and that he was unable to work thereafter because of the lasting poor weather. Debtor claims that there has been a substantial change in his financial affairs since the dismissal of the First Filing because he has returned to work and that he has a family member who will assist him financially if needed. Debtor claims that the property listed is necessary for a successful reorganization because it is his primary residence, and transportation to work.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Eloy Medina Jr.

Represented By

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Eloy Medina, Jr.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12005 Jaime Gallo Torres and Acela Torres

Chapter 7

#6.00 Motion for relief from stay

STANTANDER CONSUMER USA INC

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/8/18

Chapter 7 discharge entered as to co-debtor Acela Torres: 11/16/18

Service: Proper. No opposition filed.

Property: 2017 Nissan Altima

Property Value: \$17,475 (per Movant's evidence - N.A.D.A. Guide)

Amount Owed: \$26,316.92

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,117.60 (3-4 payments of \$644.20)

Movant alleges that it gained possession of the vehicle on 10/24/18 via voluntary surrender.

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):

Jaime Gallo Torres

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Jaime Gallo Torres and Acela Torres

Chapter 7

Joint Debtor(s):

Acela Torres

Pro Se

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10255 Jennifer Tagros Bolhayon

Chapter 13

#7.00 Motion in Individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

fr. MB cal

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 2/1/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 15-11165-VK, was a chapter 13 that was filed on 4/3/15 and dismissed on 4/11/18 for failure to make plan payments. Relief from stay was granted as to 12052 Turtle Springs Lane, Porter Ranch, CA 91326.

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 plan payments because she lost a "significant sum of money" to a fraudulent loan modification company. Debtor claims that she attempted to obtain a loan modification with help of a company that took a large sum of money to help her with a loan modification application that was ultimately denied. Debtor states that there has been a substantial change in her financial affairs since the dismissal of the First Filing because he income has increased and her partner is able to help her financially. Debtor claims that the property listed in the Motion is necessary for a successful reorganization because it is her primary residence, and her transportation to her work.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED.

Party Information

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Jennifer Tagros Bolhayon

Chapter 13

Debtor(s):

Jennifer Tagros Bolhayon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:15-10079 Judy Marie Napolitano

Chapter 13

#8.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 1/16/19, 2/6/19

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from Feb. 6, 2019, so that the parties had an opportunity to negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

2-6-19 TENTATIVE BELOW

Petition Date: 01/09/2015

Chapter 13 Plan confirmed on 12/08/2015

Service: Proper. Opposition filed.

Property:10831 Roycroft Street #55, Sun Valley, CA 91352

Property Value: \$ 300,000 (per debtor's schedules)

Amount Owed: \$ 225,406.64 (per RFS motion)

Equity Cushion: 17.0%

Equity: \$58,220.36.

The amount of lien held by homeowner association is \$16,373.00 (per debtor's schedules)

Post-Confirmation Delinquency: \$18,108.69 (10 payments of \$1,356.67; 1 payment of \$1,139.82; post-petition advances or other charges due but unpaid: \$2,989.66; attorneys' fees and costs: \$1,031; less suspense account or partial paid balance: \$618.49)

Movant alleges cause for 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).

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Judy Marie Napolitano

Chapter 13

Debtor opposes the Motion, arguing that she had missed payments because her catering business had faced tough times and her income was not steady; the Subject Property has large equity cushion and Movant's interests has been protected; the Debtor is willing to work out an APO with Movant.

Relief is denied under paragraph 6 (termination of co-debtor stay). The motion does not indicate the existence of a co-debtor with respect to this property, nor does the loan documents show any borrower other than the Debtor. If there was a co-debtor, they have not been properly served.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Judy Marie Napolitano

Represented By
Robert Reganyan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10188 Keisha Johnson

Chapter 13

#9.00 Motion for relief from stay

MG CARILLON APARTMENTS, LLC

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on 2/7/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Keisha Johnson

Pro Se

Movant(s):

MG Carillon Apartments, 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#10.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/25/16

Chapter13 plan confirmed: 8/31/17

Service: Proper. No opposition filed.

Property: 2016 Lexus CT200H

Property Value: n/a (LEASE)

Amount Owed: \$19,568.46

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$19,568.46 (residual purchase option amount)

Movant states that it regained possession of the vehicle on 12/17/18, after the lease matured on 12/16/18.

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):

Michael Gregory Toussaint

Represented By
Scott D Olsen

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Michael Gregory Toussaint

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-11945 Misak Sionovich Melikyan and Ruzanna Boyadshyan

Chapter 13

#11.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/1/16

Chapter 13 plan confirmed: 9/7/16

Service: Proper; co-debtor served. No opposition filed.

Property: 2016 Fiat 500X

Property Value: n/a (LEASE)

Amount Owed: \$14,511.60

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$14,511.60 (residual purchase option amount)

Movant states that Debtor voluntarily surrendered possession of the vehicle on 12/22/18.

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); **5** (relief from the co-debtor stay under 1301(a)); 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):

Misak Sionovich Melikyan

Represented By

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Misak Sionovich Melikyan and Ruzanna Boyadshyan
Sanaz S Bereliani

Chapter 13

Joint Debtor(s):

Ruzanna Boyadshyan Melikyan

Represented By
Sanaz S Bereliani

Movant(s):

Santander Consumer USA Inc. dba

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12707 Salvador Machuca

Chapter 7

#12.00 Motion for relief from stay

NORA TORRES

Docket 23

*** VACATED *** REASON: Filing duplicate of motion (doc. 25) that is set to be heard as cal. no. 13 - hm

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Machuca

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12707 Salvador Machuca

Chapter 7

#13.00 Motion for relief from stay (A)

NORA TORRES

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salvador Machuca

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#14.00 Motion for relief from stay

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Docket 2213

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/9/12

Converted to Ch. 7: 3/14/12

Service: Proper. No opposition filed.

Property: 13480 Lochrin Lane, Sylmar, CA 91342

Property Value: \$500,000 (per Movant's evidence, BPO)

Amount Owed: \$832,530

Equity Cushion: 0%

Equity: \$0.00

Delinquency: \$394,833 (approx. 133 payments of \$3,662.72)

Movant alleges cause for annulment of the stay because on 6/11/15, the trustee under the deed of trust, Trustee Corps, recorded against the subject property a Notice of Default and Election to Sell (the "NoD"). Movant contends that the NoD was recorded without notice or knowledge of this bankruptcy case. On 9/16/15, Movant allege that the title company identified this bankruptcy case and all foreclosure actions were placed on hold.

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 (annulment of 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... **Owner Management Service, LLC and Trustee Corps** **Chapter 7**

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):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-12284 Seyed A Amid

Chapter 13

#15.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18; 11/7/18; 1/2/19, 1/9/19

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The hearing was continued from 1/9/19 at the request of the parties so that they could continue with the accounting. What is the status of this Motion?
APPEARANCE REQUIRED

11-7-18 TENTATIVE BELOW

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Seyed A Amid

Chapter 13

HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#16.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19

Docket 27

***** VACATED *** REASON: stip. cont. to 4/3/19 @10am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10016 Tamica Jordan

Chapter 7

#17.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/3/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2015 Honda Accord

Property Value: \$10,625 (per Movant's evidence, N.A.D.A Guide)

Amount Owed: \$17,298

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$840.92 (3 payments of \$280.48, plus late charges and fees)

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):

Tamica Jordan

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10253 Allan Ray Cantero Padayao and Jenny Joan Agpoon

Chapter 13

#18.00 Motion for relief from stay

WELLS FARGO BANK NA

fr. MB cal

Docket 36

***** VACATED *** REASON: Resolved per APO - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Ray Cantero Padayao

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Jenny Joan Agpoon Padayao

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#19.00 Motion for relief from stay

U.S. BANK N.A.

fr. 7/18/18, 8/15/18, 9/12/18, 12/12/18

fr. MB cal

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from Dec. 12, 2018, so that Debtor could continue to make payments under the loan modification. On February 25, 2019, an Order Granting Motion for Authority to Enter into Loan Modification was entered ("Loan Mod Order"). What is the status of this Motion, now that the Loan Mod Order has been entered.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mario Rene Tejada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#20.00 Motion for relief from stay

U.S. BANK N.A

fr. 12/12/18

fr. MB cal

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from Dec. 12, 2018, so that Debtor could continue to make payments under a trial loan modification. See ECF doc. 52. What is the status of this Motion, and of Debtor's payments under the trial loan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#21.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 10/31/18; 11/7/18, 12/12/18; 1/16/19

fr. MB cal

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from Jan. 16, 2019, so that the parties could continue to discuss an APO. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-11314 Armando Trejo and Martha Trejo

Chapter 13

#22.00 Motion for relief from stay

US BANK NA

fr. MB cal

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 5/22/18

Chapter: 13

Service: Proper. No opposition filed.

Property: 11942 Neenach St., Los Angeles, CA 91352

Property Value: \$520,000 (per Order re Motion to Avoid Lien, doc. 36)

Amount Owed: \$657,981

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$7,550.22 (3 payments of \$2,518.37, less suspense account balance of \$4.89)

Movant alleges that the last payment received was on or about 12/11/18.

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Armando Trejo and Martha Trejo

Chapter 13

Debtor(s):

Armando Trejo

Represented By
Julie J Villalobos

Joint Debtor(s):

Martha Trejo

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#23.00 Motion for relief from stay

WILMINGTON TRUST, NA

fr. MB cal

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 12/5/18

Chapter: 13

Service: Proper; alleged co-debtors served. Opposition filed.

Property: 8054 Natick Ave., Panorama City, CA 91402

Property Value: \$570,000 (per debtor's schedules)

Amount Owed: \$706,414

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: none alleged; Movant acknowledges receipt of a \$3,594.36 payment on 1/12/19.

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)); and **10** (relief binding & effective for 180 days against any debtor).

Movant alleges cause for *in rem* relief due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant and Debtor executed a loan modification agreement on or about April 2011. Movant alleges that in August 2018, Debtor executed a Grant Deed transferring a 5% interest in the subject property to Fred Hong, as a bona fide gift for no

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... **Juan Lozano Mata**

Chapter 13

consideration. Motion, Ex. 6. This began what Movant alleges is a scheme to delay, hinder, or defraud creditors that culminated in the filing of this chapter 13.

Debtor opposes the Motion, arguing against the allegations of bad faith. Debtor contends that he hired a loss mitigation company named Liderazgo Financiero , managed by Joe Arna, to modify his mortgage. Debtor maintains that he did not execute the grant deeds attached to the Motion, nor did he authorize anyone to transfer the subject property on his behalf. Mata Decl. ISO Opp. Debtor alleges that Arna misrepresented that the foreclosure sales were being postponed because of mutual agreement entered with the lender during the loan modification negotiations, and not because of bankruptcy filings. Id.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10255 Jennifer Tagros Bolhayon

Chapter 13

#24.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

fr. MB cal

Docket 9

***** VACATED *** REASON: duplicate entry**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Tagros Bolhayon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

#25.00 Motion for relief from stay

FIRST LA BREA, LLC

fr. MB cal

Docket 107

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 2/6/17

Ch 13 plan confirmed: 11/27/18

Service: Proper. Opposition & Reply filed.

Movant: First La Brea, LLC

Property Address: 939A North La Brea, Inglewood, CA 90302

Type of Property: Commercial

Occupancy: retail lease in default

Foreclosure Sale: n/a

UD case filed: 12/3/18

UD Judgment: n/a

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (annulment of stay); **6** (waiver of 4001(a)(3) stay); **7** (designated law enforcement officer may evict);

Debtor requests this hearing be continued for 30 days to allow him to complete a loan against his unencumbered rental property, allowing him to bring Movant's account current and pay into his plan. This would enable him to prevent eviction and allow him to continue to operate his business of 15 years. Debtor asserts that his failure to list the Movant in his bankruptcy schedules was unintentional because he was current at the time of filing his bankruptcy petition.

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Felix Ray Wright

Chapter 13

The Court may be amenable to a continuance of this hearing to March 27, 2019 at 10:00 a.m., provided that Debtor bring documentary evidence to support the assertions in his attorney's declaration.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#26.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 10/31/18; 11/7/18, 12/12/18, 1/15/19,
fr. MB cal

Docket 32

*** VACATED *** REASON: duplicate entry

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

#27.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

fr. MB cal

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 4/27/18

Chapter 13 plan confirmed: 11/7/18

Service: Proper. No opposition filed.

Property: 2011 Toyota Scion

Property Value: \$8,000 (per debtor's schedules)

Amount Owed: \$6,679

Equity Cushion: 16.5%

Equity: \$1,329

Post-Petition Delinquency: \$1,012.47 (3 payments of \$337.49)

Movant requests 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) and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that he will bring the payments current on or before the hearing.

APPEARANCE REQUIRED

Party Information

Debtor(s):

David Wolfe Amper

Represented By
Steven A Alpert

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... David Wolfe Amper

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-11396 Chris Sekulic

Chapter 13

#28.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

fr. MB cal

Docket 27

***** VACATED *** REASON: Settled per APO Doc 31 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chris Sekulic

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#29.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. MB cal

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/20/17

Chapter 13 plan confirmed: 6/14/17

Service: Proper. Opposition filed.

Property: 14732 Hesby Ave., Sherman Oaks, CA 91403

Property Value: \$447,000 (per debtor's schedules)

Amount Owed: \$516,880

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$25,080.54 (5 payments of \$4,194.01; 1 payment of \$4110.49)

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 the co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received was on or about 8/20/18.

Debtor opposes the Motion, explaining that she travels for work and that the friend that she entrusted with the funds to make the mortgage payments did not. Debtor contends that her friend instead kept the money, which is why she is now delinquent on her mortgage payments. Debtor states that she will have \$7,000 in certified funds at the hearing and seeks an APO for the remaining deficiency.

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Christy Ann Nelson

Chapter 13

APPEARANCE REQUIRED

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:19-10085 Jorge Francisco Blanco

Chapter 7

#29.01 Motion for relief from stay

VIJAY FADIA

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/14/19

Chapter: 7

Service: Proper on Judge's shortened time procedures; original borrowers served. No opposition filed.

Property: 6704 Bedford Ave., Los Angeles, CA 90056

Property Value: not listed on debtor's schedules

Amount Owed: \$286,567.08

Equity Cushion: unk.

Equity: unk.

Delinquency: not provided

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property. Movant contends that the circumstances of the transfer of the subject property to Debtor show that it was "dumped" into this bankruptcy. Debtor did not list any real property on his original Schedule A/B, filed on 1/28/19. On 2/19/19, Debtor amended his Schedule A/B to include real property in Murrieta, CA, but did not list this 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); **8** (law enforcement may evict); and **9** (relief under 362(d)(4)) **with no finding of bad faith as to this debtor.**

DENY relief requested in paragraph **6** (relief from co-debtor stay) as no such stay arises in a chapter 7 case.

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Jorge Francisco Blanco

Chapter 7

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.

Party Information

Debtor(s):

Jorge Francisco Blanco

Represented By
Edward T Weber

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-10737 Dana Stone Goldberg and Barry David Goldberg

Chapter 13

#30.00 Motion for relief from stay

VW CREDIT INC.

fr. MB cal

Docket 35

***** VACATED *** REASON: duplicate entry**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Stone Goldberg

Represented By
Kevin T Simon

Joint Debtor(s):

Barry David Goldberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

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

#31.00 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, 10/31/18; 12/12/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This status conference is continued to **March 13, 2019, at 10:00 a.m.** to be heard in conjunction with other matters in this Chapter 11 case.

NO APPEARANCE REQUIRED ON 2/27/19

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Process America, Inc. Chapter 11

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

Plaintiff(s):

Tigrent Group Inc.	Represented By Thomas F Koegel
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US Trustee(s):

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#32.00 Status conference re complaint for dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18, 8/15/18, 1/16/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed Plaintiff's status report, this status conference is continued to June 5, 2019 at 10:00 a.m.

NO APPEARANCES REQUIRED ON 2/27/19

Party Information

Debtor(s):

David Brown Levy	Pro Se
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Defendant(s):

David Brown Levy	Pro Se
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Plaintiff(s):

Victor Poteet	Represented By Bernard J Kornberg
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Michael Clofine	Represented By Bernard J Kornberg
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Gene Salkind	Represented By Bernard J Kornberg
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The Workshop LLC	Represented By
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... David Brown Levy

Bernard J Kornberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#33.00 Motion to compel deposition and supplemental discovery responses and request for reimbursement of fees and expenses

fr. 1/9/19

Docket 31

***** VACATED *** REASON: Duplicate - to 53.01 on 1:00 p.m. calendar. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... Hermine Nazaryan

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-12901 Yakov Aleksandrovich

Chapter 7

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

#34.00 Status conference re first amended complaint for:
seeking damages in core adversary proceedings

fr. 3/21/18, 4/4/18, 10/3/18, 10/10/18, 11/14/18

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Yakov Aleksandrovich

Represented By
Elena Steers

Defendant(s):

Yakov Aleksandrovich

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-13125 Yanna Aleksandrovich

Chapter 7

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

#35.00 Pre-Trial conference re complaint for:
seeking damages in core adversary proceedings

fr. 5/2/18; 10/10/18, 11/14/18

Docket 1

***** VACATED *** REASON: Order cont. to 3/27/2019 @10am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-12333 Karmile Yurdumyan

Chapter 7

Adv#: 1:18-01056 Gottlieb v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

- #36.00** Status conference re complaint for:
(1) validity of lien
(2) extent and validity of lien
(3) void fraudulent transfers
(4) preserve or void transfers for the estate

fr. 7/18/18; 10/24/2018; 12/18/18, 12/19/18

Docket 1

*** VACATED *** REASON: Closed 2/21/19 - hm

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-10987 German Dario Delacruz

Chapter 7

Adv#: 1:18-01130 Delacruz v. Fast Auto Loans Inc., a California corporation et

- #37.00** Status conference re complaint for:
(1) recovery of money/property
(2) injunctive relief
(3) declaratory judgment

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

CONT... **German Dario Delacruz**
Discovery Motion Practice:

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.

Party Information

Debtor(s):

German Dario Delacruz	Pro Se
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Defendant(s):

Fast Auto Loans Inc., a California	Pro Se
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Sterling Asset Recovery, a California	Pro Se
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Brian Rubalcaca	Pro Se
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Plaintiff(s):

German Dario Delacruz	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

Adv#: 1:18-01132 Bautista v. Johnson et al

#38.00 Status conference re complaint for:
 (1) false pretenses, false representation
 (2) actual fraud

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce DeWayne Johnson	Pro Se
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Defendant(s):

Bruce Johnson	Pro Se
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Mainstream Media Partners Inc. a	Pro Se
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Plaintiff(s):

Lynn Bautista	Represented By Ali Hosseini
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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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#39.00 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; 12/12/18

Docket 210

Courtroom Deputy:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#40.00 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, 2/12/18

Docket 1

Courtroom Deputy:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-12073 Anzhey Barantsevich

Chapter 11

#41.00 Debtor's second amended chapter 11 plan
of reorganization

fr. 12/12/18

Docket 154

***** VACATED *** REASON: Dismissed per stipulation with UST - hm**

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:16-12073 Anzhey Barantsevich

Chapter 11

#42.00 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; 12/12/18

Docket 1

***** VACATED *** REASON: Dismissed per stipulation with UST - hm**

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#43.00 Motion for order disallowing claim no. 27
by New Planet Concepts dba Hyper Labs,
dba Fusion Labs

Docket 591

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Objection to Claim no. 27 is SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 2/27/19.

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#44.00 Motion for order disallowing claims that are not entitled to priority treatment - claim numbers 33, 43, and 42

Docket 598

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Objection to Claims no. 33; 42; and 43 is SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 2/27/19.

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#45.00 Motion for order disallowing claims no. 2,3,and 4
by Florida Vacation Villas Club

Docket 602

*** VACATED *** REASON: Voluntary dismissal filed by Atty Smith -
Doc. #624. 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
Lindsey L Smith

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#46.00 Motion for order disallowing claim no. 29
by Bottom Two, dba Super Foods, dba Foods

Docket 604

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Objection to Claim no. 29 is SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 2/27/19.

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#47.00 Motion for order disallowing claim no. 26
by Web Pros dba Web Toolkit

Docket 606

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Objection to Claim no. 26 is SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 2/27/19.

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

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

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#48.00 Objection to claim no.10
by Rosemond Community Services District

fr. 7/31/18, 8/8/18; 10/24/18

Docket 114

*** VACATED *** REASON: Dismissed with bar at 2/26/19 hearing -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#49.00 Scheduling and case management conference

fr. 3/28/18; 10/24/18; 2/6/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the Order Setting Dates Related to Confirmation of Debtors' Chapter 11 Plan, doc. 123, the Court finds cause to continue this status conference to April 3, 2019, at 10:00 a.m.

NO APPEARANCE REQUIRED ON 2/27/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

10:00 AM

1:17-10861 Famoso Porterville, LLC

Chapter 11

#50.00 Scheduling and case management conference

fr. 5/31/17; 11/8/17; 11/15/17, 1/17/18, 4/25/18, 2/27/18 (9:30 a.m.)

Docket 1

***** VACATED *** REASON: Order Granting Motion for Final Decree &
Closing Case entered 2/21/19 (doc. 144) - hm**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

11:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 Gottlieb v. Elkwood Associates, LLC et al

#51.00 Order setting hearing and response deadline
regarding objection to form of order

Docket 197

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

There were two grounds for Elkwood's objection to the form of order: 1) lack of redemption price findings and 2) whether it is proper to include a certification under Rule 54(b).

Sys. Inv. Corp. v. Union Bank and Redemption

I agree that the redemption issue should be resolved before any appeal or certification is even considered. It did not seem that the issue was properly presented in the prior motions. Although Elkwood did not raise it in the reply, and that must be corrected, it was raised as a brief afterthought at the end of lengthy briefs and not really addressed by the trustee in any detail. Elkwood argues that as a requirement of the Trustee's quiet title action, a redemption price must be paid to Elkwood. The exact nature and source of this redemption right is not well explained by Elkwood, which provides just one case to support its argument. Sys. Inv. Corp. v. Union Bank, 21 Cal. App. 3d 137 (Ct. App. 1971) (hereafter "System Investment"). The System Investment court affirmed the trial court's decision that that trustee's deed upon sale "should be declared void and should be set aside upon condition that plaintiffs do equity and tender \$1,123,494.14 to defendant Union Bank. . . ." Id. at 150. System Investment reviews whether the trial court abused its discretion in considering various expenses in connection with determining the proper redemption price.

First, it is significant that System Investment is quite old. This is relevant because the fine distinctions between a void and voidable foreclosure for purposes of tender had not yet been spelled out clearly in the case law, so System Investment does not use the same terminology that more recent cases have adopted. See, e.g. Lona v. Citibank, N.A., 202 Cal. App. 4th 89, 105 (2011). The tender requirement, where it applies, is based on the rationale that "if the borrower could not have redeemed the property had the sale procedures been proper, and irregularities in the sale did not result in damages to the borrower. Id. at 112

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

Wednesday, February 27, 2019

Hearing Room 302

11:00 AM

CONT... Solyman Yashouafar

Chapter 11

(Quoting FPCI RE-HAB 01 v. E & G Investments, Ltd., 207 Cal. App. 3d 1018 (Ct. App. 1989)). In Arnolds Mgmt. Corp. v. Eischen, the court explicitly connected the tender requirement to the right of a junior lienholder to redeem or cure the delinquency before foreclosure. 158 Cal. App. 3d 575, 579 (Ct. App. 1984)(citing Cal. Civ. Code §§ 2904, 2924c(a)(1)).

Another often cited principle in connection with the tender requirement is that a party seeking to set aside a foreclosure sale "is required to do equity before the court will exercise its equitable powers." Lona, 202 Cal. App. 4th at 112. The System Investment, the trial court "said that the redemption price (including a statement of conditions for tender thereof) was fixed in order to do equity." It appears that the System Investment court was determining the "redemption price" for purposes of tender because the foreclosure in that case was voidable and not void, as is the case here. Tender is not required where the foreclosure is void, rather than voidable. Lona, 202 Cal. App. 4th at 113. Elkwood, the non-prevailing party, is not entitled to a lump sum payment from Trustee for Elkwood's entire interest in the property.

The fundamental issue raised by Elkwood is one of equity, and possibly of contract. Elkwood and its associates invested certain amounts in the Rexford Property after the void foreclosure, and equity or the trust deed may require that they be reimbursed for actual expenses in connection with maintaining and improving the property. The Trustee argues that the result of this judgment should be to return the parties to their pre-foreclosure positions, and that any rights that Elkwood has would be pursuant to its Note and Deed of Trust against the property. Effectively, it appears that the Trustee believes that the amount of Elkwood's lien on the Rexford Property should be increased pursuant to any amounts allowed under the Note and Deed of Trust, but no more. The question is whether the determination as to the extent of Elkwood's lien is a necessary requirement for entry of judgment on the first cause of action for quiet title based upon a void foreclosure. The only authority presented by Elkwood is System Investment, which is legally distinct because it involves a voidable sale which is subject to the tender requirement.

So, the parties can complete their briefing, and the issue can be decided so that all issues related to the quiet title are resolved, or this issue can await the later parts of the case discussed below.

F.R.C.P. 54(b)

Federal Rule of Civil Procedure 54(b) allows a trial court dealing with multiple claims to direct entry of a final judgment on certain claims, but not other, by making an express finding that there is no just reason for delay. Curtiss-Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 3 (1980). In making a determination under Rule 54(b), a court "must first determine that it is dealing with a 'final judgment.' It must be a 'judgment' in the sense that it

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

Wednesday, February 27, 2019

Hearing Room 302

11:00 AM

CONT... **Solyman Yashouafar**

Chapter 11

is a decision upon a cognizable claim for relief, and it must be 'final' in the sense that it is an ultimate disposition of an individual claim entered in the course of a multiple claims action. Id. at 7. Even where the court finds that a judgment is final, "not all final judgments on individuals claims should be immediately appealable, even if they are in some sense separable from the remaining unresolved claims." Id. at 8. The court must consider "judicial administrative interests as well as the equities involved" in order to avoid "piecemeal appeals." Id.

The role of the court of appeals is "not to reweigh the equities or reassess the facts but to make sure that the conclusions derived from those weighings and assessments are juridically sound and supported by the record." As the [Mackey] Court explained: "There are thus two aspects to the proper function of a reviewing court in Rule 54(b) cases. The court of appeals must, of course, scrutinize the district court's evaluation of such factors as the interrelationship of the claims so as to prevent piecemeal appeals in cases which should be reviewed only as single units. But once such juridical concerns have been met, the discretionary judgment of the district court should be given substantial deference, for that court is the one most likely to be familiar with the case and with any justifiable reasons for delay. The reviewing court should disturb the trial court's assessment of the equities only if it can say that the judge's conclusion was clearly unreasonable." Id. We start (and mostly stop) with juridical concerns. On this query our review is *de novo*.

Wood v. GCC Bend, LLC, 422 F.3d 873, 878–79 (9th Cir. 2005) (quoting Curtiss-Wright). The Wood Court reasoned that "this case would inevitably come back to this court **on the same set of facts**. . . . There is nothing unique or distinguishing about Wood's theories of adverse treatment. . . . the factual bases for both theories are identical. . . ." Id. at 879 (emphasis added).

A recent case reaffirmed the two-step process for an appeals court reviewing a Rule 54(b) certification. "First, we review *de novo* the juridical concerns determination, ... **asking whether the certified order is sufficiently divisible from the other claims such that the case would not inevitably come back to this court on the same set of facts**. Second, we review for abuse of discretion, and give special deference to, the district court's assessment of the equities." Tessera, Inc. v. Toshiba Corp., 743 F. App'x 140, 141 (9th Cir. 2018). The court in Tessera ruled that "**the order does not resolve a separable claim; it simply resolves one theory.** . . ." Id.

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

Wednesday, February 27, 2019

Hearing Room 302

11:00 AM

CONT... Solyman Yashouafar

Chapter 11

The case law is therefore clear that the "juridical concerns" inquiry is not only limited to situations where the same legal issues will be appealed multiple times, but also the same factual issues. In this case, the relevant factual allegations in the first claim are substantially similar to the allegations in the second, third, fourth, and fifth claims for relief in the Third Amended Complaint. Each of those claims offers a separate theory of recovery seeking the same relief under the same set of facts.

The Trustee needs to address in more detail why this case will not result in multiple appeals on the same set of facts. While the factors weighing in favor of allowing certification are 1) trustee will likely seek to sell the property under § 363 before resolving the remaining claims, 2) none of the claims regarding the Rexford Property seek any ADDITIONAL relief beyond transferring the property to the estate; 3) the case is not simple, and the Wood court implied that a case being routine was a factor weighing against certification; 4) bankruptcy estates are uniquely burdened by the requirement to litigate all claims before appeal, I am still very hesitant to certify for direct appeal without resolving the redemption issue and really having the trustee provide more of an understanding of what is left to do in this case.

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

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

Wednesday, February 27, 2019

Hearing Room 302

11:00 AM

CONT... Solyman Yashouafar

Chapter 11

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
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Trustee(s):

David Keith Gottlieb (TR)	Represented By Jeremy V Richards John W Lucas
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

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

#52.00 Status conference re complaint for:
to except debt from discharge

fr. 5/2/18, 7/18/18, 9/12/18, 9/26/18

Docket 1

Courtroom Deputy:

Note: A cross-claim was filed by debtor/defendant Yehuda Elady on 4/18/18.
A summons was issued, and the status conference re: cross-claim is set for
7/18/18 at 11:00 a.m. jc

Tentative Ruling:

APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#53.00 Defendants' motion for summary judgment.

fr. 12/19/18, 2/6/19

Docket 28

***** VACATED *** REASON: Cont'd to 4/3/19 at 1:00 p.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

CONT... Hermine Nazaryan

Chapter 7

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#53.01 Motion to compel deposition and supplemental discovery responses and request for reimbursement of fees and expenses

fr. 1/9/19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

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

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

CONT... Hermine Nazaryan

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#54.00 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, 8/15/18, 2/6/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#55.00 Status conference re complaint for:
non-dischargeability of debt

fr. 12/12/18

Docket 5

***** VACATED *** REASON: Cont'd to 3/13/19 at 1:00 p.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having considered the Order Approving Ex Parte Motion To Continue Hearing On Plaintiffs' Motion For Summary Judgment (doc. 22), the Court finds cause to continue this status conference to **March 13, 2019, at 1:00 p.m.**

APPEARANCE WAIVED ON 2/27/19

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

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

CONT... Ian Ellis Silber

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#56.00 Plaintiffs' motion for summary judgment

Docket 11

*** VACATED *** REASON: continued to 3/13/19 @1:00 p.m.

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
Arthur Carvalho Jr

Irene Silber

Represented By
Timothy R Hanigan

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

CONT... Ian Ellis Silber

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 27, 2019

Hearing Room 302

1:00 PM

1:16-10987 German Dario Delacruz

Chapter 7

Adv#: 1:18-01130 Delacruz v. Fast Auto Loans Inc., a California corporation et

- #57.00** Status conference re complaint for:
(1) recovery of money/property
(2) injunctive relief
(3) declaratory judgment

Docket 1

***** VACATED *** REASON: Duplicate entry - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

German Dario Delacruz	Pro Se
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Defendant(s):

Fast Auto Loans Inc., a California	Pro Se
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Sterling Asset Recovery, a California	Pro Se
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Brian Rubalcaca	Pro Se
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Plaintiff(s):

German Dario Delacruz	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, March 1, 2019

Hearing Room 302

1:00 PM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#1.00 First amended chapter 11 plan of reorganization
fr. 2/6/19

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

There will be no testimony on valuation at the hearing on March 1. The Court will first have to resolve the issues raised in U.S. Bank's objection to confirmation. The Court will hear oral argument on the objection to confirmation. The Debtor's principals may also testify in support of confirmation.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, March 1, 2019

Hearing Room 302

1:00 PM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#2.00 Status and case management conference

fr. 5/23/18, 9/12/18, 11/14/18, 2/6/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

MEJD PARTNERSHIP

Represented By
Mark E Goodfriend

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

Wednesday, March 6, 2019

Hearing Room 302

9:30 AM

1:09-16565 David Schwartzman

Chapter 11

#1.00 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; 8/1/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having considered Debtor's post-confirmation status report and finding good cause, the Court continues this post-confirmation status conference to **August 21, 2019 at 10:00 a.m.**

Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 3/6/19.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

9:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#2.00 Post confirmation status 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, 8/8/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having considered Debtor's post-confirmation status report and finding good cause, the Court continues this post-confirmation status conference to **August 21, 2019 at 10:00 a.m.**

Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 3/6/19.

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:18-11858 Craig Huxley

Chapter 13

- #2.01** Order Re:
- (1) Setting status conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Huxley	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:19-10336 Andrea Kelley

Chapter 13

- #3.00** Order re:
- (1) Setting atatus conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converter or dismissed with 180-day bar ro refiling

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Kelley	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:19-10338 Kevin Adam Brown

Chapter 13

- #4.00** Order re:
- (1) Setting status conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Adam Brown	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:19-10340 Nazar Ksachikyan

Chapter 13

- #5.00** Order re:
- (1) Setting status conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling.

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nazar Ksachikyan	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:19-10341 Yesenia Patricia Aguirre

Chapter 13

- #6.00** Order re:
- (1) Setting status conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yesenia Patricia Aguirre	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:19-10351 Behnam Alamdari

Chapter 13

- #7.00** Order re:
- (1) Setting status conference
 - (2) Directing compliance with applicable law
 - (3) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behnam Alamdari	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:12-17261 Elizabeth Maybalian

Chapter 13

#8.00 Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18, 6/13/18, 8/8/18, 9/12/18, 11/14/18; 1/9/19

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Discharge was entered in this case on 2/19/19, so the stay expired on that same day under 362(c)(1). As Movant does not request extraordinary relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS. 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

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

CONT... Elizabeth Maybalian

Chapter 13

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
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:15-14115 Audrey M Whittinhall

Chapter 13

#9.00 Motion for relief from stay

WILMINGTON TRUST N.A.

fr. 12/12/19, 1/16/19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On January 25, 2019, Debtor's case was dismissed. 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.

1-16-19 TENTATIVE BELOW

This hearing was continued at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of the this Motion?
APPEARANCE REQUIRED

12/12/18 Tentative

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)

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

CONT... Audrey M Whittinhal Chapter 13

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

#10.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 72

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/05/2017
Chapter 13 Plan confirmed: 09/20/2017
Service: Proper. Opposition filed.
Property: 13425 Reliance St, Arleta, CA 91331
Property Value: \$450,000 (per debtor's schedules)
Amount Owed: \$422,829.82 (per RFS motion)
Equity Cushion: 0%
Equity: \$27,170.18
Post-Petition Delinquency: \$7,043.16 (3 payments of \$8,274.84; attorneys' fees and costs of \$1,031.00; less in suspense account or partial paid balance: [\$2,262.68])

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 **13** (if RFS not granted, adequate protection).

Debtors filed a late opposition (2 days short). Debtors dispute the alleged amount of post petition arrears and intend to continue making all regular post petition payments timely.

Movant filed a reply stating that the amounts in its Motion are accurate and remain due. The parties are currently discussing potential resolution including an APO.

APPEARANCE REQUIRED

Party Information

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

CONT... David Eugene Flores and Susan Muro Flores

Chapter 13

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro Flores

Represented By
Barry E Borowitz

Movant(s):

U.S. Bank National Association, as

Represented By
Reilly D Wilkinson
Joshua L Scheer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:17-12768 Nicholas Peter Mascis

Chapter 13

#11.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 1/16/19

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The hearing was continued at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of this Motion?
APPEARANCE REQUIRED

1/16/19 Tentative

Petition Date: 10/15/2017

Chapter13 Plan confirmed on 02/02/2018

Service: Proper. Original borrower was served. Opposition filed.

Property: 11930 Nugent Dr., Granada Hills, CA 91344-2236

Property Value: \$ 812,000 (per debtor's schedules)

Amount Owed: \$ 525,939.59 (per RFS motion)

Equity Cushion: 27.0%

Equity: \$ 286,060.41.

Post-Confirmation Delinquency: \$ 7,467.55(3 payment of \$3,368.22; less suspense account or partial paid balance: \$2,637.11)

Last payment was received on 11/23/2018

Movant alleges causes 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); **6** (termination of co-debtor stay) and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Property is debtor's primary residence; he is elderly and disabled; Debtor and his wife's sole income is social security and veterans disability benefits; Debtor has fallen behind on post-petition payments due

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

CONT... Nicholas Peter Mascis Chapter 13

to medical issues involving his adult daughter, who resides in the property and acts as full-time care giver. Considering the equity, have the parties discussed an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nicholas Peter Mascis

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#12.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 68

***** VACATED *** REASON: APO entered 2/28/19 (doc. 73) - hm**

Courtroom Deputy:

- NONE LISTED -

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
Kelsey X Luu

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:18-11366 Irene Franklin

Chapter 13

#13.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18, 1/16/19

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued on 12/12/18 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

12-12-18 TENTATIVE

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

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

CONT... Irene Franklin Chapter 13

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 6, 2019

Hearing Room 302

10:00 AM

1:18-11760 Paul T Formanek

Chapter 7

#14.00 Motion for relief from stay

YOSEMITE CAPITAL LLC

fr. 8/15/18, 1/9/19

Docket 7

*** VACATED *** REASON: Stip. cont. to 5/15/19 @ 10am (eg)

Courtroom Deputy:

- NONE LISTED -

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

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10:00 AM

CONT...

Paul T Formanek

Chapter 7

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 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.

Party Information

Debtor(s):

Paul T Formanek

Represented By
Taylor F Williams

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CONT... Paul T Formanek

Chapter 7

Movant(s):

Yosemite Capital, LLC

Represented By
Edward T Weber

Trustee(s):

Diane C Weil (TR)

Pro Se

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1:18-12738 Orlando Huete

Chapter 13

#15.00 Motion in individual case for order imposing a stay or continuing the automatic stay

fr. 11/27/18; 12/12/18, 1/16/19

Docket 9

***** VACATED *** REASON: Settled by stipulation, order entered granting motion (doc. 35)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Orlando Huete

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-10310 Daniel Macias Castellanos

Chapter 13

#16.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On February 11, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 17-11114-MB, was filed on April 27, 2017 and dismissed on December 19, 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 he was injured while working and could not work for a long time, resulting in a delinquency on his mortgage and plan payments. Now, Debtor has begun collecting social security income and only has to support one child.

No opposition filed. The motion is GRANTED.

NO APPEARANCE REQUIRED ON MARCH 6

Party Information

Debtor(s):

Daniel Macias Castellanos

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10322 Louis Vargas

Chapter 13

#16.01 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 February 12, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 18-10521-MT, was filed on February 28, 2018 and dismissed on March 30, 2018 for failure to appear at a pro se status conference set by the Court.

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 he did not have an attorney, and he was "advised by the former loan modification firm to dismiss the case and reapply for a loan modification with the Debtor's lender." No opposition was filed.

Debtor must appear and explain why the social security number used in his previous filing does not match the number used in this filing. Furthermore, Debtor should explain the involvement of this "loan modification firm" with his prior bankruptcy.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Louis Vargas

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-12616 Jose Rivera

Chapter 7

#17.00 Motion for order compelling attorney to file
disclosure of compensation

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Rivera

Represented By
Alfred Manuel Freitas

Movant(s):

United States Trustee (SV)

Represented By
Russell Clementson

Trustee(s):

Amy L Goldman (TR)

Pro Se

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10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#18.00 Amended motion for order determining
proposed plan treatment of secured claim

fr. 12/12/18

Docket 17

***** VACATED *** REASON: Withdrawn (doc. 36)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

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10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#19.00 Scheduling and case management conference
fr. 12/12/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having considered Debtor's status report and finding good cause, the Court continues this chapter 11 status conference to **May 15, 2019 at 10:00 a.m.**

Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 3/6/19.

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

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10:00 AM

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

Chapter 11

#20.00 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; 12/12/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No opposition received. Unsecured creditors have been paid. Motion for final decree to be granted. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

NO APPEARANCE REQUIRED ON 3/6/19

Party Information

Debtor(s):

M.N.E. Funding, Inc.

Represented By
Mark E Goodfriend

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10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#20.01 Motion to be Relieved as General Insolvency Counsel for Debtor

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The court will permit debtor's counsel to withdraw based upon the reasons stated in counsel's application and reply. While there is no doubt that it is more difficult for trustee and her counsel to administer the estate without debtor's counsel, the purpose for which debtor's counsel was retained no longer applies and it is not clear he can be paid. Cooperation of the principals of the debtor with the trustee is still required and advisable, or the trustee may take appropriate legal action against them.

Party Information

Debtor(s):

Green Nation Direct, Corporation

Represented By
Giovanni Orantes
Luis A Solorzano

Trustee(s):

Nancy J Zamora (TR)

Represented By
Jeffrey S Kwong

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10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#21.00 Trustee's motion for order deeming estate's interest in real property abandoned Nunc Pro Tunc to February 4, 2019.

Docket 2216

***** VACATED *** REASON: Ntc. of w/d filed 2/7/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

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
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Wednesday, March 6, 2019

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

#22.00 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; 10/10/18

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Selene Finance LP

Represented By
Sonia Plesset Edwards

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards

Plaintiff(s):

David B. Rosen

Represented By
Louis J Esbin

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Wednesday, March 6, 2019

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

- #23.00** Status conference re complaint for:
1) declaratory relief
2) injunctive relief and violation of automatic stay
3) extent, validity or priority of claim or interest
4) attorney fees and costs

fr. 5/23/18

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

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11:00 AM

CONT... **David B. Rosen**

Chapter 11

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.

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Selene Finance LP

Pro Se

Wilmington Savings Fund Society,

Pro Se

Plaintiff(s):

David B. Rosen

Represented By
Louis J Esbin

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1:00 PM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#24.00 Motion for summary judgment or, in the alternative, for summary adjudication as to the fourth, fifth and sixth claim for relief

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yoram Talasazan

Represented By
Raymond H. Aver

Defendant(s):

Yoram Talasazan

Represented By
Raymond H. Aver

Plaintiff(s):

Moeir and Hanrit Moussighi dba

Represented By
Ashkan Ashour

Hanrit Moussighi

Represented By
Ashkan Ashour

Moeir Moussighi

Represented By
Ashkan Ashour

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

1:00 PM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#25.00 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, 11/14/18; 1/23/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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
Donna R Dishbak
Donna R Dishbak

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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9:00 AM

1:19-10520 Gus Williams

Chapter 13

#0.01 Motion to Dismiss Chapter 13 Proceedings

Docket 7

Tentative Ruling:

See matter number .02

Party Information

Debtor(s):

Gus Williams

Pro Se

Movant(s):

Camano Group, Inc.

Represented By
Edward T Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:00 AM

1:19-10520 Gus Williams

Chapter 13

#0.02 Motion for relief from stay

CAMANO GROUP, INC

Docket 5

Tentative Ruling:

RFS

Petition Date: March 6, 2019

Chapter: 13

Service: Shortened time. No opposition filed.

Property: 14209 Chandler Blvd., L.A., CA 91401

Property Value: \$ N/A (No schedules filed)

Amount Owed: \$1,613,847.88 (per RFS motion)

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: N/A

Movant requests relief under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4). Specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 4 (confirm that there is no stay in effect); 6 (termination of the co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 9 (relief under 362(d)(4)).

Camano Group, Inc. ("Movant") argues that this case was filed in bad faith. Movant points to the fact that Debtor exceeds the chapter 13 debt limits of section 109(e) and filed a skeletal petition. Furthermore, Movant argues that this case was filed solely to delay foreclosure, which is scheduled for March 13. Shortly before the bankruptcy, Debtor filed case in California Superior Court to obtain a preliminary injunction against foreclosure, and was unsuccessful. The Debtor's argument in the Superior Court was that Movant violated the California Homeowner's Bill of Rights by failing to make pre-foreclosure contact. The Superior Court, however, agreed with Movant that the property was not subject to the Homeowner's Bill of Rights because the loan issued by Movant was for commercial or investment property, not to be used as Debtor's primary residence.

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9:00 AM

CONT...

Gus Williams

Chapter 13

Furthermore, the Court has discovered that the Debtor filed another bankruptcy case in the Northern District of California two days after the initiation of this case, 19-40551-WJL. While Debtor lists the Chandler Blvd. property as his residence in the instant bankruptcy case, Debtor lists his home address in the Northern District case as 4081 #209 Clayton Rd. Concord, CA. For both bankruptcies, however, Debtor lists his mailing address as PO Box 1683, Union City, CA 94587. Similarly, Debtor filed two bankruptcies in California Northern in 2017: 17-41219 and 17-41844. In each of the 2017 bankruptcies, Debtor listed his home address was 1859 Hartnell St., Union City, CA 94587, but used the same PO Box 1683 in Union City as his mailing address. While Debtor represented to the Superior Court that he had moved into the Chandler Blvd. property despite not intending to live there, the Court very much doubts that Debtor filed this bankruptcy, moved to Union City, and filed a new bankruptcy within two days. This case appears to be part of a scheme to hinder, delay, or defraud creditors.

Motion is DENIED under (d)(2), as neither Debtor nor Movant have produced any evidence of value from which the Court would determine whether Debtor has equity in the property.

The motion is also DENIED as moot as to paragraph 6, because there is no evidence that there is a co-debtor with respect to this property. The loan documents attached to the motion indicate that Debtor was the only borrower with respect to the property, Debtor's incomplete schedules do not list a co-debtor, and no co-debtor was served.

The motion is further DENIED under paragraph 4, as it appears that the automatic stay is in effect. The 2017 bankruptcies were each dismissed more than a year ago, and so do not affect the stay under section 362(c)(4)(A)(i)

Was Debtor properly served with notice per the Order Granting Application and Setting Hearing on Shortened Time?

Assuming service was proper, the motion is GRANTED under section 362(d)(1). Specific relief granted under 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)).

MTD

Movant brings this motion to dismiss due to the impending foreclosure noted above.

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9:00 AM

CONT... Gus Williams

Chapter 13

Movant argues that Debtor exceeds the secured debt limitations provided for in § 109(e). The chapter 13 debt limit is \$1,184,200, while Debtor owes at least \$1,613,847.88 to secured creditors due the Movant's claim. Movant further argues that this case was filed in bad faith. A motion to dismiss a case under § 1307(c) may be granted on request of a party in interest after notice and a hearing for "cause," including unreasonable delay by the debtor that is prejudicial to creditors. The Court finds that this case was part of a scheme to hinder, delay, or defraud creditors. The Court also finds that, for the reasons stated above, that this case represents an unreasonable delay that is prejudicial to creditors. The Court therefore finds that cause exists to dismiss this case. The case is DISMISSED.

APPEARANCE REQUIRED

THIS TENTATIVE RULING MAY BE MODIFIED BEFORE OR AT THE HEARING

Party Information

Debtor(s):

Gus Williams

Pro Se

Movant(s):

Camano Group, Inc.

Represented By
Edward T Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:30 AM

1:14-14636 Joseph Youseffia

Chapter 11

#1.00 Post Confirmation 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, 10/17/18

Docket 1

***** VACATED *** REASON: Final decree entered -CT**

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
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10:00 AM

1:19-10267 Jose Luis Valadez Torres

Chapter 13

#1.01 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 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Valadez Torres	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-10395 Lawrence Mark Gotlieb

Chapter 13

#1.02 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 refiling

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Mark Gotlieb	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:19-10398 Miriam Santacruz

Chapter 13

#1.03 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 -

Party Information

Debtor(s):

Miriam Santacruz

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10504 Rafael Sotelo Mendez

Chapter 13

#1.04 Motion in individual case for order confirming termination of stay

Docket 9

Tentative Ruling:

Movant brings this motion on shortened time to confirm that no automatic stay is in effect under section 362(j). The instant case was filed on March 4, 2019. Debtor has two cases which were dismissed within one year of the petition date: 18-10913 (dismissed for failure to make plan payments on 5/31/18) and 18-12894 (dismissed on January 28, 2019). Therefore there is no automatic stay in effect due to the limitations of section 362(c)(4)(A)(ii).

The motion is GRANTED.

Appearance required due to shortened time.

Party Information

Debtor(s):

Rafael Sotelo Mendez

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:14-13823 Rumio Sato

Chapter 13

#2.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 188

Tentative Ruling:

Petition Date: 8/14/14

Chapter: 13

Service: Proper. No opposition filed.

Property: 6012 Princeton Ct., Rialto Area, CA 92377

Property Value: \$ (property not scheduled)

Amount Owed: \$ (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency:

A 25% interest in this property was purportedly transferred to the Debtor on July 17, 2019. According to a stipulation filed by the Debtor and movant, Debtor does not accept this transfer, which appears to be a case of "hi-jacking." Debtor stipulates to entry of an order granting *in rem* relief with respect to this property. In the past eight years, there have been five bankruptcies affecting the property due to multiple unauthorized transfers, including the transfer to this Debtor. In one of those previous bankruptcies, another bankruptcy court entered an *in rem* relief from stay order with respect to the property in favor of Bayview. In re Francisco Lopez, 6:18-bk-12073-WJ, Doc. 43. The documents filed in support of the Motion sufficiently demonstrate a scheme to hinder, delay, or defraud this creditor.

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 relief requires an adversary action under FRBP 7001(7). The Court appreciates Movant's desire for this extraordinary relief, but it is unclear why two-year *in rem* relief is insufficient for movant's purposes.

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... **Rumio Sato**

Chapter 13

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

Party Information

Debtor(s):

Rumio Sato

Represented By
Peter M Lively

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#3.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19

Docket 77

Tentative Ruling:

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:15-13702 Margaret Anne Schunk and Michael James Schunk

Chapter 13

#4.00 Motio for relief from stay

SANTANDER CONSUMER USA INC.

Docket 59

Tentative Ruling:

Petition Date: 11/7/15
Chapter: 13
Service: Proper. No opposition filed.
Property: 2016 Jeep Cherokee
Property Value: \$ 11,058 (per debtor's schedules)
Amount Owed: \$ N/A (Lease)
Equity Cushion: N/A (Lease)
Equity: N/A (Lease)
Post-Petition Delinquency: N/A (Lease)

Debtor voluntarily surrendered the vehicle on 2/2/19 pursuant to the 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.

Party Information

Debtor(s):

Margaret Anne Schunk

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Michael James Schunk

Represented By
Jeffrey J Hagen

Movant(s):

Santander Consumer USA Inc. dba

Represented By

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

**CONT... Margaret Anne Schunk and Michael James Schunk
Jennifer H Wang**

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:17-10427 Charles Jenkins

Chapter 13

#5.00 Motion for relief from stay

HSBC BANK USA

Docket 67

Tentative Ruling:

Petition Date: 2/17/17

Chapter: 13

Service: Proper. No opposition filed.

Property: 4158 Farmdale Ave., Studio City, CA 91604

Property Value: \$ 1,200,000 (Per debtor's schedules)

Amount Owed: \$ 779,901.02 (per RFS motion)

Equity Cushion: 27% (assuming 8% cost of sale)

Equity: \$232,547.98

Post-Petition Delinquency: \$21,188.42 (4 payments of \$6,442.91 minus suspense 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 may engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

There is a significant equity cushion on the property. Can the parties work out an APO or plan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Charles Jenkins

Represented By
Joshua L Sternberg

Movant(s):

HSBC BANK USA, NATIONAL

Represented By
Jamie D Hanawalt
Kelsey X Luu

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Charles Jenkins

Alexander K Lee

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-10114 Calina Guadalupe Salgado

Chapter 13

#6.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 57

Tentative Ruling:

Petition Date: 1/11/18
Chapter: 13
Service: Proper. No opposition filed.
Property: 2017 Nissan Rogue
Property Value: \$ 17,260 (per debtor's schedules)
Amount Owed: \$ 24,935.98
Equity Cushion: 0.0%
Equity: \$0.00.
Post-petition Delinquency: \$7,083.44

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):

Calina Guadalupe Salgado

Represented By
Anthony P Cara

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-10737 Dana Stone Goldberg and Barry David Goldberg

Chapter 13

#6.01 Motion for relief from stay

VW CREDIT INC.

fr. MB cal, 2/27/19,

Docket 35

Tentative Ruling:

The parties indicated that they were working on an APO. Nothing new has been filed on the docket. What is the status of an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Dana Stone Goldberg

Represented By
Kevin T Simon

Joint Debtor(s):

Barry David Goldberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-12079 Nicole Tanice Shepherd

Chapter 13

#7.00 Motion for relief from stay

WILMINGTON TRUST

Docket 40

Tentative Ruling:

Petition Date: 8/16/18

Chapter: 13

Service: Proper. No opposition filed.

Property: 17732 San Fernando Mission Blvd., Granada Hills, CA 91344

Property Value: \$ 685,680 (Per debtor's schedules)

Amount Owed: \$ 608,969.58 (per RFS motion)

Equity Cushion: 3% (assuming 8% cost of sale)

Equity: \$76,711

Post-Petition Delinquency: \$7,077.77 (5 payments of \$1,753.58 minus suspense balance).

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

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

Movant(s):

WILMINGTON TRUST,

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Nicole Tanice Shepherd

Chapter 13

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#7.01 Motion for relief from stay

WILMINGTON TRUST, NA

fr. MB cal, 2/27/19

Docket 21

Tentative Ruling:

At the previous hearing, Debtor stated that he would be applying to the LMM program. The motion to commence the LMM program is set for hearing on March 26, 2019. Debtor filed a declaration stating, among other things, that he is current on post-petition mortgage payments. As long as Debtor is current on post-petition payments, the Court sees no reason to hold a hearing on this relief from stay until after the LMM motion is resolved.

This matter will be continued to March 27, 2019 at 10:00 a.m.

NO APPEARANCE REQUIRED ON MARCH 13.

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-12963 William Hughes Gaines

Chapter 13

#8.00 Motion for relief from stay

CIT BANK NA

Docket 19

Tentative Ruling:

Petition Date: 12/10/18
Case Dismissed 2/27/19
Chapter: 13
Service: Proper. No opposition filed.
Property: 17853 Ridgeway Rd., Granada Hills, CA 91344
Property Value: \$ (property not scheduled)
Amount Owed: \$ 1,236,482.61 (per RFS motion)
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: N/A

Debtor's case was dismissed two weeks after the instant motion was filed and therefore the automatic stay is no longer in effect. 11 U.S.C. 362(c)(2)(B). Movant's relief requested under section 362(d)(1) is therefore denied as moot. The Court will, however, consider the Movant's request for *in rem* relief under (d)(4).

The materials attached to the motion detail multiple unauthorized transfers of the property. However, those transfers do not demonstrate an intent to hinder, delay, and defraud creditors. The first transfer was more than ten years ago. The second and third transfers, both on December 10, 2018, were apparently between family members. The motion states that there have been multiple bankruptcies affecting the property, but the only other bankruptcy case, 17-12661, does not appear to have affected this property. Nor does the movant demonstrate any collection efforts that were hindered by the prior bankruptcy. The foreclosure scheduled for December 11, 2018 was delayed by the instant bankruptcy filing, but there is no other evidence than any of the transfers or the previous bankruptcy actually hindered, delayed, or defrauded creditors. The evidence produced by movant is insufficient to sustain a finding of intent to hinder, delay, or defraud under section 362(d)(4).

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

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... William Hughes Gaines Chapter 13

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.

Party Information

Debtor(s):

William Hughes Gaines	Pro Se
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Movant(s):

CIT Bank, N.A.	Represented By Erin M McCartney
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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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:19-10382 Guyen Lyn Fernando

Chapter 13

#8.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 9

Tentative Ruling:

On February 20, 2019, Debtor filed this Chapter 13 case. Debtor has an extensive history of previous bankruptcy cases, including one which was dismissed within the past year. The most recent dismissed Chapter 13 case, 18-11322-MB, was filed on May 23 2018 and dismissed on August 1, 2018 with a 90 day bar to refile pursuant to an agreement with the U.S. Trustee.

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 he was not represented by counsel, but has now retained the services of a bankruptcy attorney. Debtor's financial troubles resulted from being abroad while his wife underwent treatment for cancer and receiving large, unexpected bills from the L.A. Department of Water and Power. While the previous case was dismissed for abuse due to multiple filings, Debtor explains that previous cases were filed at the advice of a bankruptcy petition preparer, and retaining an attorney for this case demonstrates a commitment to a successful chapter 13 repayment plan.

No opposition was filed. The Motion is GRANTED.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Guyen Lyn Fernando

Represented By
Karen Ware

Movant(s):

Guyen Lyn Fernando

Represented By
Karen Ware

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Guyen Lyn Fernando

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:19-10407 John Nha Vu

Chapter 13

#9.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 12

Tentative Ruling:

On February 24, 2019, Debtor filed this Chapter 13 case. Debtor has one prior case which was dismissed within the past year. The recent dismissed chapter 13 case, 18-10650-VK, was filed on March 13, 2018 and dismissed on September 19, 2018 in connection with the confirmation hearing.

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 of a deterioration in the relationship between Debtor and his attorney, Dana Douglas. Debtor's new attorney, Jeffrey Hagen, determined that filing a new case would be simpler than vacating the dismissal on the previous case.

The Motion is GRANTED.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Nha Vu

Represented By
Jeffrey J Hagen

Movant(s):

John Nha Vu

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

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

#9.01 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; 12/12/18, 2/27/19

Docket 1

Tentative Ruling:

This matter will be heard at 11:00 along with the related matters.

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Process America, Inc. Chapter 11

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:16-12811 JF Landscape, Inc

Chapter 7

Adv#: 1:19-01003 Weil v. Jacoby

#10.00 Status Conference re: Complaint to avoid and recover
fraudulent transfers and preferential transfers

Docket 1

***** VACATED *** REASON: Cont'd to 4/3/19 per stip -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JF Landscape, Inc

Represented By
Dheeraj K Singhal

Defendant(s):

Michael Jacoby

Pro Se

Plaintiff(s):

Diane C Weil

Represented By
Talin Keshishian

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:17-12534 Richard Khatibi

Chapter 13

Adv#: 1:18-01111 Khatibi v. Rosamond Community Services District

#11.00 Status Conference Re:
Complaint for Determination of Cliam

Docket 1

***** VACATED *** REASON: Order entered dismissing adv. 3/4/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Khatibi

Represented By
Michael D Kwasigroch

Defendant(s):

Rosamond Community Services

Represented By
Martin Kosla
Joseph P Buchman

Plaintiff(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
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#12.00 Status conference re: complaint to determine dischargeability

fr. 1/23/19

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to April 17, 2019 at
10:00 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

United States Department of

Pro Se

United States Department of

Pro Se

Defense Finance and Accounting

Pro Se

Plaintiff(s):

Len Teo Flores

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-12429 Salvador German Helleon

Chapter 7

Adv#: 1:19-01001 Amaya v. Helleon

#13.00 Status Conference Re: Complaint
of Katherine Amaya for Determination
of Non-Dischargeability of Debt Pursuant
to 11 USC Sec. 523(a)

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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Salvador German Helleon

Represented By
Blake J Lindemann

Defendant(s):

Salvador German Helleon

Pro Se

Joint Debtor(s):

Daniel Roy Farrell

Represented By
Blake J Lindemann

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Salvador German Helleon

Chapter 7

Plaintiff(s):

Katherine Amaya

Represented By
Paul M Yi
Edward W Choi

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-12443 Raynard Edward Goins
Adv#: 1:19-01002 Horowitz v. Goins

Chapter 7

#14.00 Status Conference Re: Complaint
to Determine Debt Exempted from
Discharge Pursuant to 11 USC
Section 523(a)(6)

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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Raynard Edward Goins

Represented By
Vernon R Yancy

Defendant(s):

Raynard Edward Goins

Pro Se

Plaintiff(s):

Gregory Horowitz

Represented By
Mark T Jessee

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... Raynard Edward Goins

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#15.00 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 USC Sections 363(b)
and (f); 2 - Approve Overbid Procedures; and
3 - Determine that buyer is Entitled to Protection
Pursuant to 11 USC Sec. 363(m)

Docket 693

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

L.D.T. Investments Inc.

Pro Se

Movant(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

CONT... L.D.T. Investments Inc.

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-10094 Donald A Hilland

Chapter 7

**#16.00 Chapter 7 Trustee's Motion for Order Approving
Compromise of Controversy**

Docket 58

Tentative Ruling:

No opposition filed. Having reviewed the motion and finding that the settlement is in the best interest of creditors and the estate, the motion is GRANTED. Trustee to lodge order.

NO APPEARANCE REQUIRED ON MARCH 13

Party Information

Debtor(s):

Donald A Hilland

Pro Se

Movant(s):

Nancy J Zamora (TR)

Represented By
Toan B Chung

Trustee(s):

Nancy J Zamora (TR)

Represented By
Toan B Chung

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

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:19-10016 Tamica Jordan

Chapter 7

**#17.00 Motion to Dismiss Case Pursuant to 11 USC
Sections 707(a) and 727 (a)(8)**

Docket 16

Tentative Ruling:

The United States Trustee moves to dismiss Debtor's case pursuant to Sections 707(a) and 727(a)(8) of the Bankruptcy Code. Debtor has received a discharge of her debts in a chapter 7 case commenced within eight years of petition date in this case. Debtor filed her previous case, 11-33461-PGH in the Southern District of Florida on August 23, 2011. The current case was filed on January 3, 2019. Section 727(a)(8) provides that a Debtor may not be granted a discharge if they previously received a discharge in a case commenced less than eight years before the petition date. Debtor is ineligible for a discharge until late August of this year.

The Court may dismiss a case for cause, including unreasonable delay by the debtor that is prejudicial to creditors. 11 U.S.C. 707(a)(1). The Court finds that there is cause to dismiss this case due to Debtor's ineligibility for a discharge. No opposition has been filed.

The Motion is GRANTED. NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Tamica Jordan	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#18.00 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, 11/14/18, 1/23/19; 2/7/19

Docket 1

Tentative Ruling:

Having reviewed the docket, this status conference will be continued April 10, 2019 at 10:00 a.m. to be heard at the same time as the motion filed by Kourosh Vosoghi and 26 Moorpark, LLC.

NO APPEARANCE REQUIRED ON MARCH 13

Party Information

Debtor(s):

Osher And Osher, Inc.

Represented By
Raymond H. Aver

**United States Bankruptcy Court
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10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#19.00 Application for Compensation for Arthur Lettenmaier,
Special Counsel

Period: 10/1/2018 to 2/19/2019,
Fee: \$9798, Expenses: \$1064.47

Docket 119

Tentative Ruling:

Having reviewed the fee application filed by Arthur Lettenmaier, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON MARCH 13, 2019.

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

Movant(s):

Arthur Lettenmaier

Pro Se

**United States Bankruptcy Court
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Wednesday, March 13, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#20.00 Application for Compensation for Lewis R Landau,
Debtor's Attorney

Period: 10/1/2018 to 2/15/2019,
Fee: \$18117, Expenses: \$494.

Docket 120

Tentative Ruling:

Having reviewed the fee application filed by Lewis Landau, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON MARCH 13, 2019.

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

Movant(s):

Schaffel Development Company,

Represented By
Lewis R Landau

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10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#21.00 Scheduling and Case Management Conference

fr. 2/6/19

Docket 1

*** VACATED *** REASON: Cont'd per stipulation to 4/3/19 at 1:00 p.m.
(doc. 38) - hm

Tentative Ruling:

The Court continued this status conference to be heard with the Debtor's disclosure statement. That disclosure statement is set for hearing on April 3, 2019. This status conference will be continued to April 3 at 10:00 a.m.

NO APPEARANCE REQUIRED ON MARCH 13

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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Wednesday, March 13, 2019

Hearing Room 302

11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#22.00 Confirmation Hearing
Re: Chapter 11 Plan
of Reorganization

Docket 592

Tentative Ruling:

After having reviewed Debtor's 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.

Post-confirmation status conference will be held on _____

APPEARANCE REQUIRED

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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11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#23.00 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,
1/23/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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

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Wednesday, March 13, 2019

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#24.00 Case Management Conference

fr. 12/19/18; 1/24/19

Docket 1

Tentative Ruling:

Appearance required

Party Information

Debtor(s):

Green Nation Direct, Corporation

Represented By
Giovanni Orantes

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Wednesday, March 13, 2019

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1:00 PM

1:17-12534 Richard Khatibi

Chapter 13

Adv#: 1:18-01111 Khatibi v. Rosamond Community Services District

#25.00 Defendant Rosamond Community Services
District's Motion to Dismiss Adversary Complaint
for Failure to State a Claim, or Alternatively, for
a More Definite Statement

Docket 6

*** VACATED *** REASON: Ch. 13 case dismissed w/ 180-day bar - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Khatibi

Represented By
Michael D Kwasigroch

Defendant(s):

Rosamond Community Services

Represented By
Martin Kosla
Joseph P Buchman

Plaintiff(s):

Richard Khatibi

Represented By
Michael D Kwasigroch

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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San Fernando Valley
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Wednesday, March 13, 2019

Hearing Room 302

1:00 PM

1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#26.00 Motion for summary judgment

fr. 2/27/18

Docket 11

Tentative Ruling:

The causes of action asserted in the State Court Complaint were (1) constructive fraud; (2) breach of oral agreement; (3) financial elder abuse; (4) quiet title; (5) declaratory relief (as to the parties' rights to the Property & their obligations under any encumbrance or lien); and (6) partition of real property. While the formal causes of action do not control the analysis under issue preclusion, it is the findings made by the State Court that will be given preclusive effect where appropriate.

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).

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). 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. Celotex, 477 U.S. 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, 866 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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A court can consider granting partial summary judgment under Fed. R. Civ. P. 56(f). Rule 56(f) states in relevant part:

Judgment Independent of the Motion. After giving notice and a reasonable time to respond, the court may:

- (1) grant summary judgment for a nonmovant;
- (2) grant the motion on grounds not raised by a party; or
- (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

Under Rule 56(f) a cross-motion need not be filed for entry of summary judgment in favor of the opposing party. If there are no factual issues and the opposing party is entitled to judgment as a matter of law, and the moving party had notice and an adequate opportunity to address the issues, summary judgment may be granted forthwith. Gospel Missions of America v. City of Los Angeles, 328 F.3d 548, 553 (9th Cir. 2003)("Even when there has been no cross-motion for summary judgment, a district court may enter summary judgment *sua sponte* against a moving party if the losing party has had a 'full and fair opportunity to ventilate the issues involved in the matter. The salient issues upon which the district court granted summary judgment were presented in the original motion.'")(citation omitted).

2. Issue Preclusion

Issue preclusion, also known as collateral estoppel, applies in discharge exception proceedings under § 523(a). Grogan v. Garner, 498 U.S. 279, 284 n.11 (1991). "Under [issue preclusion], once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case." Hydranautics v. FilmTec Corp., 204 F.3d 880, 885 (9th Cir. 2000) (*citing* Dodd v. Hood River County, 59 F.3d 852, 863 (9th Cir. 1995)).

"Under [issue preclusion], once an issue is actually and necessarily determined by a court of competent jurisdiction, that determination is conclusive in subsequent suits based on a different cause of action involving a party to the prior litigation." Montana v. United States, 440 U.S. 147, 153 (1979). "To preclude parties from contesting matters that they have had a full and fair opportunity to litigate protects their adversaries from the expense and vexation attending multiple

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lawsuits, conserves judicial resources, and fosters reliance on judicial action by minimizing the possibility of inconsistent decisions." Id. at 153-54.

Issue preclusion bars relitigation of an issue of fact or issue that: (1) is identical to a fact or issue determined in an earlier proceeding, (2) was actually decided by a court in an earlier action, (3) the issue was necessary to the judgment in such action, (4) there was a final judgment on the merits, and (5) the parties are the same. Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Lastly, in the Ninth Circuit, the Court must also find that giving the previous judgment preclusive effect would further the public policies underlying the collateral estoppel doctrine. The California Supreme Court has identified three policies underlying the doctrine of collateral estoppel: "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation." Baldwin v. Kilpatrick (In re Baldwin), 249 F.3d 912, 919-920 (9th Cir. 2001).

The common thread that runs through the entirety of this matter is the state of mind of Defendants at different times in the transactions, and whether the facts that support an intent finding were actually litigated and necessarily decided. Under California law, an issue is actually litigated in the initial action when "it is properly raised, by the pleadings or otherwise, and is submitted for determination, and is determined" Gottlieb v. Kest, 141 Cal. App. 4th 110, 148 (Cal. Ct. App. 2006). An issue is "necessarily decided" when the issue's determination was not "entirely unnecessary" to the judgment in the initial proceeding. Lucido v. Superior Court, 51 Cal. 3d 335, 342 (1990). The issues presented by the Motion are outlined below, with the controlling legal standards:

- a. False Pretenses, False Representation, or Actual Fraud under § 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). The Ninth Circuit has held that 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

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resulting from its reliance on the debtor's representation. Turtle Rock Meadows Homeowners Ass'n v. Slyman (In re Slyman), 234 F.3d 1081, 1085 (9th Cir. 2000).

The relevant cause of action under this section on which judgment was entered is constructive fraud, which does not require a finding of intent. Consider the following excerpt from Harmon:

Constructive fraud is a unique species of fraud applicable only to a fiduciary or confidential relationship.... [A]s a general principle constructive fraud comprises any act, omission or concealment involving a breach of legal or equitable duty, trust or confidence which results in damage to another even though the conduct is not otherwise fraudulent. The failure of the fiduciary to disclose a material fact to his principal which might affect the fiduciary's motives or the principal's decision, which is known (or should be known) to the fiduciary, may constitute constructive fraud even though there is no fraudulent intent.

Assilzadeh v. Cal. Fed. Bank, 82 Cal.App.4th 399 (Cal.Ct.App. 2000) (internal quotation marks and citations omitted). [...] But such a finding would be insufficient to establish fraud under § 523(a)(2)(A), because under § 523(a)(2)(A), the debtor must have intended to deceive the creditor, but in the case of "constructive fraud ... it is not necessary to prove deliberate or intentional fraud." Edmunds v. Valley Circle Estates, 16 Cal.App.4th 1290 (Cal.Ct.App. 1993). (internal quotation marks and citation omitted) (omission in original). The party asserting collateral estoppel has the burden of showing that the doctrine's threshold requirements are met. Lucido, 51 Cal. 3d. 335, 341 (Cal. 1990). [Creditor] has failed to show that the state court granted judgment because it found that [Debtor] had committed actual rather than constructive fraud. Therefore, [Creditor] has not demonstrated that the issue of whether [Debtor] committed actual fraud was necessarily decided by the state court.

In re Harmon, 250 F.3d 1240, fn. 10 (9th Cir. 2001)(citing Assilzadeh v. Cal. Fed.

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Bank, 82 Cal.App.4th 399, (Cal.Ct.App. 2000)

Defendants argue that the facts show that they were not motivated by an intent to deceive because "they clearly were not aware of the falsity of their alleged promises, assuming they even know they were making any promises at all. The defendants did not believe they had a duty since there was no joint venture." Defendants stick by their contention that they honestly thought that they were buying the property on their own, rather than as a joint venture with Kurt and Irene, as the State Court found. Defendants position is belied by the State Court findings that there was an oral contract to enter into a joint venture to purchase the Galvez Property and that Defendants breached that oral contract by denying its existence and failing to pay Plaintiffs the full amounts due under the contract. Hanigan Decl., Ex. 2, internal pg. 8. Irrespective, the findings lack of findings as to intent is understandable as it was not required under the theory of constructive fraud.

The facts of this case may also present a case for false pretenses under § 523(a)(2)(A), although the briefs are silent on this theory. Section 523(a)(2)(A) are implied misrepresentations intended to create and foster a false impression. Unlike false representations, which are express misrepresentations, false pretenses include conduct and material omissions. In re Sturgeon, 496 B.R. 215, 223 (B.A.P. 10th Cir. 2013)(citing Marks v. Hentges (In re Hentges), 373 B.R. 709, 725 (Bankr.N.D.Okla.2007) (false pretenses are "implied misrepresentations or conduct intended to create and foster a false impression")). False pretenses can be "defined as any series of events, when considered collectively, that create a contrived and misleading understanding of a transaction, in which a creditor is wrongfully induced to extend money or property to the debtor." Stevens v. Antonious (In re Antonious), 358 B.R. 172, 182 (Bankr.E.D.Pa.2006) (citing Rezin v. Barr (In re Barr), 194 B.R. 1009, 1019 (Bankr.N.D.Ill.1996)).

Defendants also attack Plaintiffs assertion of justifiable reliance, as they assert that Plaintiffs knew or should have known the statement to be false. Justifiable reliance takes into account the "qualities and characteristics of the particular plaintiff, and the circumstances of the particular case, rather than of the application of a community standard of conduct to all cases." Field v. Mans, 516 U.S. 59, 71 (1995). Judging by the sophistication of Plaintiffs, experienced owners of and investors in real estate, Defendants argue that justifiable reliance does not exist where Plaintiffs failed to use their access to title professionals to determine whether they were properly put on title in 1996, after the periodic payments for "rent" ceased.

Plaintiffs allegations of nondischargeable conduct are that Defendants hid the

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material fact that Kurt and Irene were not on the title of the Galvez Property, and misrepresented their ownership to a lending bank to obtain a loan to drain the equity from the Galvez Property. In cases where the fraudulent conduct is false pretenses or omission, the Ninth Circuit has held that under § 523(a)(2)(A), there is a presumption of reliance when the subject nondisclosure is determined to be material. See In re Apte, 96 F.3d 1319, 1323–24 (9th Cir. 1996). Clearly, the fact that Kurt and Irene were joint owners of Galvez and were to have been on title is material. This presumption of reliance is limited, however, to cases in which *the plaintiff primarily alleges nondisclosure*. Id. (emphasis added). Where Plaintiffs primarily alleged misrepresentation in the State Court complaint (the Judgment on which Plaintiffs seek preclusion), the presumption may not apply. Id., citing Poulos v. Caesars World, Inc., 379 F.3d 654, 666–67 (9th Cir.2004); Binder v. Gillespie, 184 F.3d 1059, 1063–64 (9th Cir.1999). Parties should be prepared to discuss (1) whether the Apte presumption should apply here, where the facts support allegations of fraud by omission but the Complaint alleges misrepresentation; or (2) whether the justifiable reliance requirement may be satisfied in some other way.

- b. Fraud or Defalcation while acting in a Fiduciary Capacity under § 523(a)(4)

A creditor seeking a relief under Section 523(a)(4) must establish three elements: (1) an express trust existed; (2) the debt was caused by fraud or defalcation; and (3) that the debtor was a fiduciary to the creditor at the time the debt was created. Nahman v. Jacks, 266 B.R. 728, 735 (B.A.P. 9th Cir. 2001). For the Court to find that a fiduciary relationship exists, however, "the court must determine that the circumstances establish an express trust pursuant to state law." Jacks, 266 B.R. at 736. Under California law "[t]he five elements required to create an express trust are (1) a competent trustor, (2) trust intent, (3) trust property, (4) trust purpose, and (5) a beneficiary." Keitel v. Heubel, 103 Cal.App. 4th 324, 337 (Cal.Ct.App.2002). Intent is a question of fact. See, e.g., Candland v. Ins. Co. of N. Am. (In re Candland), 90 F.3d 1466 (9th Cir.1996).

Because California case law has raised the duties of partners beyond those imposed under a trust *ex maleficio*, partners are fiduciaries within the meaning of § 523(a)(4). Ragsdale v. Haller, 780 F.2d 794, 796–97 (9th Cir. 1986). Joint venturers have the same responsibilities as partners. See Leff v. Gunter, 33 Cal. 3d 508, 514 (Cal. 1983). Thus, the finding of the State Court that Plaintiffs and Defendants had an oral contract between them to enter into a joint venture to purchase the Galvez

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Property establishes that Defendants had the same duties to Kurt and Irene as a partner under California law.

Defalcation is the misappropriation of trust funds or money held in any fiduciary capacity, or the failure properly to account for such funds. In re Lewis, 97 F.3d 1182, 1186 (9th Cir. 1996)(internal citations omitted). The United States Supreme Court determined that where the conduct at issue does not involve bad faith, moral turpitude, or other immoral conduct, the term "defalcation" requires an "intentional wrong." Bullock v. BankChampaign, N.A., 133 S.Ct. 1754, 1759 (2013). This includes a knowingly wrongful act, or a grossly reckless act, by the debtor in a fiduciary capacity. Id. Where actual knowledge of wrongdoing is lacking, a fiduciary who "'consciously disregards' (or is willfully blind to) 'a substantial and unjustifiable risk' that his conduct will turn out to violate a fiduciary duty" satisfies the statute. Id. (internal citations omitted). That risk "must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation." Id., *citing ALO, Model Penal Code* § 2.02(2)(c).

Defendants argue that while the State Court found that there was breach of a fiduciary duty, it did not address the question of whether the wrongdoing was intentional at the time the alleged "agreement" took place or during the tenure of ownership of the Galvez Property. Defendants contend that with no specific finding made as to Defendants' degree of intent or gross recklessness, summary judgment is inappropriate. For their part, Plaintiffs point to the State Court findings under the punitive damages analysis to support their position, arguing that because the State Court "expressly found that Defendants' conduct was 'malicious, oppressive and/or fraudulent' it necessarily follows that Defendants engaged in defalcation."

Again, the Court is confronted with the question of how to proceed where the State Court's findings of "malicious, oppressive and/or fraudulent" conduct were made in the context of Defendant's fraudulent activity in the damages prove-up portion of the trial rather than fraudulent conduct as relates to the joint venture. It is unclear how the State Court related the malicious, oppressive and/or fraudulent conduct of Defendants during the damages portion of the trial to their intent during the breaches of their duty by omitting information to Plaintiffs during the Venture.

c. Embezzlement under § 523(a)(4)

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Under federal law, embezzlement in the context of nondischargeability requires three elements: '(1) property rightfully in the possession of a nonowner; (2) nonowner's appropriation of the property to a use other than which [it] was entrusted; and (3) circumstances indicating fraud.'" In re Littleton, 942 F.2d 551, 555 (9th Cir. 1991)(citations omitted).

Defendants argue that Plaintiffs' claim should fail under the first element, as they were owners in rightful possession of the Galvez Property and thus had a legal right to possession and use. While Defendants' assertion of ownership is correct, their position ignores that Plaintiffs had a 50% interest in the Galvez Property as well. Thus, while they had a legal right to use and possession of the entire fee, Defendants also obtained a loan that liquidated \$380,000 in equity from the Galvez Property – equity in which Plaintiffs had a 50% right. The portion of the equity of the Galvez Property that belonged to Plaintiffs was in the rightful possession of Defendants, per the terms of their oral agreement. Defendants then appropriated Plaintiffs' portion of the equity to their own use, namely Jane's unnamed business – a use for which the funds were certainly not entrusted, not in a real estate venture. Hanigan Decl. ISO MSJ, internal p. 2; Hanigan Decl. ISO Reply, Ex. 1. The State Court findings thus satisfy the first two elements of embezzlement, at least as to the loan proceeds. Whether the portion of the rents to which Plaintiffs were entitled were later misappropriated, rather than used for maintenance of the Galvez Property, is unclear on this record.

The State Court findings that Defendants misrepresented to the lender that they were the sole owners of the Galvez Property and that Defendants concealed from Plaintiffs that they had encumbered the Galvez Property with a substantial lien, along with the exhaustively detailed encomium of Defendants' misleading testimony and evidence identify circumstances indicating fraud.

It appears that Plaintiffs have met their burden to show that there are no genuine issues of material fact and are entitled to judgment under § 523(a)(4) for embezzlement. The extent of the damages under this theory may require further evidence or briefing.

d. Willful or Malicious Injury under § 523(a)(6)

Section 523(a)(6) excepts from discharge any debt of the debtor "for willful or malicious injury to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). Under § 523(a)(6), Debtors' actions would need to equate with "willful and

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malicious" injury within the meaning of the Code. The first step of this inquiry is whether there is "willful" injury, which is must entail a deliberate or intentional injury. Kawaauhau v. Geiger, 523 U.S. 57, 61-62 (1998). In the Ninth Circuit, the intent required to be considered "willful" is either the subjective intent of the actor to cause harm or the subjective knowledge of the actor that harm is substantially certain to occur. Carrillo v. Su (In re Su), 290 F.3d 1140, 1144-45 (9th Cir. 2002).

In California, the elements for a breach of fiduciary duty are the existence of a fiduciary relationship, breach of that fiduciary duty, and damages. Oasis W. Realty, LLC v. Goldman, 51 Cal.4th 811, 820, 124 Cal.Rptr.3d 256, 250 P.3d 1115 (2011). There is no particular scienter requirement, let alone a requirement of a subjective intent to injure. See In re Pylam, 530 B.R. 456, 470-71 (B.A.P. 9th Cir. 2015)(internal citations omitted). As a result, without more, a judgment for breach of fiduciary duty under California law cannot support a willfulness determination under § 523(a)(6).

That said, a breach of fiduciary duty can give rise to an award of punitive damages if the breach is a result of malice, oppression, or fraud. See Cal. Civ. Code ("C.C.P.") § 3294. The State Court's punitive damages award against Defendants was based on a finding of "malice, oppression, and/or fraud." Hanigan Decl. ISO MSJ, Ex. 3. The "malice, oppression or fraud" finding arises from C.C.P. § 3294, which provides for the recovery of punitive damages in non-contract breach civil cases. Each finding supplies an independent basis for a punitive damages award under C.C.P. § 3294. See Coll. Hosp. Inc. v. Super. Ct., 8 Cal.4th 704, 721 (Cal. 1994).

C.C.P. § 3294 provides statutory definitions of these terms. "Malice" is defined as either: (1) conduct that the defendant intends to cause injury to the plaintiff ("Intentional Malice"); or (2) despicable conduct carried on by the defendant with a willful and conscious disregard of the rights or safety of others ("Despicable Malice"). C.C.P. § 3294(c)(1). "Oppression" means "despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights." Id. § 3294(c)(2). And, "fraud" refers to "an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury." Id. § 3294(c)(3).

Only "intentional malice," see Brandstetter v. Derebery (In re Derebery), 324 B.R. 349, 356 (Bankr.C.D.Cal. 2005), and fraud expressly require an intent to cause injury. In re Plyam, 530 B.R. 456, 465 (B.A.P. 9th Cir. 2015). As a result, only those

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CONT... Ian Ellis Silber

Chapter 13

findings satisfy the § 523(a)(6) willfulness requirement for the purposes of issue preclusion. Id. Conversely, "despicable malice" and oppression, which arise from acts in conscious disregard of another's rights or safety, fail to satisfy the requisite state of mind for § 523(a)(6) willfulness. Id.

The second step of the inquiry is whether Debtors' conduct was "malicious." The relevant test for such "malicious" conduct is: 1) a wrongful act; 2) done intentionally; 3) which necessarily causes injury; and 4) without just cause and excuse. Jett v. Sicroff (In re Sicroff), 401 F.3d 1101, 1105-1106 (9th Cir. 2005).

The findings of the State Court as to the punitive damages portion of the award do not explain under which theory of C.C.P. § 3294 the award was made. The State Court summed up its findings under Punitive Damages as "clear and convincing evidence demonstrates that Defendants' conduct was malicious, oppressive and/or fraudulent, thereby warranting an award of punitive damages." Hanigan Decl. ISO MSJ, Ex. 3, internal p. 6. As explained in In re Pylam, the distinctions among the three available findings under C.C.P. § 3294 (i.e., malice, oppression or fraud) are crucial to a determination of whether the punitive damage award is nondischargeable under 11 U.S.C. § 523(a)(6). See In re Pylam, 530 B.R. 456, 463-470 (B.A.P. 9th Cir. 2015)(explaining in detail the tort theories of recovery under C.C.P. §3294 and whether findings thereunder would suffice for issue preclusion under § 523(a)(6)). Under Pylam, to the extent that CC § 3294 findings are stated in the disjunctive or based on Despicable Malice or oppression or both, those findings prevent the use of issue preclusion as to § 523(a)(6) willfulness. It is unclear from the findings how the Punitive Damage award was apportioned between the identified "malicious, oppressive, and/or fraudulent conduct." The parties should be prepared to discuss whether this issue can be resolved with supplemental briefing, or whether a trial will be necessary to determine what portions of the Punitive Damage award are attributable to the different categories of conduct under C.C.P. § 3294.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ian Ellis Silber

Represented By
Henry Glowa

Defendant(s):

Ian Ellis Silber

Pro Se

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

Wednesday, March 13, 2019

Hearing Room 302

1:00 PM

CONT... Ian Ellis Silber

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 13, 2019

Hearing Room 302

1:00 PM

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 for:
non-dischargeability of debt

fr. 12/12/18, 2/27/19

Docket 5

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
Arthur Carvalho Jr

Irene Silber

Represented By
Timothy R Hanigan

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

Wednesday, March 13, 2019

Hearing Room 302

1:00 PM

CONT... Ian Ellis Silber

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

1:18-12669 Matthew Douglas Halunen

Chapter 7

**#1.00 Reaffirmation Agreement with
American Honda Finance Corporation**

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 10/31/18

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: 2014 Honda CRV

Debtor's valuation of property (Sch. B): \$12,065

Amount to be reaffirmed: \$758.85

APR: 0%

Contract terms: \$252.95 per month for 3 months

Monthly Income (Schedule I): \$7,616.20

Monthly expenses: (Schedule J): \$7,613

Disposable income: <\$2.80>

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 payment is already accounted for on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 31, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

CONT... Matthew Douglas Halunen

Chapter 7

Party Information

Debtor(s):

Matthew Douglas Halunen

Represented By
Peter M Lively

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

1:18-12807 Francia Arriola Bowen

Chapter 7

#2.00 Pro se Reaffirmation Agreement
with Capital One Auto Finance,
a division of Capital One, N.A.

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 11/19/18

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: 2018 Honda CR-V

Debtor's valuation of property (Sch. B): \$26,798

Amount to be reaffirmed: \$25,797

APR: 5.86% (fixed)

Contract terms: \$440.89 per month for 67 months

Monthly Income (Schedule I): \$4,031.23

Monthly expenses: (Schedule J): \$4,022.60

Disposable income: \$8.63

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 can afford this payment. Debtor lists a total of \$966.00 for
vehicle payments on Sch. J but that payment appears to be for a 2014 Acura MDX (see
matter #3 on this calendar).

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

CONT... Francia Arriola Bowen

Chapter 7

Debtor has a right to rescind agreement anytime prior to discharge, or until April 13, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Francia Arriola Bowen

Represented By
R Grace Rodriguez

Trustee(s):

David Seror (TR)

Pro Se

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

1:18-12807 Francia Arriola Bowen

Chapter 7

**#3.00 Pro se Reaffirmation Agreement
with American Honda Finance Corporation**

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 11/19/18

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: 2014 Acura MDX

Debtor's valuation of property (Sch. B): \$10,409

Amount to be reaffirmed: \$5,791.31

APR: 0.90% (fixed)

Contract terms: \$966.01 per month for 6 months

Monthly Income (Schedule I): \$4,031.23

Monthly expenses: (Schedule J): \$4,022.60

Disposable income: \$8.63

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 can afford this payment. Debtor lists this payment of \$966.01 on Sch. J but there is not a listed expense for the \$440.89 debt she seeks to reaffirm as well (see matter #2 on this calendar).

Debtor has a right to rescind agreement anytime prior to discharge, or until April 19, 2019,

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

CONT... Francia Arriola Bowen
whichever is later.

Chapter 7

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Francia Arriola Bowen

Represented By
R Grace Rodriguez

Trustee(s):

David Seror (TR)

Pro Se

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

1:18-12890 Maria Teresa Doria

Chapter 7

**#4.00 Reaffirmation Agreement Between Debtor and
JPMorgan Chase Bank, N.A.**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 11/30/18

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: 2018 Mazda CX-5

Debtor's valuation of property (Sch. B): \$26,000

Amount to be reaffirmed: \$26,413.21

APR: 2.9%

Contract terms: \$459.00 per month for 62 months

Monthly Income (Schedule I): \$2,688.94

Monthly expenses: (Schedule J): \$2,918.17

Disposable income: <\$229.23>

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 explain how she will afford this payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 22, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

CONT... Maria Teresa Doria

Chapter 7

Party Information

Debtor(s):

Maria Teresa Doria

Represented By
Raymond J Bulaon

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

1:18-13019 David Herrera

Chapter 7

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

Docket 13

Courtroom Deputy:

- NONE LISTED -

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: 2016 Toyota Scion

Debtor's valuation of property (Sch. B): \$9,950

Amount to be reaffirmed: \$10,519.01

APR: 0.90%

Contract terms: \$254.51 per month for 42 months

Monthly Income (Schedule I): \$4,646.68

Monthly expenses: (Schedule J): \$4,645.00

Disposable income: \$1.68

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 explain how he will afford this payment. This payment may be included in the \$425.00 per month vehicle expense listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 25, 2019, whichever is later.

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

Tuesday, March 19, 2019

Hearing Room 302

8:30 AM

CONT... David Herrera

Chapter 7

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

David Herrera

Represented By
Michael E Clark

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Monday, March 25, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#1.00 Motion to reconsider

fr. 1/9/19

Docket 51

***** VACATED *** REASON: Resolved per stipulation (doc. 79) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Monday, March 25, 2019

Hearing Room 302

11:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#2.00 Motion for Order Approving Construction
Loan Agreements

fr. 4/3/19

Docket 133

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:13-14890 Josephine E Williams

Chapter 13

#70.00 Trustee's motion for order dismissing chapter 13 proceeding
due to expiration of the plan

Docket 136

Tentative Ruling:

Having reviewed the details of this case, the motion is GRANTED. NO
APPEARANCE REQUIRED.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:13-15903 Jesus Lazo and Adela Lazo

Chapter 13

#71.00 U.S. Trustee's motion for escrow account reconciliation statement and waiver of unnoticed escrow charges or refund of escrow surplus

fr. 1/22/19; 2/26/19

Docket 34

***** VACATED *** REASON: Resolved per Stip Docket No. 52 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Lazo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Adela Lazo

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:13-17550 Ronald A Paul and Jodi K Paul

Chapter 13

#72.00 Motion for order disallowing Green Tree Servicing claim No. 7 or requiring trustee not to pay Arrears portion.

Docket 78

Tentative Ruling:

Service proper. No opposition filed. Debtors' plan was confirmed on April 2, 2014. On May 22, 2014, Green Tree Servicing, LLC ("Green Tree"), holder of a first position lien on Debtors' residence at 9401 Swinton Ave, North Hills, CA 91343, filed a proof of claim for \$456,605.78, including arrears in the amount of \$39,927.48. Debtors argue that they entered into a loan modification agreement with Green Leaf on May 12, 2014 ("Modification Agreement") and that the claim does not take that loan modification agreement into account. The Modification agreement was later attached as an exhibit to Green Tree's motion for relief from stay filed December 17, 2014 (that motion was subsequently resolved by APO).

Debtors seek an order 1) disallowing any claim for arrears based on a post-petition loan modification or, alternatively, 2) an order directing the trustee not to pay any arrears.

The chapter 13 plan (the "Plan") does not provide for cure of any arrears to Green Tree, presumably because Debtors were in the process of working out a loan modification at the time the plan was confirmed. The Plan states that payments will be made directly to Green Tree, so in no case should the trustee be making payments to Green Tree. In fact, it's unclear why the trustee has paid \$206.19 to Green Tree already. Furthermore, it is apparent that Green Tree could not have accrued \$39,927.48 in arrears between the May 12, 2014 Modification Agreement and the May 22, 2014 proof of claim. Green Tree acknowledged the validity of the Modification Agreement by producing it as an exhibit to its relief from stay motion. Green Tree has been served and has not come forward to argue that the Modification Agreement is not in effect. For those reasons, the Court is willing to enter an order stating that the trustee shall not pay the arrears stated in Green Tree's proof of claim. The Court does not find, however, that Green Tree's claim must be reduced by \$39,927.48, as such a finding may have an effect on the validity of Green Tree's lien under Section 506(d). The portion of the proof of claim that states the "Amount of arrearage and other charges, as of the time case was filed

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

CONT... Ronald A Paul and Jodi K Paul

Chapter 13

included in secured claim, in any" shall be disregarded.

Section 1328 requires the Court to enter discharge of "all debts provided for by the plan or disallowed under Section 502" upon completion by the debtor of "all payments under the plan." Whether Debtor has made the "all payments under the plan," including payments to Green Tree, is not something that the Court can readily determine. Nor, when payments are made directly to the creditor by Debtor, can the trustee be expected to know whether all required payments have been made. This is one of the reasons that debtors are required to file a Certification of Compliance under LBR 3015-1(t), certifying that the required payments have been made.

Motion is GRANTED as stated above. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ronald A Paul

Represented By
Shai S Oved

Joint Debtor(s):

Jodi K Paul

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#73.00 Objection to claim number 13 by claimant HSBC Bank USA, National Association, as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, MANA Series 2007-OAR4. fr. 10/4/18, 12/6/18, 12/18/18, 2/7/19, 3/26/19

Docket 88

***** VACATED *** REASON: Resolved per stip Doc. 111 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:14-11697 Daniel Cortez

Chapter 13

#74.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

Docket 58

Tentative Ruling:

Has the trustee had any contact with Debtor or Debtor's attorney since the large payment in November 2017? Debtor filed a certificate of compliance and application for discharge in December 2017. That declaration states that Debtor has completed all payments required by the plan. It appears that this debtor may incorrectly believe that this case already concluded.

Party Information

Debtor(s):

Daniel Cortez

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:14-15110 Marlene Colon

Chapter 13

#75.00 Trustee's motion to dismiss case
for failure to make plan payments

fr. 1/3/19; 3/7/19(MB)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marlene Colon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#76.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

Docket 131

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Humberto Delgadillo Garcia

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB)

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#78.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB)

Docket 225

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-10507 Amjad Shaktah

Chapter 13

#79.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 3/7/19(MB)

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amjad Shaktah

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-11148 Anita Paula Vogdt

Chapter 13

#80.00 Motion to Exclude Creditor Peter Mozeh
c/o The Law offices of A. Dinah Trenk and
Joseph Trenks Request for Post-Petition
Interest to be paid to Creditor

Docket 63

Tentative Ruling:

There does not appear to be any basis for creditor Peter Mozeh, by and through GAL Adel Mozeh ("Creditor") to demand post-petition interest from escrow. Creditor does not have a secured interest in the property. Creditor's proof of claim does not include any claim for interest. Creditor's claim must be determined "as of the date of the filing of the petition" and a claim for unmatured interest is not allowed under § 502(b)(2).

The Court previously ruled that Creditor's claim is unsecured in its entirety, and the Court's order did not provide for any interest rate. Nor did the chapter 13 plan at issue does not include any interest rate for class five unsecured creditors. Creditor never objected to plan confirmation on the grounds that the plan did not provide for an interest rate to unsecured creditors. The provisions of the plan are binding on Creditor under § 1327(a).

With respect to Creditor's argument that his claim for post-petition interest is valid as against Emily's interest in the property, creditor is incorrect. Under the terms of the trust, Emily is not yet entitled to ownership of the real property. Therefore, Creditor's recorded abstract of judgment, if even valid against a person who was a minor when the judgment was obtained and recorded, has not attached to Emily's interest in the subject property because Emily does not yet obtained her interest in the property. Creditor does not have a security interest in the property which would entitle him to receive interest from escrow for the period since the petition was filed.

The Motion is GRANTED. Creditor's claim against escrow is limited to \$232,494.91.

Party Information

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

CONT... Anita Paula Vogdt

Chapter 13

Debtor(s):

Anita Paula Vogdt

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

#81.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 10/4/18, 11/1/18, 12/6/18; 12/18/18, 1/3/19, 2/7/19

Docket 88

Tentative Ruling:

Ruling for February 7, 2019: Continued to 3/26 at 11:00 a.m.

Ruling for January 3, 2019: Continued to 2/7/19 at 11:30 a.m.

Ruling for December 18, 2018:
Continued to January 3, 2019 at 11:30 a.m.

Ruling for November 1, 2018:
Continued to 12/6/18 at 11:30 a.m.

Ruling for October 4, 2018
Continued to November 1, 2018 at 11:30 a.m.

Party Information

Debtor(s):

Mark David Cave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-13120 Elsa Araceli Perez

Chapter 13

#82.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19

Docket 27

Tentative Ruling:

Motion to Modify was granted February 21. Is trustee withdrawing her objection?

Party Information

Debtor(s):

Elsa Araceli Perez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-13161 Natalie Ebrahim

Chapter 13

#83.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 3/7/19(MB)

Docket 64

***** VACATED *** REASON: Motion withdrawn Doc. 72 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natalie Ebrahim

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-13460 Kathy Sophia Brening-Ray

Chapter 13

#84.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 9/11/18, 10/23/18, 1/22/19

Docket 56

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

#85.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria G. Alonso

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-10117 Gregory A Harris

Chapter 13

#86.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 10/23/18, 11/27/18, 1/22/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#87.00 Trustee's motion for order dismissing chapter 13 proceeding
fr. 1/22/19

Docket 46

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 87

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11564 Isidro Gonzalez Rodriguez

Chapter 13

#89.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 10/23/18, 1/22/19

Docket 35

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

**#90.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#91.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 2/7/19

Docket 54

Tentative Ruling:

Ruling for February 7, 2019: Continued to 3/26/19 at 11:00.

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#92.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 54

***** VACATED *** REASON: duplicated of #91**

Tentative Ruling:

Ruling for February 7, 2019: Continued to 3/26/19 at 11:00.

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-11808 David Esparza and Maria Esparza

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB)

Docket 31

Tentative Ruling:

Debtors indicate that they intend to file an amended Motion to Modify due to some disagreement about the correct amount due. The Motion to Modify has not been set for hearing. Do the Debtors or the Trustee want a hearing on the motion to modify?

Party Information

Debtor(s):

David Esparza

Represented By
Leonard Pena

Joint Debtor(s):

Maria Esparza

Represented By
Leonard Pena

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#94.00 Status conference re complaint to determine the extent and validity of liens on real property; quiet title; cancellation of instruments; rescission under home equity sales contract act fraud; breach of fiduciary duty; breach of contract; breach of implied covenant of good faith and fair dealing; violation of mortgage foreclosure consultant law; declaratory relief

Counterclaim

Cardenas Thee LLC

Couter - Claimant

vs.

Arkady Aleksandrovich Buzin

Counter - Defendant

from: 5/10/18; 6/14/18; 8/30/18; 12/13/18; 3/14/19; 3/18/19(MB)

Docket 1

Tentative Ruling:

The parties should come prepared to discuss deadlines for discovery, case dispositive motions, and a pretrial conference.

APPEARANCE REQUIRED

Ruling for December 13, 2018:

Continued to March 14, 2019 at 1:30 p.m. Plaintiff to file and serve notice.

Ruling for August 30, 2018:

Continued to December 13, 2018, at 1:30 p.m.

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Ruling for June 14, 2018:

Continued to August 30, 2018 at 2:30 p.m.

Ruling for May 10, 2018:

Continued to June 14, 2018, at 2:30 p.m.

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Defendant(s):

Charles Street Investments, Inc.

Pro Se

Charles Street Investment, LLC

Pro Se

Inaam Rasheed Naeem

Pro Se

Cardenas Three LLC

Pro Se

Shahid Rasheed Naeem

Pro Se

Joint Debtor(s):

Svetlana Buzina

Represented By
R Grace Rodriguez

Plaintiff(s):

Svetlana Buzina

Represented By
R Grace Rodriguez

Arkady Aleksandrovich Buzin

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-10062 Amparo Cetina

Chapter 13

#95.00 Motion re: objection to claim number 3 by claimant
LVNV Funding LLC c/o Resurgent Capital Services

fr. 1/3/19; 3/7/19(MB)

Docket 54

***** VACATED *** REASON: Ntc. of w/drawal filed 3/11/19 (eg)**

Tentative Ruling:

Ruling for January 3, 2019: Debtor to lodge an order continuing the matter to
3/7/19 at 11:30 a.m.

Party Information

Debtor(s):

Amparo Cetina

Represented By
Beatriz Chen

Movant(s):

Amparo Cetina

Represented By
Beatriz Chen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-10407 Jose Galindo, Jr

Chapter 13

#96.00 Chapter 13 Trustee's Motion to Dismiss Case
for Failure to Make Plan Payments

Docket 43

***** VACATED *** REASON: Withdrawal filed by Trustee Doc. #43. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Galindo Jr

Represented By
Karine Karadjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-10933 Bertha Perez

Chapter 13

#97.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19

Docket 23

Tentative Ruling:

Motion to modify granted 2/21/19. Is trustee going to withdraw the motion?

Party Information

Debtor(s):

Bertha Perez

Represented By
Michael E Clark

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#98.00 Status conference re complaint for:
determination of dischargeability

fr. 1/23/19

Docket 1

***** VACATED *** REASON: Duplicate of hearing matter continued from
3/13/19 to 4/17/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

Defense Finance and Accounting

Pro Se

United States Department of

Pro Se

United States Department of

Pro Se

Plaintiff(s):

Len Teo Flores

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11423 Henry W Hardison, Jr

Chapter 13

#99.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

Docket 52

Tentative Ruling:

Debtor's opposition simply states that the case was filed in good faith. Is Debtor going to attempt to make up the delinquency or file a motion to modify?

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11752 Kevin Wayne Roberson and Zundra Roberson

Chapter 13

#100.00 Debtor's motion to avoid junior lien on principal residence
with Wells Fargo

fr. 2/7/19

Docket 51

Tentative Ruling:

Service: Proper. Opposition filed. Judge Barash previously continued this motion due to improper service upon Wells Fargo, and required that Wells Fargo be served at the address listed on proof of claim #3. Debtor has corrected that service deficiency. Property Address: 8319 Densmore Ave., North Hills, CA 91343
First trust deed: \$ 495,577.15
Second trust deed (to be avoided): \$ 37,155.42
Fair market value per Debtor's appraisal: \$445,000

Wells Fargo opposes the motion, correctly pointing out that Debtor's appraisal of the property is as-of December 27, 2018, more than five months after the petition date. Wells Fargo asserts that the value is greater than debtor contends, and requests time to obtain its own valuation.

The parties should come prepared to discuss potential dates for an evidentiary hearing on the value of the property.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kevin Wayne Roberson

Represented By
Julie J Villalobos

Joint Debtor(s):

Zundra Roberson

Represented By
Julie J Villalobos

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

CONT... Kevin Wayne Roberson and Zundra Roberson

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11752 Kevin Wayne Roberson and Zundra Roberson

Chapter 13

#101.00 Motion to Avoid Lien Wells Fargo

Docket 51

***** VACATED *** REASON: Duplicated of #100**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Wayne Roberson

Represented By
Julie J Villalobos

Joint Debtor(s):

Zundra Roberson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11806 Maria Heredia

Chapter 13

#102.00 Motion to Disallow Claims of
Wells Fargo Auto claim #4

fr. 3/7/19(MB)

Docket 35

Tentative Ruling:

Service proper. No opposition filed. The objection to claim is GRANTED. NO APPEARANCES REQUIRED.

Party Information

Debtor(s):

Maria Heredia

Represented By
Erika Luna

Movant(s):

Maria Heredia

Represented By
Erika Luna
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#103.00 Debtor's objection to claim number 7

fr/ 2/26/19

Docket 39

Tentative Ruling:

At the previous hearing, it was represented to the court that the parties were working together to resolve potential issues with the previous loan modification and a future loan modification. Nothing new has been filed on the docket. Do the parties intend to seek a further continuance?

2/26/19 Tentative

Sonia Figueroa ("Debtor") files this objection to the claim of Wilmington Savings Fund Society, FSB, dba Christiana Trust ("Wilmington"), arguing that the amount claimed is incorrect due to a prior loan modification agreement and that the issues surrounding this claim were litigated and a final order on the claim was entered in Debtor's previous bankruptcy case.

Wilmington's response simply states that it is in the process of obtaining information from prior servicers regarding the loan modification agreement. The Court is willing to grant Wilmington a short continuance to March 26 if necessary; however, the Court is wary of allowing lenders' habitual transferring of distressed mortgages inure to a creditor's benefit while prejudicing debtor's ability to secure the protections of the bankruptcy code in a timely manner. Any further continuance will require the agreement of the Debtor.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12729 Irene Alvarez-Castaneda

Chapter 13

#104.00 Debtor's motion to avoid junior lien on principal residence
with Franchise Tax Board
[11 U.S.C. § 506(d)]

Docket 31

Tentative Ruling:

Service: Proper. No opposition filed.
Property Address: 21216 Nashville St., Chatsworth, CA 91311
First trust deed: \$1,161,765.85
Second position lien (to be avoided): \$132,975.86 (Franchise Tax Board)
Third position lien (to be avoided): \$39,735.74 (Franchise Tax Board)
Fair market value per appraisal: \$1,065,687

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):

Irene Alvarez-Castaneda

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12868 David Allen Skibo

Chapter 13

#105.00 Motion to Disallow Claim
(Objection to Claim #15)

Docket 12

Tentative Ruling:

Debtor objects to proof of claim number 15 filed by Department Stores National Bank ("Macy's") on the grounds that it was filed after the deadline for proofs of claim. Macy's filed an unsecured claim for \$1,169.63 on February 7, 2019. The claims bar date was February 6, 2019. Macy's claim is therefore untimely filed and is disallowed under Section 502(b)(9). The motion is GRANTED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

David Allen Skibo

Represented By
Ramiro Flores Munoz

Movant(s):

David Allen Skibo

Represented By
Ramiro Flores Munoz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#106.00 Motion to Commence Loan Modification Management Program

Docket 18

Tentative Ruling:

The Court will hold a short evidentiary hearing on March 27 at 10:30 a.m. regarding Debtor's good faith in filing this motion and this bankruptcy. An evidentiary hearing appears to be necessary to resolve not only this motion, but also Wilmington's relief from stay motion.

NO APPEARANCE REQUIRED ON MARCH 26

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12923 Jamie Cane

Chapter 13

#107.00 Motion for Order Compelling Attorney to File
Disclosure of Compensation and Disgorgement
of Fees Pursuant to 11 U.S.C. section 329

fr. 3/7/19(MB)

Docket 26

***** VACATED *** REASON: Ntc. of w/d filed 2/15/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Cane

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-12941 Christie F Omnes

Chapter 13

#108.00 Trustee's objection debtor's homestead exemption

Docket 14

Tentative Ruling:

Debtor amended her schedule J to reflect that she has a four-year-old dependent. This seems to resolve Trustee' objection to Debtor's claim of a \$100,000 homestead exemption. The motion is DENIED as moot.

Party Information

Debtor(s):

Christie F Omnes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:19-10086 Naira Aslanyan Hovhannisyan

Chapter 13

#109.00 U.S. Trustee's motion for order compelling attorney to file disclosure of compensation and disgorgement of fees

Docket 22

***** VACATED *** REASON: withdrawal filed on 3/7/19 (ag)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Naira Aslanyan Hovhannisyan

Represented By
Bahram Madaen

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:19-10086 Naira Aslanyan Hovhannisyan

Chapter 13

#110.00 Motion to vacate dismissal

Docket 24

Tentative Ruling:

This motion should not have been set for hearing, as no hearing is required under Local Bankruptcy Rules 9013-1(q)(4) and 1017-2(c). The Motion is GRANTED. Debtor should lodge an order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Naira Aslanyan Hovhannisyan

Represented By
Bahram Madaen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:19-10350 Jelsa Seid

Chapter 7

#111.00 Motion to vacate dismissal

Docket 18

Tentative Ruling:

This motion should not have been set for hearing, as no hearing is required under Local Bankruptcy Rules 9013-1(q)(4) and 1017-2(c).

Reviewing the petition with the pages out of order is confusing and time consuming, and warranted dismissal. However, the Motion will be granted on the condition that Debtor re-upload the case commencement documents in the correct order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Jelsa Seid

Represented By
Kevin Tang

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#112.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19; 2/26/19

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:18-11561 Mercedes R. Morales

Chapter 13

#113.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19; 2/26/19

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:16-11078 Art Summroell

Chapter 13

#114.00 Trustee's motion for oder dismissing chapter 13 case
for delinquency

fr. 10/23/18, 11/27/18, 1/22/19; 2/26/19

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

1:13-13540 Donald F Gilman and Terese L Gilman

Chapter 13

#115.00 Trustee's motion for order dismissing chapter 13 proceeding
due to expiration of the plan

fr. 2/26/19

Docket 163

Tentative Ruling:

At the previous hearing, the Court continued the hearing to allow the trustee to send debtors another notice of this hearing. Trustee sent another notice on March 11. Debtors have not filed any opposition. While debtors are very close to receiving their discharge, the Court has to assume that they have abandoned the case. The motion is GRANTED.

2/26/19 Tentative

On January 10, 2019, the chapter 13 trustee ("Trustee") filed this motion to dismiss due to expiration, stating that a balance of \$2,875 remains to be paid under the plan. Less than a month later, on February 6, 2019, the Trustee filed her yearly Periodic Accounting Report indicating that the outstanding balance was only \$2,604.12, despite no payments being made during that period.

According to the Trustee's website, Debtors stopped making plan payments in month 57 of the plan, and the outstanding balance is only \$1,399.88. The Trustee therefore has provided three different numbers for the outstanding balance on the plan. What accounts for these discrepancies, and what is the correct outstanding balance? The Court is inclined to grant the motion but would like an explanation for the confusing accounting.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Donald F Gilman

Represented By
James Studer

Joint Debtor(s):

Terese L Gilman

Represented By

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

Tuesday, March 26, 2019

Hearing Room 302

11:00 AM

CONT... Donald F Gilman and Terese L Gilman

Chapter 13

James Studer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, March 26, 2019

Hearing Room 302

1:00 PM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#116.00 Order to Show Cause why Noushin Laaly, Kourosh Laaly and their counsel should not be held in contempt of court for violation of court's order and for sanctions

Docket 0

***** VACATED *** REASON: Osc continued to 4/23/19 (eg)**

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10518 Nick Gritsonis

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):

Nick Gritsonis

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10512 Judith Lee Baldwin

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

***** VACATED *** REASON: Case dismissed - Debtor failed to file required filing documents per 72 Hr. notice. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Judith Lee Baldwin

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10515 Shohreh Zamani Towliati

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 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shohreh Zamani Towliati	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10542 Julio C Molica and Nancy A Cueva

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 9

Tentative Ruling:

As Debtors are now represented by Counsel, this OSC will be vacated.

NO APPEARANCE REQUIRED on 3/27/19 ON THIS MATTER.

Party Information

Debtor(s):

Julio C Molica Pro Se

Joint Debtor(s):

Nancy A Cueva Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#0.05 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19

Docket 77

Tentative Ruling:

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:16-11767 Angela V. Rojas

Chapter 13

#0.06 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 1/16/19

Docket 64

Tentative Ruling:

Petition Date: 06/14/2016

Chapter 13 Plan confirmed: 09/07/2016

Service: Proper. Co-borrower was served. Opposition filed.

Property: 9545 Delco Avenue, Chatsworth, California 91311

Property Value: \$575,000 (Debtor states value per Movant appraisal during LMM process)

Amount Owed: \$368,902.33 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$20,383.90 (2 payments of \$2,896.64; 5 payments of \$2,925.00; less \$34.38 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); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or § 1301(a) as to Richard Burghardt); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection).

Debtor opposes the Motion, arguing: (1) that the property value of \$575,000 was established by Movant's own appraiser who appraised the property during the loan modification process; and (2) more payments have been to Movant than the Motion accounts for. Debtor states that she has reached out to Movant to discuss an APO and also seeks to continue the hearing to allow her to amend her chapter 13 plan to pay the arrears claimed my Movant.

APPEARANCE REQUIRED

Party Information

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

CONT... Angela V. Rojas

Chapter 13

Debtor(s):

Angela V. Rojas

Represented By
R Grace Rodriguez

Movant(s):

U.S. BANK NATIONAL

Represented By
Andrew Kussmaul
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-10302 Prentiss Greene and Annette Greene

Chapter 13

#1.00 Motion for relief from stay

WELLS FARGO BANK, dba
WELLS FARGO AUTO

Docket 62

*** VACATED *** REASON: Resolved per APO Doc 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Prentiss Greene

Represented By
Richard T Baum

Joint Debtor(s):

Annette Greene

Represented By
Richard T Baum

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10520 Gus Williams

Chapter 13

#1.01 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 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gus Williams

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10520 Gus Williams

Chapter 13

#1.02 Motion to Dismiss Chapter 13 Proceedings
fr. 3/13/19

Docket 7

Tentative Ruling:

See matter number .02

Party Information

Debtor(s):

Gus Williams

Pro Se

Movant(s):

Camano Group, Inc.

Represented By
Edward T Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:19-10520 Gus Williams

Chapter 13

#1.03 Motion for relief from stay

CAMANO GROUP, INC

fr. 3/13/19

Docket 5

Tentative Ruling:

RFS

Petition Date: March 6, 2019

Chapter: 13

Service: Shortened time. No opposition filed.

Property: 14209 Chandler Blvd., L.A., CA 91401

Property Value: \$ N/A (No schedules filed)

Amount Owed: \$1,613,847.88 (per RFS motion)

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: N/A

Movant requests relief under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4). Specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 4 (confirm that there is no stay in effect); 6 (termination of the co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 9 (relief under 362(d)(4)).

Camano Group, Inc. ("Movant") argues that this case was filed in bad faith. Movant points to the fact that Debtor exceeds the chapter 13 debt limits of section 109(e) and filed a skeletal petition. Furthermore, Movant argues that this case was filed solely to delay foreclosure, which is scheduled for March 13. Shortly before the bankruptcy, Debtor filed case in California Superior Court to obtain a preliminary injunction against foreclosure, and was unsuccessful. The Debtor's argument in the Superior Court was that Movant violated the California Homeowner's Bill of Rights by failing to make pre-foreclosure contact. The Superior Court, however, agreed with Movant that the property was not subject to the Homeowner's Bill of Rights because the loan issued by Movant was for commercial or

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

CONT... Gus Williams

Chapter 13

investment property, not to be used as Debtor's primary residence.

Furthermore, the Court has discovered that the Debtor filed another bankruptcy case in the Northern District of California two days after the initiation of this case, 19-40551-WJL. While Debtor lists the Chandler Blvd. property as his residence in the instant bankruptcy case, Debtor lists his home address in the Northern District case as 4081 #209 Clayton Rd. Concord, CA. For both bankruptcies, however, Debtor lists his mailing address as PO Box 1683, Union City, CA 94587. Similarly, Debtor filed two bankruptcies in California Northern in 2017: 17-41219 and 17-41844. In each of the 2017 bankruptcies, Debtor listed his home address was 1859 Hartnell St., Union City, CA 94587, but used the same PO Box 1683 in Union City as his mailing address. While Debtor represented to the Superior Court that he had moved into the Chandler Blvd. property despite not intending to live there, the Court very much doubts that Debtor filed this bankruptcy, moved to Union City, and filed a new bankruptcy within two days. This case appears to be part of a scheme to hinder, delay, or defraud creditors.

Motion is DENIED under (d)(2), as neither Debtor nor Movant have produced any evidence of value from which the Court would determine whether Debtor has equity in the property.

The motion is also DENIED as moot as to paragraph 6, because there is no evidence that there is a co-debtor with respect to this property. The loan documents attached to the motion indicate that Debtor was the only borrower with respect to the property, Debtor's incomplete schedules do not list a co-debtor, and no co-debtor was served.

The motion is further DENIED under paragraph 4, as it appears that the automatic stay is in effect. The 2017 bankruptcies were each dismissed more than a year ago, and so do not affect the stay under section 362(c)(4)(A)(i)

Was Debtor properly served with notice per the Order Granting Application and Setting Hearing on Shortened Time?

Assuming service was proper, the motion is GRANTED under section 362(d)(1). Specific relief granted under 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)).

MTD

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

CONT... Gus Williams

Chapter 13

Movant brings this motion to dismiss due to the impending foreclosure noted above. Movant argues that Debtor exceeds the secured debt limitations provided for in § 109(e). The chapter 13 debt limit is \$1,184,200, while Debtor owes at least \$1,613,847.88 to secured creditors due the Movant's claim. Movant further argues that this case was filed in bad faith. A motion to dismiss a case under § 1307(c) may be granted on request of a party in interest after notice and a hearing for "cause," including unreasonable delay by the debtor that is prejudicial to creditors. The Court finds that this case was part of a scheme to hinder, delay, or defraud creditors. The Court also finds that, for the reasons stated above, that this case represents an unreasonable delay that is prejudicial to creditors. The Court therefore finds that cause exists to dismiss this case. The case is DISMISSED.

APPEARANCE REQUIRED

THIS TENTATIVE RULING MAY BE MODIFIED BEFORE OR AT THE HEARING

Party Information

Debtor(s):

Gus Williams

Pro Se

Movant(s):

Camano Group, Inc.

Represented By
Edward T Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

#2.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 3/6/19

Docket 72

Tentative Ruling:

The hearing was continued at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of this Motion?
APPEARANCE REQUIRED

3-6-19 TENTATIVE BELOW

Petition Date: 05/05/2017

Chapter 13 Plan confirmed: 09/20/2017

Service: Proper. Opposition filed.

Property: 13425 Reliance St, Arleta, CA 91331

Property Value: \$450,000 (per debtor's schedules)

Amount Owed: \$422,829.82 (per RFS motion)

Equity Cushion: 0%

Equity: \$27,170.18

Post-Petition Delinquency: \$7,043.16 (3 payments of \$8,274.84; attorneys' fees and costs of \$1,031.00; less in suspense account or partial paid balance: [\$2,262.68])

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 **13** (if RFS not granted, adequate protection).

Debtors filed a late opposition (2 days short). Debtors dispute the alleged amount of post petition arrears and intend to continue making all regular post petition payments timely.

Movant filed a reply stating that the amounts in its Motion are accurate and remain due. The parties are currently discussing potential resolution including an APO.

APPEARANCE REQUIRED

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

CONT... David Eugene Flores and Susan Muro Flores

Chapter 13

Party Information

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro Flores

Represented By
Barry E Borowitz

Movant(s):

U.S. Bank National Association, as

Represented By
Reilly D Wilkinson
Joshua L Scheer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#2.01 Motion for relief from stay

WILMINGTON TRUST, NA

fr. MB cal, 2/27/19; 3/13/19

Docket 21

Tentative Ruling:

The Court will hold a short evidentiary hearing on March 27 at 10:30 a.m. regarding Debtor's good faith in filing the LMM Motion and this bankruptcy.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#2.02 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19

Docket 57

Tentative Ruling:

Continued from Judge Barash's RFS calendar

Petition Date: 5/18/2017

Chapter 13 Plan confirmed: 04/26/2018

Service: Proper. Original borrower was served. Opposition filed but POS does not list Movant.

Property: 16459 Nordhoff Street, North Hills, California 91343

Property Value: \$593,213 (per debtor's amended schedule C)

Amount Owed: \$550,859.09 (per RFS motion)

Equity Cushion: Unk

Equity: \$ Unk

Post-Petition Delinquency: \$12,724.34 (2 preconfirmation payments of \$2,424.01; 2 postconfirmation payments of \$2,424.01; 2 post confirmation payments of \$2,439.86; less suspense account or partial paid balance: \$1,851.42)

Last payment was received on 8/17//2018

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to William Sierra); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection). Movant is unaware of the method by which Debtor has acquired an interest in the property.

Debtor opposes the Motion, arguing that: (1) more payments have been to Movant than the Motion accounts for; and (2) the property is fully provided for in the chapter 13 plan. Debtor states she is current on all plan payments and post-petition mortgage payments, and if any petition arrearages exist that it will be cured by the

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

CONT... Hilda Correa

Chapter 13

hearing date. Debtor also states that she purchased the property in August 2005 and continues to be her primary residence.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#3.00 Motion for order disallowing claim no 41

Docket 627

Tentative Ruling:

Service proper. No opposition filed. Objection to Claim no. 41 is SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 3/27/19.

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

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#4.00 Second omnibus motion for order disallowing claims
claim no.5 - J2 Incorporated
claim no. 6 - "
claim no. 8 - "

Docket 625

Tentative Ruling:

Service proper. No opposition filed. Objection to Claims no. 5; 6; and 8 is
SUSTAINED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 3/27/19.

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

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-12901 Yakov Aleksandrovich
Adv#: 1:18-01007

Chapter 7

#5.00 Status conference re first amended complaint for:
seeking damages in core adversary proceedings

fr. 3/21/18, 4/4/18, 10/3/18, 10/10/18, 11/14/18, 2/27/19

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yakov Aleksandrovich

Represented By
Elena Steers

Defendant(s):

Yakov Aleksandrovich

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-12901 Yakov Aleksandrovich

Chapter 7

Adv#: 1:18-01007 Karish Kapital v. Aleksandrovic et al

#6.00 Order to show cause why adversary complaint
should not be dismissed for failure to prosecute

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yakov Aleksandrovich

Represented By
Elena Steers

Defendant(s):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:17-13125 Yanna Aleksandrovich

Chapter 7

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

#7.00 Pre-Trial conference re complaint for:
seeking damages in core adversary proceedings

fr. 5/2/18; 10/10/18, 11/14/18, 2/27/19

Docket 1

Tentative Ruling:

Discovery cut off (to be completed) - September 12
Pretrial conference on October 10 at 11 am

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#8.00 Debtor's disclosure statement in support of plan of reorganization

fr. 11/7/18, 2/6/19

Docket 41

Tentative Ruling:

An evidentiary hearing to resolve the motion to reconsider valuation is set for March 25, 2019. A status conference was set for March 27, 2019 in recognition of the fact that the case cannot move forward until the valuation is resolved. Disclosure will also be continued to March 27, 2019 at 10:00.

NO APPEARANCE REQUIRED ON FEBRUARY 6, 2019

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, March 27, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#9.00 Status and case management conference

fr. 5/23/18; 11/7/18, 1/9/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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

Wednesday, March 27, 2019

Hearing Room 302

10:30 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#10.00 Order to appear and show cause why this bankruptcy case should not be dismissed

Docket 1

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, March 27, 2019

Hearing Room 302

10:30 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#11.00 Evid Hearing
Motion to Commence Loan Modification Management Program

fr. 3/26/19

Docket 18

Tentative Ruling:

The Court will hold a short evidentiary hearing on March 27 at 10:30 a.m. regarding Debtor's good faith in filing this motion and this bankruptcy. An evidentiary hearing appears to be necessary to resolve not only this motion, but also Wilmington's relief from stay motion.

NO APPEARANCE REQUIRED ON MARCH 26

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, April 1, 2019

Hearing Room 302

10:00 AM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#1.00 Status Conference Re:
Complaint to Determine Dischargeability
of Debt

fr. 12/19/18

Docket 1

***** VACATED *** REASON: Continued to April 3 per Doc. 16 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Olga Marquee

Pro Se

Nelson Osmin Alvarenga

Pro Se

Joint Debtor(s):

Olga Marquez

Represented By
Evangelina Malhotra

Plaintiff(s):

Beatriz Adriana Pineda

Represented By
Katherine Butts Warwick

Noe Del Transito Abarca

Represented By
Katherine Warwick
Katherine Butts Warwick

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

Monday, April 1, 2019

Hearing Room 302

10:00 AM

CONT... Nelson Osmin Alvarenga

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10705 Marwill Properties LLC

Chapter 7

#0.01 Order to Show Cause Why this Case Should
Not be Dismissed with a 180-Day Bar to Refile
Under 11 USC Sec. 109(g)(1)

Docket 3

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Marwill Properties LLC	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#1.00 Motion for relief from stay

WILMINGTON SAVINGS FUND

Docket 2231

Tentative Ruling:

Petition Date: 1/9/2012

Converted to Ch. 7: 3/14/2012

Service: Proper. Original Borrower (Jamie Y. Matsuba) and Lienholders (Bank of America and Boston Holding Co.) served. No opposition filed.

Property: 12654 Jimeno Avenue, Los Angeles, California 91344-1401

Property Value: \$ 384,025.00 (per Debtor's schedules)

Amount Owed: \$ 993,523.23

Equity Cushion: 0%

Equity: \$0.00

Delinquency: \$918,883.76 (approx. 120 payments of \$7,776.68)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property, including the unauthorized transfer to Debtor in 2012.

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)); and **10** (relief binding and effective for 180 days against any debtor, without further notice.

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

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:14-14656 Angelica Marie Potucek

Chapter 13

#2.00 Motion for relief from stay

BANK OF AMERICA N.A.

Docket 71

Tentative Ruling:

Petition Date: 10/13/2014

Chapter 13 Plan confirmed: 02/12/2015

Service: Proper. No opposition filed.

Property: 111 Meadow Oaks Lane, Glendora, California 91741

Property Value: \$ 430,000.00 (per Debtors' schedules)

Amount Owed: \$ 346,326.58 (per RFS motion)

Equity Cushion: 11.46%

Equity: \$ 49,273.42

Post-Petition Delinquency: \$20,307.95 (7 payments of \$2,780.38; attorneys' fees and costs of \$1,031.00; less suspense account or partial paid balance: [\$185.71])

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

Angelica Marie Potucek

Represented By
Ali R Nader

Movant(s):

Bank of America, N.A.

Represented By
Brandye N Foreman
Elizabeth Noble
Bonni S Mantovani
Melissa A Vermillion

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Angelica Marie Potucek

Diana Torres-Brito

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:16-10125 Ben Diep

Chapter 13

#3.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 64

Tentative Ruling:

Petition Date: 01/15/2016
Chapter 13 Plan confirmed: 10/07/2016
Service: Proper. Opposition filed.
Property: 11404 Dona Dorotea Drive, Los Angeles, CA 91604
Property Value: \$ 1,279,999.00 (per debtor's schedules)
Amount Owed: \$ 1,156,716.05 (per RFS motion)
Equity Cushion: 1.63%
Equity: \$ 20,883.03
Post-Petition Delinquency: \$64,108.04 (9 payments of \$7,463.30; attorneys' fees and costs of \$1,031.00; less suspense account or partial paid balance: [\$4,092.66])

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 **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5).

Debtor opposes the Motion, arguing that more payments have been to Movant than the Motion accounts for, and if there is any remaining default, will seek an APO.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ben Diep

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:16-12637 Bernardino Sanchez

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.

Docket 58

Tentative Ruling:

Petition Date: 09/10/2016

Chapter 13 Plan confirmed: 08/03/2017

Service: Proper. No opposition filed.

Property: 9349 Burnet Avenue, North Hills, California 91343-2304

Property Value: \$ 425,000.00 (per Debtor's schedules)

Amount Owed: \$ 922,711.48 (per RFS motion)

Equity Cushion: 0%

Equity: \$0.00

Post-Petition Delinquency: \$11,223.74 (4 payments of \$2,946.24; less suspense account or partial paid balance: [\$561.22])

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 **13** (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Bernardino Sanchez

Represented By
Jaime A Cuevas Jr.

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Jenelle C Arnold
Joseph C Delmotte
Arnold L Graff

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Bernardino Sanchez

Josephine E Salmon

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:16-12961 John S Singler

Chapter 13

#5.00 Motion for relief from stay

DEUTSCHE BANK N.A.

Docket 60

Tentative Ruling:

Petition Date: 10/14/2016
Chapter 13 Plan confirmed: 12/16/2016
Service: Proper. No opposition filed.
Property: 15045 Wyandotte St, Van Nuys, CA 91405
Property Value: \$ 450,349.00 (per Debtor's schedules)
Amount Owed: \$ 197,570.13 (per RFS motion)
Equity Cushion: 48.13% (assuming 8% cost of sale)
Equity: \$216,750.95
Post-Petition Delinquency: \$19,614.89 (9 payments of \$1,472.46, 1 payment of \$1,502.27, 4 payments of \$1,571.48; less suspense account or partial paid balance: [\$1,425.44]).

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 **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5).

There is a significant equity cushion on the property. Can the parties work out an APO or plan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

John S Singler

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#6.00 Motion for relief from stay

CITIBANK, N.A.

Docket 54

Tentative Ruling:

Petition Date: 10/25/2016
Chapter 13 Plan confirmed: 08/31/2017
Service: Proper. No opposition filed.
Property: 14000 Leadwell St, Los Angeles, CA 91405-2521
Property Value: \$ 464,000.00 (per Debtor's amended schedule C)
Amount Owed: \$ 135,294.48 (per RFS motion)
Equity Cushion: 62.84% (assuming 8% cost of sale)
Equity: \$116,585.52
Post-Petition Delinquency: \$3,500.48 (1 payment of \$1,147.89, 1 payment of \$1,185.46, and 1 payment of \$1,167.13)

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); **7** (waiver of the 4001(a)(3) stay); and **14** (if RFS not granted, adequate protection).

There is significant equity cushion on the property. Can the parties work out an APO or plan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Gregory Toussaint

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#7.00 Motion for relief from stay

NEW PENN FINANCIAL, LLC dba
SHELLPOINT MORTGAGE SERVICING

fr. 1/9/19, 2/27/19

Docket 39

*** VACATED *** REASON: Resolved per APO (doc. 47) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10080 Jesse Farran

Chapter 13

#8.00 Motion for relief from stay

OAK PARK VILLAGE HOA

Docket 56

Tentative Ruling:

Petition Date: 01/11/2017
Chapter 13 Plan confirmed: 09/20/2017
Service: Proper. Co-Borrower and Senior Lienholders served. No opposition filed.
Property: 16 Sparrowhawk Lane, Oak Park, CA 91377
Property Value: \$ 520,633.00 (per Debtor's amended schedules)
Amount Owed: \$ 3,637.11 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00
Post-Petition Delinquency: \$3,637.11 (payments totaling \$2,387.11—Exhibit 2; less attorneys' fees and costs of \$1,250.00).

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 under 11 U.S.C. §1201(a) or §1301(a) as to Janice Farran); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Jesse Farran

Represented By
Janet L Mertes

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#9.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 10/31/18; 11/7/18, 12/12/18; 1/16/19

fr. MB cal, 2/27/19

Docket 32

Tentative Ruling:

This hearing was continued from February 27, 2019, so that the parties could continue working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

2-27-19 TENTATIVE RULING BELOW

This hearing was continued from Jan. 16, 2019, so that the parties could continue to discuss an APO. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#10.00 Motion for relief from stay

U.S. BANK N.A.

fr. 7/18/18, 8/15/18, 9/12/18, 12/12/18

fr. MB cal, 2/27/19

Docket 75

Tentative Ruling:

This hearing was continued from Dec. 12, 2018, so that Debtor could continue to make payments under the loan modification. On February 25, 2019, an Order Granting Motion for Authority to Enter into Loan Modification was entered ("Loan Mod Order"). This hearing was to go off calendar if the Loan Modification went through. Nothing filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mario Rene Tejada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#11.00 Motion for relief from stay

U.S. BANK TRUST N.A.

Docket 28

Tentative Ruling:

Petition Date: 03/06/2017
Chapter 13 Plan confirmed: 06/14/2017
Service: Proper. Original borrower served. No opposition filed.
Property: 14838 Mission Glen Ln, Sylmar, CA 91342
Property Value: \$ 450,000.00 (per Debtor's schedules)
Amount Owed: \$ 322,486.64 (per RFS motion)
Equity Cushion: 20.34% (assuming 8% cost of sale)
Equity: \$91,513.36
Post-Petition Delinquency: \$51,448.55 (pre-confirmation--3 payments of \$2,233.43, post-confirmation--10 payments of \$2,233.43, 9 payments of \$2,240.32, 1 payment of \$2,251.08)

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 waived under 11 U.S.C. §1201(a) or § 1301(a) as to Mary H. Marquez-Oliva fka Mary Helen Marquez); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#12.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 50

***** VACATED *** REASON: Resolved per APO (ECF doc. 55) - 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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10950 Adolfo Cortez Ruiz and Hilda Cortes

Chapter 13

#13.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

Docket 55

Tentative Ruling:

Petition Date: 04/11/2017
Chapter 13 Plan confirmed: 08/03/2017
Service: Proper. Co-Borrower served. Opposition filed.
Property: 13930 Louvre Street, Pacoima, California 91331
Property Value: \$ 450,000.00 (per Debtors' amended schedules)
Amount Owed: \$ 443,914.81 (per RFS motion)
Equity Cushion: 0.00% (assuming 8% costs of sale)
Equity: \$ 0.00
Post-Petition Delinquency: \$5,841.02 (3 payments of \$2,745.82; less suspense account or partial paid balance: [\$2,396.44])
Last post-petition payment was 1/14/2019

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** (co-debtor stay is waived under 11 U.S.C. §1201(a) or § 1301(a) as to Maria R. Cortez); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5); and **13** (if RFS not granted, adequate protection).

Debtors filed a late opposition on March 25, 2019 (5 days short), docket 59. Debtors argue that more payments have been made to Movant than the Motion accounts for, and they intend to cure all post-petition arrears by the hearing date. Debtors referred their declaration in support, thereof, but there is no debtor declaration page attached.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Adolfo Cortez Ruiz

Represented By

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Adolfo Cortez Ruiz and Hilda Cortes

Chapter 13

Guy R Bayley

Joint Debtor(s):

Hilda Cortes

Represented By
Guy R Bayley

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#14.00 Motion for relief from stay

U.S. BANK N.A.

Docket 46

Tentative Ruling:

Petition Date: 06/19/2017

Chapter 13 Plan confirmed: 11/14/2017

Service: Proper. Co-borrower served. No opposition filed.

Property: 18795 Kenya Street, Porter Ranch, CA 91326

Property Value: \$ 789,893.00 (per Debtor's amended schedules)

Amount Owed: \$ 644,435.23 (per RFS motion)

Equity Cushion: 10.41% (assuming 8% cost of sale)

Equity: \$82,266.33

Post-Petition Delinquency: \$8,424.61 (3 payments of \$2,812.67; less suspense account or partial paid balance: [\$13.40])

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 waived under 11 U.S.C. §1201(a) or § 1301(a) as to Pascale Alele); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5); and **13** (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Linda Akerele Alele

Represented By
Philomena N Nzegge

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-12284 Seyed A Amid

Chapter 13

#15.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18; 11/7/18; 1/2/19, 1/9/19, 2/27/19

Docket 25

Tentative Ruling:

This hearing was continued from 2/27/19 as the parties are awaiting an accounting. What is the status of this Motion?
APPEARANCE REQUIRED

2-27-19 TENTATIVE RULING BELOW

The hearing was continued from 1/9/19 at the request of the parties so that they could continue with the accounting. What is the status of this Motion?
APPEARANCE REQUIRED

11-7-18 TENTATIVE BELOW

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).

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Seyed A Amid

Chapter 13

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-12308 Allan Apan

Chapter 13

#16.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 41

Tentative Ruling:

Petition Date: 08/30/2017

Chapter 13 Plan confirmed on: 12/14/2017

Service: Proper. Co-debtor was served. No opposition filed.

Property: 2011 Mercedes-Benz C Class

Property Value: \$ 16,500.00 (per debtor's schedules)

Amount Owed: \$ 7,988.54 (per RFS motion)

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: \$5,776.83 (4 pre-confirmation payments of \$641.87, 5 post-confirmation payments of \$641.87)

Movant states that a prior Order for Relief was entered on 11/17/2017 as to the Debtor (Docket No. 16), requesting relief as to non-filing co-Debtor.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to Danilo Apan); **6** (waiver of 4001(a)(3) stay); and **11** (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Allan Apan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-12587 Bienvenida Bejosano Goudeaux

Chapter 13

#17.00 Motion for relief from stay

BMW BANK OF NORTH AMERICA

Docket 57

***** VACATED *** REASON: Resolved per APO (doc. 60) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bienvenida Bejosano Goudeaux

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-12801 Jersa Wheeler Liddell

Chapter 13

#18.00 Motion for relief from stay

CITIBANK, N.A.

Docket 79

Tentative Ruling:

Petition Date: 10/19/2017

Chapter 13 Plan confirmed: 02/09/2018

Service: Proper. Co-borrower served and junior lienholder (South Cnty Bk). No opposition filed.

Property: 9155 Cedros Avenue #15, Panorama City, California 91042-1278

Property Value: \$ 475,000.00 (per debtor's amended schedules)

Amount Owed: \$ 257,919.83 (per RFS motion)

Equity Cushion: 42.68%

Equity: \$ 125,044.84 (includes all liens, debtor's schedule D)

Post-confirmation Delinquency: \$7,689.82 (3 payments of \$2,267.08; attorneys' fees and costs of \$1,031.00; less suspense account or partial paid balance: [\$142.42])

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); **4** (confirmation that there is no stay in effect); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to Reginald V. Liddell); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection).

There is significant equity cushion on the property. Can the parties work out an APO or plan modification?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Jersa Wheeler Liddell

Represented By
Alon Darvish

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Jersa Wheeler Liddell

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-10613 Dwayne Calvin Calloway

Chapter 13

#19.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSC.

Docket 40

Tentative Ruling:

Petition Date: 03/09/2018
Chapter 13 Plan confirmed: 12/06/2018
Service: Proper. Co-borrower served. Opposition filed.
Property: 17548 Donmetz St, Granada Hills, CA 91344
Property Value: \$ 866,746.00 (per debtor's schedules)
Amount Owed: \$ 527,188.46 (per RFS motion as of 2/25/2019)
Equity Cushion: 31.18% (assuming 8% costs of sale)
Equity: \$ 339,557.54
Post-petition Delinquency: \$27,524.87 (4 pre-confirmation payments of \$2,605.46, 4 pre-confirmation payments of \$2,572.82, 2 post-confirmation payments of \$2,671.14; post-petition advances or other charges due but unpaid of \$1,500.00; less suspense account or partial paid balance: [\$30.53])

Notice of Default recorded 11/02/2017
Notice of sale recorded: 02/07/2018
Foreclosure sale originally scheduled: 03/12/2018

Movant alleges its loan is in default, contractually due for the September 1, 2017 monthly mortgage payment, and no payments have been received since May 15, 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); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or § 1301(a) as to Catherine Calloway); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5); and **13** (if RFS not granted, adequate protection).

Movant alleges cause for relief under 362(d)(4) due to multiple bankruptcies affecting the subject property. There have been six (6) bankruptcy filings affecting

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Dwayne Calvin Calloway

Chapter 13

the property since March 2011 (see Motion at pg. 14-15; Exhibits 7-11). Further cause exists because Movant alleges that Debtor's bankruptcy filing is part of a scheme, the object of which is to delay, hinder or otherwise seek to interfere with Movant's ability to enforce its state law remedies.

Debtor opposes the Motion and denies all allegations of bad faith. Debtor contends that he filed this present case in good faith, has made plan payments, and made some mortgage payments, and Movant did not object to confirmation or raise any bad faith issues prior to confirmation of the case. Debtor also submits that Movant's accounting is incorrect will become post-petition current by the hearing date. Debtor asserts that there is equity in the Property (amount not stated), with an equity cushion of \$339,557.00 which is sufficient for adequate protection.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Dwayne Calvin Calloway

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

#20.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

fr. MB cal, 2/27/19

Docket 32

Tentative Ruling:

This hearing was continued from February 27, 2019 at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

2-27-19 TENTATIVE RULING BELOW

Petition Date: 4/27/18

Chapter 13 plan confirmed: 11/7/18

Service: Proper. No opposition filed.

Property: 2011 Toyota Scion

Property Value: \$8,000 (per debtor's schedules)

Amount Owed: \$6,679

Equity Cushion: 16.5%

Equity: \$1,329

Post-Petition Delinquency: \$1,012.47 (3 payments of \$337.49)

Movant requests 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) and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that he will bring the payments current on or before the hearing.

APPEARANCE REQUIRED

Party Information

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... David Wolfe Amper

Chapter 13

Debtor(s):

David Wolfe Amper

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11247 Sabrina Loralyn Samuel-Lawton

Chapter 13

#21.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.

Docket 56

Tentative Ruling:

Petition Date: 5/14/18

Chapter 13 plan confirmed: 10/30/18

Service: Proper. Opposition filed.

Property: 19415 Hart St. Los Angeles, CA 91335

Property Value: \$471,268 (per debtor's schedules)

Amount Owed: \$310,130.94

Equity Cushion (CoS @ 8%): 26.2%

Equity: \$161,138.

Post-confirmation Delinquency: \$7,277.12 (1 payment of \$1,704.05; 3 payments of \$1,857.69)

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 it received only three payments of \$1,704.05 since August 2018.

Debtor opposes the Motion, explaining that she was ill in 2018 which caused her to fall behind on her payments. She requests to cure any deficiencies, after all payments have been credited, in an APO.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sabrina Loralyn Samuel-Lawton

Represented By
Barry E Borowitz

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Sabrina Loralyn Samuel-Lawton

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11265 Stephanie Joyce Moore

Chapter 13

#22.00 Motion for relief from stay

BANK OF AMERICA, N.A.

Docket 45

Tentative Ruling:

Petition Date: 5/16/18

Chapter 13 plan confirmed: 11/5/18

Service: Proper. Opposition filed.

Property: 20626 Tribune St., Chatsworth, CA 91311

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

Amount Owed: \$393,945.

Equity Cushion: 42.8%

Equity: \$406,055.

Post-confirmation Delinquency: \$6003.83 (3 payments of \$2,309.39; attorneys fees of \$1,031; less suspense account balance of \$1,955.34)

Movant requests relief 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). Movant alleges that it received only three payments of \$2,314.39 since January 2018, the last of which was received on or about 10/31/18.

Debtor opposes the Motion, arguing that she tendered payments totaling \$5,576.95 to Movant to cure most of the post-petition default listed in the Motion. She requests to enter into an APO for any remaining deficiency.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Stephanie Joyce Moore

Represented By
Michael E Clark

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Stephanie Joyce Moore

Chapter 13

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
Alexander G Meissner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11525 Maria Sarabia

Chapter 13

#23.00 Motion for relief from stay .

NISSAN MOTOR ACCEPTANCE CORPORATION

Docket 35

Tentative Ruling:

Petition Date: 6/18/18

Chapter 13 plan confirmed: 11/5/18

Service: Proper. No opposition filed.

Property: 2017 Nissan Altima

Property Value: \$20,000 (per debtor's schedules); \$13,875 per Movant's evidence (N.A.D.A. Guide)

Amount Owed: \$27,980.77

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$2,629.88 (4 payments of \$657.47)

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):

Maria Sarabia

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12021 Carlos M. Peraza and Blanca H Peraza

Chapter 13

#24.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING INC.
US BANK N.A.

Docket 47

***** VACATED *** REASON: Resolved per APO (doc. 53) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos M. Peraza

Represented By
Laleh Ensafi

Joint Debtor(s):

BLANCA H PERAZA

Represented By
Laleh Ensafi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12228 Lizette L. Mendez

Chapter 13

#25.00 Motion for relief from stay

U.S. BANK TRUST NA

Docket 26

Tentative Ruling:

This case was dismissed on 3/29/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Lizette L. Mendez

Represented By
R Grace Rodriguez

Movant(s):

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

Represented By
Erin Elam
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#26.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19

Docket 27

Tentative Ruling:

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

Movant alleges cause for 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); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

Represented By
Matthew D. Resnik

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Sonia Figueroa

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

#27.00 Motion for relief from stay

JPMORGAN CHASE BANK, N.A.

Docket 55

Tentative Ruling:

Petition Date: 9/17/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2012 Audi A7

Property Value: \$21,207 (per Movant's evidence, Kelley Blue Book)

Amount Owed: \$29,460.90

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$5,911.15 (8 payments of \$739.01)

Movant alleges last payment received on or about 9/5/18.

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):

Bruce DeWayne Johnson

Represented By
Jeffrey J Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Bruce DeWayne Johnson

Chapter 7

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12729 Irene Alvarez-Castaneda

Chapter 13

#28.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 38

Tentative Ruling:

Petition Date: 11/8/18

Chapter: 13

Service: Proper. Opposition & Reply filed.

Property: 2018 Honda Odyssey

Property Value: \$0 (per debtor's schedules, lease expires on 5/2021)

Amount Owed: \$41,697.76

Equity Cushion: n/a

Equity: n/a

Post-Petition Delinquency: \$1,636.04 (2 payments of \$818.02)

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) and **6** (waiver of 4001(a)(3) stay). Movant alleges that the last payment it received was on or about 12/25/18.

Debtor opposes the Motion, arguing that she tendered the delinquent amount of \$1,636.04 on or about February 27, 2019 (the same day the Motion was filed), and thus there are no grounds for relief presented.

Movant clarifies in its reply that the two delinquent payments were the ones due on 1/11/19 and 2/11/19. Debtor is now delinquent for the payment due 3/11/19. Movant proposed to Debtor's counsel a standard stay current APO Agreement with fees for bringing the underlying motion in the sum of \$606.00 be paid by Debtor prior to the maturity date of the lease as part of the provision conditioning the continuation of the automatic stay.

What is the status of this Motion?

APPEARANCE REQUIRED

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

CONT... Irene Alvarez-Castaneda

Chapter 13

Party Information

Debtor(s):

Irene Alvarez-Castaneda

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-13026 Marcela D Valdovinos

Chapter 7

#29.00 Motion for relief from stay

TD AUTO FINANCE LLC

Docket 17

Tentative Ruling:

Discharge was entered in this case on 4/1/19, so the stay expired on that same day under 362(c)(2)(C). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Marcela D Valdovinos

Represented By
Fadi Amer

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith
Jennifer H Wang

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10019 Adrian Alvarez

Chapter 7

#30.00 Motion for relief from stay

JUAN F GARCIA MORENO

Docket 11

Tentative Ruling:

Petition Date: 1/13/19

Chapter: 7

Service: Proper. No opposition filed.

Movant: Juan F. Garcia Moreno

Relief Sought to: Pursue Pending Litigation ___ Commence Litigation
Pursue Insurance XX Other

Litigation Information

Case Name: Juan Garcia Moreno v. Adrian Alvarezl Miguel Melgarejo, et al.

Court/Agency: Ventura County Superior Court

Date Filed: 11/8/18

Judgment Entered: n/a

Trial Start Date: n/a

Action Description: personal injury resulting from a motor vehicle accident that
occured in 2016

Grounds

Bad Faith ___ **Claim is Insured XX** Claim Against 3rd Parties
___ Nondischargeable ___ 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).

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

CONT... Adrian Alvarez

Chapter 7

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

Party Information

Debtor(s):

Adrian Alvarez

Represented By
Kian Mottahedeh

Movant(s):

Juan F Garcia Moreno

Represented By
Charles L McCutchan

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10024 Myrna Hopkins

Chapter 7

#31.00 Motion for relief from stay

FORD MOTOR CREDIT CO., LLC

Docket 9

Tentative Ruling:

Petition Date: 1/4/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2105 Ford Escape

Property Value: \$11,309 (per Debtor's schedules)

Amount Owed: \$18,807.29

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,611.65 (approx. 3 payments of \$519.89)

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):

Myrna Hopkins

Represented By
David H Chung

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10060 Herson Alfredo Mijangos Lopez

Chapter 7

#32.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORP.

Docket 12

Tentative Ruling:

Petition Date: January 10, 2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2016 Honda Accord
Property Value: \$ 16,875 (per debtor's schedules)
Amount Owed: \$ 20,284.28
Equity Cushion: 0.0%
Equity: \$0.00.

Debtor's schedules state that the Debtor is a co-signer with no interest in the title of 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):

Herson Alfredo Mijangos Lopez

Represented By
Francis Guilardi

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10213 Stephen Anthony Johnson and Noemy Ponce Johnson

Chapter 7

#33.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 10

Tentative Ruling:

Petition Date: January 29, 2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2016 BMW X3
Property Value: \$ N/A (Lease)
Amount Owed: \$ 30,378.87
Equity Cushion: N/A (Lease)
Equity: N/A (Lease)

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):

Stephen Anthony Johnson

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Noemy Ponce Johnson

Represented By
Sanaz S Bereliani

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10264 Jasmin Torres

Chapter 7

#34.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORP.

Docket 10

Tentative Ruling:

Petition Date: February 4, 2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2014 Honda Civic
Property Value: \$ 9,029 (per debtor's schedules)
Amount Owed: \$ 18,056
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition 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):

Jasmin Torres

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10314 Petros Krboyan

Chapter 7

#35.00 Motion for relief from stay

CALIBER HOME LOANS, INC.

Docket 8

Tentative Ruling:

Petition Date: 2/11/19
Dismissal Date: 3/1/19
Chapter: 7
Service: Proper. No opposition filed.
Property: 9422 Woodley Ave, North Hills, CA 91343
Property Value: \$ N/A
Amount Owed: \$ N/A
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: N/A

Movant argues that this filing was part of a scheme to hinder, delay, or defraud creditors involving multiple bankruptcy cases or transfers. Movant's predecessor in interest entered into a first position note and deed of trust with Saniha Oden ("Borrower"). Movant details two deeds of trust for \$90,000 secured by the Property granted by Borrower to two individuals, Hovhannes Yesayan and this Debtor. Yesayan filed two bankruptcies (18-14316, filed 7/23/18, and 18-16066, filed 10/10/2018) in 2018 in the District of Nevada.

It is not clear how either of those bankruptcies could have delayed the previous foreclosure of the property, which was scheduled for June 7, 2018 according to the motion. Movant has not presented enough evidence to support a finding that this bankruptcy was part of a scheme to hinder, delay, or defraud under § 362(d)(4). Movant has not adequately explained how the granting of junior liens on the property, paired with bankruptcy filings by the junior lienors, has hindered or delayed Movant's collection efforts.

Relief requested 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); 8 (designated law

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CONT... Petros Krboyan

Chapter 7

enforcement official may evict the Debtor); 9 ((d)(4), order binding and effective for two years); 10 (Order binding and effective for 180 days in any case filed by debtor); and 11 (Order binding and effective in any future case, no matter who debtor may be).

Relief under paragraph 11 is DENIED per FRBP 7001(7). Because the case has been dismissed, the only issue that is not moot is relief requested under § 362(d)(4).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Petros Krboyan

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10326 Fabio Rene Fajardo

Chapter 11

#36.00 Motion for relief from stay

TSASU LLC

Docket 13

Tentative Ruling:

Petition Date: February 13, 2019

Chapter: 11 (pro se)

Service: Proper. No opposition filed.

Property: 10455 Chandler Blvd, Los Angeles, CA 91601

Property Value: \$ 875,400 (per debtor's schedules)

Amount Owed: \$ 419,876.95 (per RFS motion)

Equity Cushion: 44%

Equity: Unknown; no secured claims scheduled

Post-Petition Delinquency: N/A

Movant argues that the case was filed in bad faith because movant is one of very few creditors listed in the mostly blank schedules. Movant further argues that Debtor filed the schedules merely to prevent the case from being dismissed. It appears based upon attached documentation that one or more foreclosure sales have been scheduled by Movant. However, the foreclosure sale was scheduled for February 6, 2019, a week before this case was filed. Further, Movant has not explained how any of the attached evidence demonstrates bad faith for purposes of § 362(d)(1) or an intent to hinder, delay, or defraud creditors under § 362(d)(4). The declaration in support of the motion does not fill out the section requesting relief under (d)(4).

Movant requests confirmation that there is no automatic stay in effect. Debtor had one case dismissed within the last year, 18-11291-MB (dismissed 6/5/18 for failure to file required documents). Debtor did not file a motion to continue the automatic stay, which terminated 30 days after the filing of this case. There is therefore no automatic stay in effect under 11 U.S.C. § 362(c)(3)(A).

Movant requests relief from the stay under § 362(d)(2). Even if such a request were not moot due to the lapse of the automatic stay, Movant has not shown that there is no equity in the property because movant has produced no evidence of value to contradict the scheduled value of \$875,000. This valuation would leave Movant with

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CONT... Fabio Rene Fajardo

Chapter 11

a significant equity cushion, which would be sufficient for adequate protection of Movant's interest in the home.

Disposition: GRANT specific relief requested in paragraph 3 (Confirmation that there is no stay in effect). DENY all other requested relief, as stated above. While the circumstances may warrant further relief, Movant's motion is deficient.

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

Party Information

Debtor(s):

Fabio Rene Fajardo

Pro Se

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:19-10338 Kevin Adam Brown

Chapter 13

#37.00 Motion for relief from stay

GERSHWIN VENTURES, LLC

Docket 10

Tentative Ruling:

Petition Date: February 14, 2019

Chapter: 13

Service: Proper. No opposition filed.

Movant: Gershwin Ventures, LLC

Property Address: 5533 Hollywood Blvd., \$506, Los Angeles CA 90028

Type of Property: Residential

Occupancy: Holdover tenant

Foreclosure Sale: N/A

UD case filed: 11/16/18

UD Judgment: N/A

Case was dismissed on March 7, 2019 for failure to appear at a chapter 13 pro se status conference.

Disposition: GRANT relief as requested in paragraphs 2 (proceed under non-bankruptcy law), 6 (waiver of 4001(a)(3) stay), and 11 (Order binding and effective in any case by or against the debtor for 180 days.)

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

Party Information

Debtor(s):

Kevin Adam Brown

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10352 Irina Seyranyan

Chapter 13

#38.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 12

Tentative Ruling:

Petition Date: February 15, 2019
Chapter: 13
Service: Proper. Non-opposition filed.
Property: 2019 Lexus LX570
Property Value: NA, Lease
Amount Owed: \$ 95,967.37
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$0

Debtor filed a response indicating that she has no opposition to the 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):

Irina Seyranyan

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-10385 James Ray Moore

Chapter 7

#39.00 Motion for relief from stay

CHATEAU HARTSOOK, LLC

Docket 19

Tentative Ruling:

Petition Date: February 21, 2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Chateau Hartsook, LLC

Property Address: 11117 Hartsook St., #210, North Hollywood, CA 91601

Type of Property: Residential

Occupancy: Month to month tenancy

Foreclosure Sale: N/A

UD case filed: 1/22/19

UD Judgment: N/A

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.

Party Information

Debtor(s):

James Ray Moore

Pro Se

Movant(s):

Chateau Hartsook, LLC

Represented By
Barry L O'Connor

Trustee(s):

Amy L Goldman (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10424 Theresa Perkins-Alltop

Chapter 13

#40.00 Motion for relief from stay

SALOMON VALENCIA

Docket 10

Tentative Ruling:

Petition Date: February 26, 2019
Chapter: 13
Service: Proper. No opposition filed.
Movant: Salomon Valencia
Property Address: 10153 Odessa Ave, North Hills, CA 91343
Type of Property: Residential
Occupancy: Lease in default

UD case filed: 1/17/19
UD Judgment: N/A

This case was dismissed February 26, 2019 for failure to file information. There is no longer an automatic stay in effect.

Disposition: DENY AS MOOT relief requested under 11 U.S.C. 362(d)(1), DENY specific relief 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.

Party Information

Debtor(s):

Theresa Perkins-Alltop Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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10:00 AM

1:19-10447 Erica S Reynolds

Chapter 7

#41.00 Motion for relief from stay

LION 4355, LLC

Docket 10

Tentative Ruling:

Petition Date: February 7, 2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Lion 4355, LLC

Property Address: 4355 Sepulveda Blvd #228, Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: Lease

Foreclosure Sale: N/A

UD case filed: 11/20/18

UD Judgment: N/A

No payments have been made on the lease since November 1, 2018.

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.

Party Information

Debtor(s):

Erica S Reynolds

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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10:00 AM

1:19-10542 Julio C Molica and Nancy A Cueva

Chapter 13

#41.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 18

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Julio C Molica

Represented By
Matthew D. Resnik

Joint Debtor(s):

Nancy A Cueva

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:15-13072 Ana Elsa Maza and Ricardo Salvador Maza, Sr.

Chapter 7

#42.00 Motion to:
(1) dismiss case pursuant to 11 U.S.C. §707(a) and 727(a)(8)
(2) disgorge compensation pursuant to 11 U.S.C. § 329

Docket 75

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ana Elsa Maza

Represented By
Eric A Jimenez

Joint Debtor(s):

Ricardo Salvador Maza Sr.

Represented By
Eric A Jimenez

Trustee(s):

Diane C Weil (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:18-11760 Paul T Formanek

Chapter 7

#43.00 Trustee's motion for order authorizing sale of real property pursuant to 11 U.S.C. §§ 363(b) and (f); and other related relief

Docket 59

Tentative Ruling:

Trustee moves for authority to sell the estate's interest in real property located at 22703 Burton Street, Canoga Park, CA 91304 (the "Property") to Christine Rodriguez, Faiez Matter, and Alex Matter ("Buyers") for a purchase price for \$525,000, subject to overbid. Any overbidder must submit a deposit of \$10,000 and proof of their ability to consummate the sale to the Trustee. The initial overbid must be at least \$535,000, and subsequent overbids must be made in minimum increments of \$5,000.

There are seventeen tax liens against the property which the Trustee seeks to sell free and clear of under § 724. The property is also subject to a judgment lien in the amount of \$108,341, which Trustee disputes as it was recorded within the 90 days preceding the petition date and, Trustee argues, is therefore avoidable as a preference. Trustee argues that the judgment lien is subject to a bona fide dispute as that term is used in § 363(f)(4).

Service proper. No opposition filed. Motion GRANTED. APPEARANCE REQUIRED.

Party Information

Debtor(s):

Paul T Formanek

Represented By
Taylor F Williams

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Reagan E Boyce
Jessica L Bagdanov

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10:00 AM

1:18-10097 Studio Facilities Management

Chapter 7

#44.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Nancy Zamora

Docket 42

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):

Studio Facilities Management

Represented By
Mark E Brenner

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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10:00 AM

1:16-12811 JF Landscape, Inc
Adv#: 1:19-01003 Weil v. Jacoby

Chapter 7

#45.00 Status Conference re: Complaint to avoid and recover
fraudulent transfers and preferential transfers

fr.3/13/19

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): June 15 at 10:00 a.m.

Expert witness designation deadline (if necessary): _____

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

Pretrial conference: June 17 at 10:00 a.m.

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,

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CONT... **JF Landscape, Inc**

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.

Party Information

Debtor(s):

JF Landscape, Inc

Represented By
Dheeraj K Singhal

Defendant(s):

Michael Jacoby

Pro Se

Plaintiff(s):

Diane C Weil

Represented By
Talin Keshishian

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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1:16-13077 David Saghian

Chapter 7

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

#46.00 Motion to Continue the Discovery Cutoff and
Related Scheduling Deadlines.

Docket 35

Tentative Ruling:

GRANTED. NO APPEARANCE REQUIRED

Party Information

Debtor(s):

David Saghian Pro Se

Defendant(s):

David Saghian Pro Se

Parvaneh Saghian Represented By
Masoud Masjedi

Plaintiff(s):

Diane C. Weil, Chapter 7 Trustee Represented By
David Seror
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR) Represented By
Michael G D'Alba
Eric P Israel
David Seror
Jessica L Bagdanov

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10:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#47.00 Status conference re: Notice of removal to the United States Bankruptcy Court of Litigation pending in Los Angeles County Superior Court

fr. 1/16/19; 2/6/19

Docket 1

Tentative Ruling:

Deadlines to be discussed at the status conference.
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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

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CONT... Akhoian Enterprises, Inc.

Chapter 7

Ascensus, Inc., a Delaware Pro Se

DOES 1 through 10, inclusive Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc. Represented By
Richard Burstein

John Akhoian Represented By
Richard Burstein

Tamar Akhoian Represented By
Richard Burstein

Trustee(s):

David Seror (TR) Represented By
Steven T Gubner
Richard Burstein
Talin Keshishian

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1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#48.00 Motion:
(1) objecting to removal and
(2) to remand adversary proceeding to state court
pursuant to 28 U.S.C. § 1452

fr. 2/6/19

Docket 7

Tentative Ruling:

On January 4, 2017, Akhoian Enterprises ("Debtor") filed this chapter 7 bankruptcy case. David Seror was appointed as Chapter 7 Trustee ("Trustee"). On October 11, 2018, Trustee filed his Motion to approve a settlement ("Settlement Agreement") reached between and executed by Trustee and non-debtors John and Tamar Akhoian ("Akhoians," referred to collectively with Debtor as "Plaintiffs")(the "Compromise Motion," doc. 74). Debtor was represented by its bankruptcy counsel and no parties objected to the Compromise Motion; it was approved by this Court in an Order entered on November 13, 2018 (the "Compromise Order").

Pursuant to the Settlement Agreement, among other things, Trustee was authorized to retain and administer \$160,000 of funds in a previously undisclosed account in the name of Debtor at First-Citizens Bank ("FCB Account") that had a total balance of approximately \$400,000 ("FCB Funds"), which account Trustee first discovered in or about March 2017, and which was turned over to Trustee upon demand made by him on the account holder. Trustee had maintained the entirety of the balance of the FCB Funds was property of the Estate; the Akhoians claimed that the entirety of the FCB Funds was non-estate retirement/profit sharing 401(k) funds for the benefit of the Akhoians.

On November 16, 2018, Plaintiffs filed the Complaint ("Complaint") commencing the State Court Action. The Complaint relates to the FCB Account and asserts claims against defendants First-Citizens Bank ("FCB")

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CONT... **Akhoian Enterprises, Inc.**

Chapter 7

and the Akhoians' former counsel, Louis Kravitz ("Kravitz") and various entities related to Kravitz, regarding the establishment of Debtor's retirement plan. The Complaint alleges causes of action for professional negligence against the defendants for their conduct alleged to have proximately caused the loss of the funds. In addition, Trustee contends that the Complaint mischaracterizes his conduct and fails to fully disclose the material facts of the investigation and settlement undertaken in connection with the FCB Funds.

On December 11, 2018, Trustee filed a Notice of Removal and the Complaint was removed to this Court. Trustee asserts there are grounds for removal of the State Court Action to the Bankruptcy Court in that (a) the claims asserted in the Complaint are property of the Estate, and (b) only the Bankruptcy Court can make any determination regarding misleading and incomplete allegations in the Complaint concerning the conduct of Trustee. Trustee asserts among other things that the claims contained in the Complaint may be property of this Estate as they are certainly the subject of the Compromise Motion and this Court's Compromise Order and as they relate to the Trustee's conduct, they must be adjudicated before this Court.

Standard

Removal of claims related to bankruptcy cases is governed by 28 U.S.C. § 1452, which provides:

(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

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CONT...

Akhoian Enterprises, Inc.

Chapter 7

(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action or a decision not to remand, is not reviewable by appeal or otherwise by the court of appeals under section 158(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title.

Bankruptcy courts have broad discretion to remand cases over which they otherwise have jurisdiction on any equitable ground. 28 U.S.C. §1452(b); see *In re Enron Corp.*, 296 B.R. 505, 508 (Bankr. C.D. Cal. 2003). In exercising their discretion to remand actions under section 1452(b)'s "any equitable ground" standard, courts have borrowed the standards for permissive or discretionary abstention under 28 U.S.C. § 1334(c)(1). See *Fed. Home Loan Bank v. Banc of America Securities LLC*, 448 B.R. 517, 525 (C.D. Cal. 2011). The factors a court should consider when deciding if permissive abstention and remand are appropriate are:

- (1) the effect or lack thereof on the efficient administration of the estate if the Court recommends [remand or] abstention;
- (2) extent to which state law issues predominate over bankruptcy issues;
- (3) difficult or unsettled nature of applicable law;
- (4) presence of related proceeding commenced in state court or other nonbankruptcy proceeding;
- (5) jurisdictional basis, if any, other than § 1334;
- (6) degree of relatedness or remoteness of proceeding to main bankruptcy case;
- (7) the substance rather than the form of an asserted core proceeding;
- (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court;
- (9) the burden on the bankruptcy court's docket;
- (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties;
- (11) the existence of a right to a jury trial;
- (12) the presence in the

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CONT...

Akhoian Enterprises, Inc.

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proceeding of nondebtor parties; (13) comity; and (14) the possibility of prejudice to other parties in the action.

In re Cedar Funding, Inc., 419 B.R. 807, 820 n.18 (B.A.P. 9th Cir. 2009); see also In re Tucson Estates, Inc., 912 F.2d 1162, 1167 (9th Cir. 1990).

Analysis

Plaintiffs move for remand, arguing that Trustee has no standing to remove the State Court Action because he is not a named party, but cite no authority to support this assertion. Trustee had standing to remove this action on the basis that the claims asserted in the State Court Action are property of the bankruptcy Estate and thus should be before the Bankruptcy Court. For its part, FCB's supports Trustee's position that he is the only real party in interest entitled to bring the claims.

A consideration of the above factors weighs in favor of denying the Remand Motion. The State Court Action appears to relate to property of the Estate and conduct of Trustee that is alleged to have occurred in connection with Estate property during the course of the bankruptcy case. The funds that FCB turned over to Trustee were property of the Estate. Even considering Plaintiffs' arguments that the funds should have been non-estate property, such determination as to the characterization of property would have been reserved for this Court alone. Trustee and FCB are correct that Debtor's asserted causes of action against FCB are also property of the estate, as they arose prepetition and involve both Trustee's and FCB's conduct regarding administration of the assets of the Debtor's Estate.

The facts alleged in the Complaint in support of the claims are the subject of the Compromise Motion and this Court's Compromise Order. To prevent inconsistent rulings affecting administration of the Estate, these claims must be adjudicated before this Court. There are no unique "state law issues" that this Court cannot handle, or which predominate over the questions of what is and what is not property of the estate. Most importantly, this Court will likely be called on to interpret and enforce its own order approving the settlement of the very same claims which are now being

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10:00 AM

CONT... Akhoian Enterprises, Inc.
asserted against FCB.

Chapter 7

Plaintiffs' Motion to Remand is denied. Appearance required.

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

Ascensus, Inc., a Delaware

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.

Represented By
Richard Burstein
Gregory K Jones

John Akhoian

Represented By
Richard Burstein
Gregory K Jones

Tamar Akhoian

Represented By
Richard Burstein
Gregory K Jones

Trustee(s):

David Seror (TR)

Represented By
Steven T Gubner

**United States Bankruptcy Court
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CONT... Akhoian Enterprises, Inc.

Richard Burstein
Talin Keshishian

Chapter 7

United States Bankruptcy Court
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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#49.00 Plaintiff's motion to compel deposition of Defendant,
request for sanctions in the amount of \$3,218.60

Docket 28

*** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) -
hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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Wednesday, April 3, 2019

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#50.00 Motion for protective order regarding defendant's deposition; request for sanctions in the amount of \$5,175

Docket 31

***** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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Wednesday, April 3, 2019

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#51.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of Interrogatories; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

Docket 34

***** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#52.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for production of documents; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

Docket 36

***** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#53.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for admissions

Docket 38

***** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#54.00 Defendant's motion to quash subpoena Duces Tecum
of plaintiff's to US Bank

Docket 40

***** VACATED *** REASON: Cont'd to 4/24/19 at 11:00 a.m. (doc. 52) -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#54.01 Status Conference Re:
Pending Discovery Matters.

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#55.00 Status Conference Re:
Complaint to Determine Dischargeability
of Debt

fr. 12/19/18, 4/1/19

Docket 1

Tentative Ruling:

Having reviewed the SR and seeing that the parties are participating in a mediation on April 12, and that Plaintiffs already intend to calendar an MSJ for May 22 is mediation is unsuccessful, this matter will be continued to May 22 at 10:00.

NO APPEARANCE REQUIRED ON APRIL 3

Party Information

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Nelson Osmin Alvarenga

Pro Se

Olga Marqueea

Pro Se

Joint Debtor(s):

Olga Marqueea

Represented By
Evangelina Malhotra

Plaintiff(s):

Noe Del Transito Abarca

Represented By
Katherine Warwick
Katherine Butts Warwick

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CONT... **Nelson Osmin Alvarenga**
Beatriz Adriana Pineda

Represented By
Katherine Butts Warwick

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:18-11965 Ian Jacoby

Chapter 7

Adv#: 1:19-01006 Ventura County Credit Union v. Jacoby

#56.00 Status Conference re: Complaint objecting to
discharge of debt under 11 u.s.c. section 523(2)
and (a)(6)

Docket 1

***** VACATED *** REASON: continued to 6/12/19 @10: 00 a.m. (ag)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Pro Se

Plaintiff(s):

Ventura County Credit Union

Represented By
Stephen M Sanders

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:15-11292 Mark Handel

Chapter 11

#57.00 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; 10/24/18

Docket 1

Tentative Ruling:

Having considered the Status Report, filed 3/20/19, the Court finds cause to continue this status conference to **July 17, 2019 at 10:00 a.m.**

NO APPEARANCE REQUIRED on 4/3/19

Party Information

Debtor(s):

Mark Handel

Represented By
David L. Neale
John-Patrick M Fritz

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-10256 Tours Incorporated, Inc.

Chapter 11

#58.00 Status and case management conference

fr. 3/22/17, 9/13/17; 12/6/17, 3/21/18, 8/15/18,
8/29/18; 12/12/18

Docket 1

***** VACATED *** REASON: Case dismissed 2/11/19 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tours Incorporated, Inc.

Represented By
Mark E Brenner

**United States Bankruptcy Court
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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#59.00 Amended disclosure statement describing second amended plan

Docket 192

Tentative Ruling:

The U.S. Trustee objects to the adequacy of the disclosure statement on the grounds that it does not contain adequate information. While the plan states it will be funded by contributions from Debtor's partners, Ahron and Vardit Zilberstein, the disclosure statement contains no declaration regarding their willingness or ability to fund the plan.

The Trustee further objects to the Debtor's liquidation analysis, which appears to contain several errors. It is unlikely that unsecured creditors would receive 431% of their claims in a hypothetical chapter 7, and the plan does not otherwise support a 34% payout to unsecured creditors. Debtor's liquidation analysis chart shows wide ranges of possible payouts under the plan ("0-100%"), which does not provide adequate information for purposes of this disclosure statement. Furthermore, Debtor has not provided adequate information on the liability of general partners' assets under Section 723(a):

"There is, however, a way in which 723(a) is relevant in chapter 11 and chapter 12 cases. Section 1129(a)(7). . . require[s] as a condition to confirmation of a plan that each holder of a claim either accept the plan or receive under the plan at least as much as the holder would have received had the case been filed under chapter 7. If a chapter 11 or chapter 12 case for a partnership had been filed under chapter 7, the chapter 7 trustee would have the right under section 723(a) to seek payment from general partners on behalf of creditors of the partnership. Accordingly. . . it will be necessary to determine the extent of the recovery that would be available to a chapter 7 trustee against the general partners."

Collier 723.02[5]. Debtor has not provided any liquidation analysis of the rights that a chapter 7 trustee would have against Debtor's general partners. The Disclosure Statement further incorrectly states that E.N. Financial Services and 17 Oakdale, LLC are not insiders.

For the reasons above, approval of the Debtor's Disclosure statement is DENIED.

APPEARANCE REQUIRED

Party Information

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10:00 AM

CONT... Castillo I Partnership

Chapter 11

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#60.00 Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18

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
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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#61.00 Chapter 11 plan of reorganization

fr. 2/6/19

Docket 75

*** VACATED *** REASON: Cont'd to 5/15/19 per order #129. If

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

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#62.00 Scheduling and case management conference

fr. 3/28/18; 10/24/18; 2/6/19, 2/27/19

Docket 1

***** VACATED *** REASON: Cont'd to 5/15/19 per order #129. If**

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
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CONT... Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#63.00 Motion for Order Approving Construction
Loan Agreements

Docket 133

***** VACATED *** REASON: Moved to 3/25/19 per order #141. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

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Wednesday, April 3, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#64.00 Motion for setting property value
Re: 2014 Chevrolet Cruze

Docket 47

*** VACATED *** REASON: withdrawn by Movant (doc. 53) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron

**United States Bankruptcy Court
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Wednesday, April 3, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#65.00 Defendants' motion for summary judgment.

fr. 12/19/18, 2/6/19; 2/27/19

Docket 28

Tentative Ruling:

On November 28, 2006, Judgment against Plaintiff was obtained by L&J Assets, LLC in Los Angeles Superior Court (the "Judgment"). An Abstract of the Judgment was properly recorded in Los Angeles County on January 7, 2007. At the time the Judgment was entered and recorded, Plaintiff owned property located at 6024 Coldwater Canyon Avenue, North Hollywood, California 91606 (the "Property"). The Judgment was then assigned from L&J Assets, LLC to Defendant BAG Fund on November 5, 2007.

Plaintiff filed a petition for Bankruptcy relief on August 26, 2009 and obtained a discharge order (the "Discharge") on December 1, 2009. Plaintiff disclosed her ownership of the Property in her Schedules. On March 4, 2016, Defendant renewed the Judgment. An Abstract of Judgment was obtained on June 20, 2016 and properly recorded on July 13, 2016.

The Order for Assignment of Rents (the "Assignment Order") was entered on July 5, 2017. Despite the entry of the Assignment Order, Plaintiff failed to turn over the rents she collected for at least two (2) months. On August 12, 2017, Defendant Quigg sent a letter to Plaintiff's former counsel, containing terms for an offer of settlement. Complaint, Exh. 3. On August 5, 2017, Bag Fund filed a Motion for Issuance of OSC re Contempt for Plaintiff's failure to comply with the Assignment Order. Thereafter, on September 19, 2017, Plaintiff made a payment to Bag Fund in the amount of \$15,000, which it claims was applied to reduce the *in rem* claim against the Property.

On September 25, 2017, Defendant Quigg sent a letter to Plaintiff's former counsel, containing terms that he characterized as "one last effort" to try to resolve the matter, within which he acknowledged the \$15,000 payment. On October 5, 2017, Plaintiff's new counsel sent a letter asserting violations of the Discharge Order. A Complaint for Damages, Declaratory and Injunctive Relief for Violation of

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CONT... **Hermine Nazaryan**

Chapter 7

11 U.S.C. § 524 was filed on November 22, 2017. Plaintiff named BAG Fund, LLC as a defendant ("BAG Fund" or "Defendant"), along with its attorneys Leo Fasen, Vincent Quigg, and Michael Waldren, each named individually (referred to together with BAG Fund as "Defendants"). Plaintiff contends that Defendants used the State Court system to "illegally obtain an Order Assigning Rents belonging to Nazaryan to the Defendants." Plaintiff complains that Defendants actions caused her emotional distress by forcing her to pay \$15,000 and seeks compensatory and punitive damages.

Standard for Summary Judgment under FRCP 56

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). 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, 866 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).

Under FRCP 56(c), the moving party bears the initial burden to establish that there are no genuine issues of material fact to be decided at trial. Celotex, 477 U.S. at 322–23. Where the nonmoving party will bear the burden of proof on a specific claim or defense at trial, the moving party may move for summary judgment based solely on the "pleadings, depositions, answers to interrogatories, and admissions on file." Id. at 324. There is no requirement "that the moving party support its motion with affidavits or other similar materials *negating* the opponent's claim." Id. at 323 (emphasis in original).

The burden then shifts to the nonmoving party to produce "significantly

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CONT...

Hermine Nazaryan

Chapter 7

probative evidence" of specific facts showing that there is a genuine issue of material fact requiring a trial. T.W. Elec. Serv. Inc. v. Pacific Elec. Contractors Ass'n, 809 F.2d 626, 630 (9th Cir. 1987)(citing Fed.R.Civ.P. 56(e)). The nonmoving party cannot "withstand a motion for summary judgment merely by making allegations; rather, the party opposing the motion must go beyond its pleadings and designate specific facts by use of affidavits, depositions, admissions, or answers to interrogatories showing there is a genuine issue for trial." In re Wellman, 378 B.R. 416 (B.A.P. 9th Cir. 2007)(citing In re Ikon Office Solutions, Inc., 277 F.3d 658, 666 (3d Cir.2002)). If the nonmoving party fails to establish a triable issue on an essential element of its case and upon which it will bear the burden of proof at trial, the moving party is entitled to judgment as a matter of law. Celotex Corp., 477 U.S. at 322–23.

Standard for Violation of Discharge Injunction

Section 524 of the Bankruptcy Code recites the effect of a discharge:

(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under [§ 727], 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[.]

A party injured by a violation of the discharge injunction has no private cause of action for damages under § 524 or § 105. Walls v. Wells Fargo Bank, 276 F.3d 502, 504 (9th Cir.2002). Rather, a violation under § 524(a) is enforced through the bankruptcy court's contempt authority under § 105(a). Renwick v. Bennett (In re Bennett), 298 F.3d 1059, 1069 (9th Cir.2002); Walls, 276 F.3d at 507.

The court's contempt authority under § 105(a) is only a civil contempt authority and allows only for civil sanctions as the appropriate remedy. In re Moreno, 479 B.R. 553, 569 (Bankr.E.D.Cal. 2012) (citing Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1192 (9th Cir.2003) (considering contempt sanctions in context of stay violation)). Civil sanctions must either be compensatory or designed to coerce compliance. Id. (internal citation omitted). For a discharge violation, "compensatory civil contempt allows an aggrieved debtor to obtain compensatory damages,

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CONT... **Hermine Nazaryan**

Chapter 7

attorney's fees, and the offending creditor's compliance with the discharge injunction." Walls, 276 F.3d at 507.

"[T]he [aggrieved debtor] seeking contempt sanctions has the burden of proving, by clear and convincing evidence, that the sanctions are justified." ZiLOG, Inc. v. Corning (In re ZiLOG, Inc.), 450 F.3d 996, 1007 (9th Cir.2006). And to justify sanctions, the debtor must prove (1) that the offending creditor knew the discharge injunction was applicable and (2) that the creditor intended the actions which violated the injunction. Bennett, 298 F.3d at 1069 (citation omitted). After the debtor meets his/her burden, the burden then shifts to the creditor to demonstrate why it was unable to comply with the discharge injunction. See id. (citation omitted).

Analysis

*Renewal of the Judgment; Obtaining; and Enforcing the Assignment Order
Did Not Violate the Discharge Injunction*

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). 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). Here, Defendants properly recorded the Judgment on or about January 7, 2006, giving rise to a lien on the Property securing the Judgment. See California Code of Civil Procedure ("C.C.P.") § 697.310. Creditors properly renewed the Judgment and recorded it in 2016. See 4 Collier on Bankruptcy at ¶ 524.02 (16th Ed. 2018)(a creditor whose debt is discharged is not permitted to obtain a lien, even by operation of law, *if it did not hold a lien when the petition was filed.*)(emphasis added).

A secured creditor is permitted to proceed with postdischarge foreclosure proceedings without any prior application to the bankruptcy court, as it is an *in rem* action. 4 Collier on Bankruptcy ¶ 524.02 (16th Ed. 2018)(internal citations omitted). Because the secured creditor's *in rem* rights survive the discharge, courts have held that it is not *per se* improper for a secured creditor to contact a debtor 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. Garske v. Arcadia Fin., Ltd. (In re Garske), 287 B.R. 537, 544-545 (B.A.P. 9th Cir. 2002)(secured creditor's written and oral contact with a discharged debtor about ongoing payments

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1:00 PM

CONT... **Hermine Nazaryan**

Chapter 7

for a secured debt were not *per se* improper collection activities under § 524(e)); see also Ramirez v. General Motors Acceptance Corp. (In re Ramirez), 280 B.R. 252, 256 (C.D. Cal. 2002).

Defendants move for summary judgment, arguing that BAG Fund acquiring the Assignment Order and its subsequent enforcement of it is an *in rem* action and thus does not implicate Plaintiff's discharge injunction. Defendants note that Plaintiff was represented by counsel at the time (who Defendants contend was specialized in Bankruptcy) and that she did not raise any objection based on the Plaintiff's previous discharge.

Plaintiff argues in opposition that the Assignment Order is based on her personal liability, not an *in rem* action, and thus Defendants violated her discharge injunction in obtaining and enforcing it. To support her position, Plaintiff quotes C.C.P. § 708.510, which provides:

(a) Except as otherwise provided by law, upon application of the judgment creditor on noticed motion, the court may order the judgment debtor to assign to the judgment creditor or to a receiver appointed pursuant to Article 7 (commencing with Section 708.610) all or part of a right to payment due or to become due, whether or not the right is conditioned on future developments, including but not limited to the following types of payments:

- (1) Wages due from the federal government that are not subject to withholding under an earnings withholding order.
- (2) Rents.
- (3) Commissions.
- (4) Royalties.
- (5) Payments due from a patent or copyright.
- (6) Insurance policy loan value.

(b) The notice of the motion shall be served on the judgment debtor. Service shall be made personally or by mail.

(c) Subject to subdivisions (d), (e), and (f), in determining whether to order an assignment or the amount of an assignment pursuant to subdivision (a), the court may take into consideration all relevant factors, including the following:

- (1) The reasonable requirements of a judgment debtor who

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CONT...

Hermine Nazaryan

Chapter 7

is a natural person and of persons supported in whole or in part by the judgment debtor.

(2) Payments the judgment debtor is required to make or that are deducted in satisfaction of other judgments and wage assignments, including earnings assignment orders for support.

(3) The amount remaining due on the money judgment.

(4) The amount being or to be received in satisfaction of the right to payment that may be assigned.

(d) A right to payment may be assigned pursuant to this article only to the extent necessary to satisfy the money judgment.

Cal. Civ. Proc. Code § 708.510 (West 2019).

Because the statute permits a judgment creditor to obtain an assignment order under C.C.P. § 708.510 without the creation of a lien and after a court weighs the factors under subsection (c), Plaintiff maintains that actions under § 708.510 are *in personam* actions and are thus enjoined by her discharge.

Plaintiff's blanket assertion paints § 708.510 with too broad a brush. Certain assignments of a right to payment under § 708.510(a) are *in personam* actions that would violate a discharge injunction. On these facts, however, the Assignment Order is for rents derived from the Property which secures Defendant's Judgment lien. This reading is supported by related section § 708.530(b), which provides, "An assignment of the right to future rent ordered under this article is recordable as an instrument affecting real property and the priority of such an assignment is governed by Section 1214 of the Civil Code." To be consistent within the "Enforcement of Judgments" laws, § 708.510(a)(2) must be read in conjunction with § 708.530(b) to be an *in rem* action. Consideration of Plaintiff's cited authority Herrmann v. Colletti does not change this analysis, as there the New York court was interpreting an assignment of rents clause in a consensual mortgage under New York's lien theory of mortgages. 59 N.Y.S. 3d 284 (N.Y. City Ct. 2017). The New York court was not interpreting a California law relating to a nonconsensual judgment lien.

As Defendants actions in obtaining and enforcing the Assignment Order are actions to enforce Bag Fund's *in rem* rights against the Property, such actions do not violate Plaintiff's discharge injunction. There is no genuine issue as to any material fact and so Defendants are entitled to judgment as a matter of law.

Motion GRANTED. Defendant to lodge Order Granting Motion for Summary Judgment within 7 days.

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CONT... Hermine Nazaryan

Chapter 7

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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1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#66.00 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, 8/15/18, 2/6/19,
2/27/19

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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
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Wednesday, April 3, 2019

Hearing Room 302

1:00 PM

1:18-12855 PB-1, LLC

Chapter 11

#67.00 First Amended Disclosure Statement Disclosure Statement
Describing Chapter 11 Plan

Docket 32

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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Wednesday, April 3, 2019

Hearing Room 302

1:00 PM

1:18-12855 PB-1, LLC

Chapter 11

#68.00 Motion For Order Approving Debtor In Possession Construction
Financing On A First Priority Basis Priming All Liens Except Real
Property Taxes

Docket 40

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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Wednesday, April 3, 2019

Hearing Room 302

1:00 PM

1:18-12855 PB-1, LLC

Chapter 11

#69.00 Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19

Docket 1

Tentative Ruling:

Disclosure is the status.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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Thursday, April 4, 2019

Hearing Room 302

9:30 AM

1:17-12238 Juliana Njeim

Chapter 7

Adv#: 1:18-01010 Seyedan v. Njeim

#1.00 TRIAL - DAY 1
Complaint Objecting to Discharge

fr. 3/28/18, 4/25/18, 7/18/18, 11/14/18

Docket 1

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
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Friday, April 5, 2019

Hearing Room 302

9:30 AM

1:17-12238 Juliana Njeim

Chapter 7

Adv#: 1:18-01010 Seyedan v. Njeim

**#1.00 TRIAL - DAY 2
Complaint Objecting to Discharge**

fr. 3/28/18, 4/25/18, 7/18/18, 11/14/18

Docket 1

Courtroom Deputy:

- 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
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Wednesday, April 10, 2019

Hearing Room 302

9:30 AM

1:17-13263 Eduardo Antonio Canas

Chapter 11

#1.00 Post confirmation conference

fr. 4/4/18, 7/18/18, 9/26/18, 10/17/18

Docket 36

***** VACATED *** REASON: Case closed (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Antonio Canas

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10575 Natalie Cora Zadikian

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natalie Cora Zadikian	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10594 Shahin Motallebi

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 21

***** VACATED *** REASON: Counsel retained (doc. 25) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shahin Motallebi	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10557 Jeff Williams

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 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeff Williams

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10632 Romeo Evangelista

Chapter 13

#5.00 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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Evangelista	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10648 Maria S Landa

Chapter 13

#6.00 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 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria S Landa

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, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10471 Shawn Anthony Campbell and Alexandria Leigh Anne

Chapter 13

#7.00 Motion for relief from stay

TIM SAUER

Docket 17

Tentative Ruling:

Petition Date: February 28, 2019
Chapter: 13
Service: Proper. No opposition filed.
Movant: Tim Sauer
Property Address: 10923 Rathburn Ave, Northridge, CA 91326
Type of Property: Residential
Occupancy: Tenancy

Foreclosure Sale: N/A
UD case filed: 1/18/19
UD Judgment: N/A

This case was filed shortly after an unlawful detainer action was commenced and Debtor has few other creditors. Debtor filed schedules and a plan that are largely blank. Movant requests relief under § 362(d)(4), but (d)(4) is only available to a secured creditor with respect to an action against real property.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs 2 (proceed under non-bankruptcy law), 4 (termination of co-debtor stay), 6 (waiver of 4001(a)(3) stay), and 9 (Order binding and effective against any debtor for 180 days).

DENY relief requested in paragraph 3 (Confirmation that there is no stay in effect), 8 (relief under § 362(d)(4)) and 10 (Order binding in any case within two years), 11 (Order binding and effective in any case against the Debtor for 180 days, so that no further automatic stay shall arise with respect to the property).

APPEARANCE REQUIRED DUE TO SHORTENED TIME

Party Information

**United States Bankruptcy Court
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10:00 AM

CONT... Shawn Anthony Campbell and Alexandria Leigh Anne

Chapter 13

Debtor(s):

Shawn Anthony Campbell Pro Se

Joint Debtor(s):

Alexandria Leigh Anne Campbell Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:18-12302 Alona Orit Athouel

Chapter 13

#8.00 Motion for relief from stay

FREEDOM MORTGAGE CORPORATION

Docket 38

Tentative Ruling:

Petition Date: 9/13/18
Chapter: 13, converted from 7
Service: Proper. No opposition filed.
Property: 6538 Moorcroft Ave., Woodland Hills Area, CA 91303
Property Value: \$ "unknown" (per debtor's schedules)
Amount Owed: \$ 466,647.25 (per RFS motion)
Equity Cushion: Unknown
Equity: Unknown
Post-Petition Delinquency: \$22,592.78

Debtor's schedule A/B states that Debtor has no interest in the property, and that it has been transferred to Debtor's ex spouse.

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):

Alona Orit Athouel

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:19-10184 Celia O Almanza

Chapter 7

#9.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 13

Tentative Ruling:

Petition Date: 1/24/19
Chapter: 7
Service: Proper. No opposition filed.
Property: 2015 Toyota RAV 4
Property Value: \$ 16,543.28 (per debtor's schedules)
Amount Owed: \$ 16,543.28
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$0

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):

Celia O Almanza

Represented By
Elena Steers

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2019

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10:00 AM

1:18-12225 Cheryl Lynne Tuch

Chapter 13

#10.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 26

Tentative Ruling:

Petition Date: August 31, 2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 5826 Saloma Ave, Van Nuys, CA 91411
Property Value: \$789,000 (per debtor's schedules)
Amount Owed: \$414,099 (per RFS motion)
Equity Cushion: 44.0% (assuming 8% cost of sale)
Equity: \$374,901
Post-Petition Delinquency: \$7,961.90

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 (waiver of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion. Debtor states that she will be listing the property for sale shortly, and that Movant is adequately protected by the large equity cushion on the property. Here, it appears that there is a sufficient equity cushion to protect the creditor, notwithstanding the missing post-petition payments. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Cheryl Lynne Tuch

Represented By
Steven A Alpert

Movant(s):

Wilmington Savings Fund Society,

Represented By

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10:00 AM

CONT... Cheryl Lynne Tuch

Chapter 13

Daniel K Fujimoto
Caren J Castle

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:16-12834 Fakhruddin Noorbhai and Asma Fakhruddin Noorbhai

Chapter 13

#11.00 Motion for relief from stay

US BANK NA

Docket 50

***** VACATED *** REASON: Resolved per APO -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

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
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#12.00 Motion for relief from stay

TD AUTO FINANCE LLC

Docket 47

***** VACATED *** REASON: Settled per APO, Doc 53.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frances Pink Kaplan

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:18-13066 Howard Napolske

Chapter 13

#13.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 36

Tentative Ruling:

This hearing was continued from 3/6/19 by request of the parties. What is the status of this motion?

APPEARANCE REQUIRED

3/6/19 TENTATIVE

This hearing was continued on 12/12/18 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Howard Napolske

Represented By
Bryan Diaz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:18-11366 Irene Franklin

Chapter 13

#14.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18, 1/16/19, 3/6/19

Docket 22

Tentative Ruling:

This hearing was continued on 12/12/18 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

12-12-18 TENTATIVE

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.

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10:00 AM

CONT... Irene Franklin

Chapter 13

APPEARANCE REQUIRED

Party Information

Debtor(s):

Irene Franklin

Represented By
Sunita N Sood

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, April 10, 2019

Hearing Room 302

10:00 AM

1:18-12559 Jacqueline B Urenda

Chapter 13

#15.00 Motion for relief from stay

US BANK NA

Docket 34

Tentative Ruling:

Petition Date: October 17, 2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 19919 Lassen St., Chatsworth, CA 91311
Property Value: \$ 760,000 (per debtor's schedules)
Amount Owed: \$ 618,130.76 (per RFS motion)
Equity Cushion: 11.0% (assuming 8% cost of sale)
Equity: \$60,016.24
Post-Petition Delinquency: \$11,656.36
Pre-petition arrears: \$187,443.25

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(4), with 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); 7 (waiver of the 4001(a)(3) stay); 9 (Relief under § 362(d)(4)); 10 (Order binding and effective against any debtor for 180 days upon recordation); and 12 (Debtor defined as a borrower under Cal. Civ Code. 2920.5(c)(2)(C)).

Movant argues that this case was filed in a bad faith attempt to thwart foreclosure, stating that Debtor and her spouse have been "taking turns filing Bankruptcy cases" in order to prevent Movant's foreclosure. Debtor has one previous case, 17-12523-MT, which was dismissed after a year for failure to make payments on Debtor's confirmed chapter 13 plan. Eduardo Urenda has two prior cases, 16-10360-VK and 13-12566-VK (in which Jacqueline was a co-debtor). Eduardo did not successfully confirm a plan in either of his cases, but all documents were filed.

Debtor opposes the motion. Debtor argues that the property is necessary for an effective reorganization, and that the case was not filed in bad faith. Debtor argues that the presumption of bad faith under 11 U.S.C. § 362(c)(3)(C)(i) or (c)(4)(D)(i) was overcome when the court entered an order continuing the automatic stay on

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10:00 AM

CONT... Jacqueline B Urenda

Chapter 13

November 14, 2018. Debtor states that all postpetition arrears will be cured by the hearing date. Debtor further argues that more payments have been made to Movant than the motion accounts for.

The Court does not agree with Debtor's argument that, because it granted a continuance of the automatic stay in this case, Debtor's case was necessarily filed in good faith. The motion to continue the stay was unopposed and the Court had less information regarding previous cases than it has now.

With respect to the non-(d)(4) relief from stay requests, the Debtor has indicated a willingness to cure the post-petition arrears and Movant also seems to have a small equity cushion. With respect to the (d)(4) relief from stay, there is conflicting evidence regarding whether this bankruptcy was filed as a part of a scheme to hinder, delay, or defraud creditors. The parties should come prepared to discuss dates for a short evidentiary hearing. If Debtor is unable to cure the post-petition arrears before such an evidentiary hearing, the Court will likely grant relief from stay on the non-(d)(4) requests for relief from stay.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jacqueline B Urenda

Represented By
James Geoffrey Beirne

Movant(s):

U.S. BANK, NA AS LEGAL TITLE

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:18-12586 Kenneth Melvin Hunt

Chapter 13

#16.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 34

Tentative Ruling:

Petition Date: October 22, 2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 13825 Beaver St. Unit 12, Sylmar, CA 91342
Property Value: \$328,786 (per debtor's schedules)
Amount Owed: \$ 197,738.79 (per RFS motion)
Equity Cushion: 32%
Equity: \$114,744.21
Post-Petition Delinquency: \$2,852.88

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); 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)).

Debtor filed a response to the motion. Debtor asserts that all post-petition mortgage payments are current, and requests a stay-current adequate protection order. Additionally, it appears that the Movant has a substantial equity cushion.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kenneth Melvin Hunt

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-10036 Phillip Richards

Chapter 13

#17.00 Motion for relief from stay

DEUTSCHE BANK NA

Docket 36

Tentative Ruling:

Petition Date: January 8, 2019
Chapter: 13
Service: Proper. No opposition filed.
Property: 4349 W 137th St., Hawthorne, CA 90250
Property Value: \$ (property not scheduled)
Amount Owed: \$ (Not specified in RFS motion)
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: N/A

Movant argues that this case was filed in bad faith with intent to hinder, delay, or defraud creditors under § 362(d)(4). Debtor has filed nine bankruptcy cases since 2011, as set forth in the motion. Additionally, on August 14, 2018, Debtor transferred a 5% interest in the property to Hyang Seo, who filed a chapter 13 bankruptcy the following day, case number 2:18-19398-NB. Similarly, Debtor transferred a 5% interest to Armida Corando on October 22, 2018, who filed chapter 13 bankruptcy the following day, case number 2:18-22434-SK. Movant has been attempting to foreclose on the property, and argues that these transfers and bankruptcies are intended to thwart foreclosure attempts. The Court agrees.

Disposition: GRANT under 11 U.S.C. 362(d)(1) for bad faith. 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.

Party Information

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CONT... Phillip Richards

Chapter 13

Debtor(s):

Phillip Richards

Represented By
Rhonda Walker

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Wednesday, April 10, 2019

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10:00 AM

1:18-11765 Sarah Ellen Tortorello

Chapter 13

#18.00 Motion for relief from stay

US BANK NA

Docket 46

***** VACATED *** REASON: Resolved per APO (doc. 49) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sarah Ellen Tortorello

Represented By
James Geoffrey Beirne

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
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Wednesday, April 10, 2019

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10:00 AM

1:18-10447 William Lae

Chapter 13

#19.00 Motion for relief from stay

STERLING NATIONAL BANK

Docket 36

*** VACATED *** REASON: Resolved per APO Doc 38 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Lae

Represented By
Julie J Villalobos

Movant(s):

Sterling National Bank successor by

Represented By
Erin M McCartney

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#20.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18

Docket 1

Tentative Ruling:

The Joint Status Report submitted by the parties indicates that the state court trial begins on May 10. Plaintiffs request that this matter be continued to April 23, 2019 to coincide with the Order to Show cause scheduled for that day. Defendants request that the hearing be continued to May 10, 2019.

This matter will be continued to April 23, 2019 at 1:00 p.m.

NO APPEARANCE REQUIRED on 4-10-19.

Party Information

Debtor(s):

Hamid Farkhondeh Pro Se

Defendant(s):

Mary Dadyan Pro Se

Hamid Farkhondeh Pro Se

Joint Debtor(s):

Mary Dadyan Pro Se

Plaintiff(s):

Kourosh Laaly Represented By
Stella Rafiei

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10:00 AM

CONT... Hamid Farkhondeh

Chapter 13

Noushin Laaly

Represented By
Stella Rafiei

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Wednesday, April 10, 2019

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10:00 AM

1:13-12460 Michael Jaimes

Chapter 7

Adv#: 1:19-01008 Jaimes v. Weinstein et al

#21.00 Status conference re complaint for:
(1) declaratory judgment
(2) recovery of money/property

Docket 1

Tentative Ruling:

The status report states that the case has settled, and that the parties are waiting for proof of dismissal of state court case. Plaintiff filed a Voluntary dismissal under FRBP 7041(a). The case is DISMISSED. Plaintiff to lodge order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Jaimes

Represented By

Kevin T Simon

William H Brownstein

Defendant(s):

Alexander & Yong

Pro Se

Jeffrey S Yong

Pro Se

Dorina E Weinstein

Pro Se

Alan Weinstein

Pro Se

Plaintiff(s):

Michael Jaimes

Represented By

William H Brownstein

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:14-12002 Freedom Films, LLC

Chapter 11

#22.00 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,
11/14/18

Docket 1

Tentative Ruling:

If professional fees are to be sought, please propose a deadline at this status conference. It is time to wrap this case up,
APPEARANCE REQUIRED

Party Information

Debtor(s):

Freedom Films, LLC

Represented By
M Jonathan Hayes

Movant(s):

Freedom Films, LLC

Represented By
M Jonathan Hayes

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10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#23.00 Motion for an order directing the Los Angeles county Superior Court to disburse funds pursuant to confirmed ch 11 plan

Docket 450

Tentative Ruling:

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 Kourosh Vosoghi and 26 Moorpark, LLC, the judgment creditors of Joseph Boodaie ("Judgment Creditors," though they are sometimes referred to in the papers as "Current Equity Holders"), 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). The Court confirmed a chapter 11 plan on September 10, 2018. ECF Doc. No. 373. The plan provides for the disbursal of certain funds that are now disputed in the Superior Court for the County of Los Angeles ("Superior Court").

Fundamentally, this is a dispute over Debtor's ownership of property. Upon the commencement of this bankruptcy case, a bankruptcy estate was created. 11 U.S.C. § 541(a). The estate is comprised of all legal and equitable interests of the debtor in property as of the commencement of the case. § 541(a)(1). Upon confirmation of a chapter 11 plan, all property of the estate is vested in the debtor unless the plan or confirmation order provide otherwise. § 1141(b).

Ms. Boodaie argues that the \$1,000,000 being held by the Superior Court is not property of the Debtor. The property at issue was previously held in two financial accounts at TD Ameritrade in Debtor's name. Doc. 450, Ex. A. On September 4, 2015, Joseph Boodaie caused two checks to be written from Debtor's TD Ameritrade account to "DTC" in the

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CONT... **Osher And Osher, Inc.**

Chapter 11

amounts of \$104,700 and \$1,046,526.26. Id. Those funds were allegedly deposited into the account of Saeid Aminpour dba DTC Holdings. Id. While the motion contains additional allegations of the subsequent history of the funds as Judgment Creditors continued to chase Joseph Boodaie's trail of money, there does not seem to be any dispute that the Judgment Creditors obtained the funds from Saeid Aminpour via settlement. On June 27, 2018, those funds were ordered to be deposited with the Superior Court under case number LC085957, "for further proceedings." No indication is given that the funds are held for the benefit of Debtor. The plan states that the Judgment Creditors "successfully recovered approximately \$1 million in cash as a result of a settlement with Aminpour dba DTC Holdings, which funds were held prepetition in OOI's TD Ameritrade Account. There is a dispute whether the recovered funds previously belonged to OOI or Joseph Boodaie. The Current Equity Holders will retain the recovered funds." ECF Doc. 340 P. 9.

The question of whether Debtor owns the funds currently held by the Superior Court has never been decided by this Court--or even raised in front of this Court. While there has been repeated disputes over the ownership of the Debtor itself, the Court cannot identify any pleadings (until the opposition to this Motion) where an issue was raised as to whether the property recovered by the Aminpour settlement was actually property of the estate.

On April 4, the Court disallowed Sara Boodaie's claim as untimely filed. It was clear from Ms. Boodaie's claim that she believed that her son, Joseph Boodaie, had improperly transferred property to the Debtor. ECF Proof of Claim #10-1. However, neither the proof of claim nor the opposition to the objection to that proof of claim argued that the Aminpour settlement funds were not property of the estate. Ms. Boodaie raised the theory that the state court potentially left the question of ownership of the Debtor Corporation open to subsequent proceedings in the probate court. The state court's minute order states 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." ECF Doc. 314, Ex. G. Debtor's ownership of the Aminpour settlement funds was not implicated.

On June 6, 2018, the Court held a hearing on the Disclosure Statement for Debtor's plan. Sara Boodaie, as trustee of Trust, objected in part on the grounds that ownership of the Debtor Corporation was not settled. Ms. Boodaie also objected on the grounds that the Disclosure Statement failed to state from where "\$1,000,000 in funds recovered by the equity security holders" was recovered and where the funds are currently located. Ms. Boodaie did not argue that those funds were not property of the estate, but merely alleged

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CONT... Osher And Osher, Inc.

Chapter 11

that their source was undisclosed. The Court ruled that the source of the funds was adequately disclosed because the disclosure statement stated that the funds were recovered as part of a settlement with Aminpour dba DTC Holdings. There was no indication at the disclosure stage that the funds recovered in the Aminpour settlement were not property of the estate.

On September 10, 2018, the Court entered an order confirming the chapter 11 plan, with no objections raised. ECF Doc. No. 373. The plan itself only states that there was a dispute whether the funds "previously belonged to OOI or Joseph Boodaie," but did not indicate any current dispute over whether those funds were property of the estate.

On October 10, 2018, Sara Boodaie, as trustee for the Trust, filed three new motions. The first motion objected to the claims of Judgment Creditors on the grounds that any ORAP lien obtained by Judgment Creditors could not have attached to property held by Joseph Boodaie outside of the United States. The second motion sought an order disallowing the interests of Judgment Creditors in the Debtor on the grounds that the minute order in the superior court stated that Joseph Boodaie owned Debtor, but that the finding was "without prejudice to the Probate Court" and its findings. The third motion sought to enforce the terms of the plan to allow Ms. Boodaie time to resolve the parties' rights regarding ownership of the Debtor Corporation. Again, none of these motions raised the argument that the funds recovered in the Aminpour settlement were property of the estate (the Court notes that each of those three motions is currently on appeal). Ms. Boodaie consistently sought to regain control of the Debtor.

From the exhibits attached to the Motion, it is unclear whether the Aminpour settlement funds were recovered by Judgment Creditors on behalf of Debtor, in which case they would be property of the estate, or as part of Judgment Creditors' ongoing collection efforts on their own behalf.

There are a few unbriefed legal issues raised by these pleadings: what is the result of a confirmed chapter 11 plan that purports to allow certain disputed funds to be distributed to the Equity Holders where no one has even raised ownership of the funds prior to confirmation? Further, where those funds are at issue in the Superior Court, and the ownership no longer affects other creditors, why should the dispute be litigated in the bankruptcy court?

APPEARANCE REQUIRED

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CONT... Osher And Osher, Inc.

Chapter 11

Party Information

Debtor(s):

Osher And Osher, Inc.

Represented By
Raymond H. Aver

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10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#24.00 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, 11/14/18, 1/23/19; 2/7/19; 3/13/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Osher And Osher, Inc.

Represented By
Raymond H. Aver

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1:19-10739 J Entertainment LLC

Chapter 7

#25.00 Order to Show Cause Re Dismissal

Docket 7

Tentative Ruling:

Debtor is an LLC. Local Bankruptcy Rule 9011-2(a) requires that certain entities, including LLCs, may not file a petition or otherwise appear without counsel except in limited circumstances, which are not present here. Debtor has not obtained counsel as of April 5, 2019. The Court is inclined to dismiss Debtor's case for failure to comply with the above LBR.

APPEARANCE REQUIRED

Party Information

Debtor(s):

J Entertainment LLC

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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10:00 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; 12/11/18; 1/25/19

Docket 165

***** VACATED *** REASON: Cont'd to May 16 at 10:00 per Doc. 209 -CT**

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

QUALITY LOAN SERVICE

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By
Timothy C Aires

State Street Bank and Trust Co.

Pro Se

Citivest financial Services, Inc.

Pro Se

Israel Abselet

Represented By
Henry S David

Howard Abselet

Represented By
Henry S David

Chase Manhattan Mortgage Co.

Pro Se

Quality Loan Service

Pro Se

Soda Partners, LLC

Represented By
Ronald N Richards

Fieldbrook, Inc.

Represented By
Daniel J McCarthy

**United States Bankruptcy Court
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CONT... Solyman Yashouafar
Elkwood Associates, LLC

Represented By
Daniel J McCarthy

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

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10:00 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; 11/15/18; 12/11/18; 1/25/19

Docket 98

***** VACATED *** REASON: Cont'd to May 16 at 10:00 per Doc. 209 -CT**

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

Soda Partners, LLC

Represented By
Ronald N Richards

Fieldbrook, Inc.

Represented By
Daniel J McCarthy

Elkwood Associates, LLC

Represented By
Daniel J McCarthy

DMARC 2007-CD5 Garden Street,

Represented By
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

State Street Bank and Trust Co.

Pro Se

Citivest financial Services, Inc.

Pro Se

Israel Abselet

Represented By
Henry S David

Howard Abselet

Represented By

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CONT... Solyman Yashouafar

Chapter 11

Henry S David

Chase Manhattan Mortgage Co.

Pro Se

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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10:00 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; 11/15/18; 12/11/18; 1/25/19

Docket 102

***** VACATED *** REASON: Cont'd to May 16 at 10:00 per Doc. 209 -CT**

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

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

Elkwood Associates, LLC

Represented By
Daniel J McCarthy

Fieldbrook, Inc.

Represented By
Daniel J McCarthy

Soda Partners, LLC

Represented By
Ronald N Richards

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10:00 AM

CONT... Solyman Yashouafar

Chapter 11

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

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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10:00 AM

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. 12/11/18; 1/25/19

Docket 151

***** VACATED *** REASON: Cont'd to May 16 at 10:00 per Doc. 209 -CT**

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

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CONT... Solyman Yashouafar Chapter 11

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
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Tuesday, April 16, 2019

Hearing Room 302

8:30 AM

1:18-11965 Ian Jacoby

Chapter 7

#1.00 Reaffirmation agreement between debtor and
Ventura County Credit Union

Docket 71

Tentative Ruling:

Petition date: 8/3/18

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?: **Yes**

Property: N/A, personal guarantee on business loan between Ventura County Credit Union and iE, Inc.

Debtor's valuation of property (Sch. B): N/A

Amount to be reaffirmed: \$101,313.99

APR: Not indicated

Contract terms: N/A

Monthly Income (Schedule I): \$13,680

Monthly expenses: (Schedule J): \$13,557.18

Disposable income: \$122.82

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 March 7, 2019, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

Party Information

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

Tuesday, April 16, 2019

Hearing Room 302

8:30 AM

CONT... Ian Jacoby

Chapter 7

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay

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

Tuesday, April 16, 2019

Hearing Room 302

8:30 AM

1:19-10387 Sonya Denise Steele

Chapter 7

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

Docket 13

Tentative Ruling:

Petition date: 2/21/19

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 Toyota Corolla

Debtor's valuation of property: \$16,575 per reaff (value not listed in schedules)

Amount to be reaffirmed: \$33,062.40

APR: 7.150%

Contract terms: \$599 per month for 67 months

Monthly Income (Schedule I): \$3,031.16

Monthly expenses: (Schedule J): \$2,688 (including car payment)

Disposable income: \$343.16

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?

N/A, presumption does not arise.

Debtor has a right to rescind agreement anytime prior to discharge, or until May 18, 2019, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

Party Information

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

Tuesday, April 16, 2019

Hearing Room 302

8:30 AM

CONT... Sonya Denise Steele

Chapter 7

Debtor(s):

Sonya Denise Steele

Pro Se

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10720 Victor Ramos

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 refiling

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Ramos

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10689 Mercedes Neal

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 refiling

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mercedes Neal

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10682 Gayane Khachatryan

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gayane Khachatryan	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10471 Shawn Anthony Campbell and Alexandria Leigh Anne

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 refiling

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Anthony Campbell Pro Se

Joint Debtor(s):

Alexandria Leigh Anne Campbell Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10683 Gina Maria Silveira

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 refiling

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gina Maria Silveira	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10711 Rick Verdugo

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 refiling

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick Verdugo

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10723 James Martin Yocom

Chapter 13

#0.07 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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Martin Yocom

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10728 Rosa Dilia Gomez

Chapter 13

#0.08 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):

Rosa Dilia Gomez

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10754 Alisa Jene Owens

Chapter 13

#0.09 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 -

Party Information

Debtor(s):

Alisa Jene Owens

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10786 Carl Walker

Chapter 13

#0.10 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):

Carl Walker

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10787 Ryan Michael Thomas and Lindsay Christine Thomas

Chapter 7

#0.11 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 -

Party Information

Debtor(s):

Ryan Michael Thomas Pro Se

Joint Debtor(s):

Lindsay Christine Thomas Pro Se

Trustee(s):

Diane C Weil (TR) Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12070 Bagrat Ogannes

Chapter 11

#1.00 Motion for relief from stay

JPMORGAN CHASE BANK

Docket 60

Tentative Ruling:

Petition Date: 8/15/18

Chapter: 11

Service: Proper; original borrowe served. No opposition filed.

Property: 2159 Cardinal Way, San Jacinto, CA 92582

Property Value: property not listed in debtor's schedules

Amount Owed: amount not provided

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency:

Movant alleges cause for relief under 362(d)(4) due to at least eight unauthorized transfers of the subject property. Movant also alleges that no less than 18 bankruptcies have affected its rights to 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); **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 must be sought in an adversary proceeding under FRBP 7001(2) and 7001(7).

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Bagrat Ogannes

Chapter 11

ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED
PROPERTY.

Party Information

Debtor(s):

Bagrat Ogannes

Represented By
Crystle Jane Lindsey

Movant(s):

JPMorgan Chase Bank, National

Represented By
Merdaud Jafarnia

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:17-10427 Charles Jenkins

Chapter 13

#2.00 Motion for relief from stay

HSBC BANK USA

fr. 3/13/19

Docket 67

Tentative Ruling:

This hearing was continued from 3/13/19 so that the parties could finalize an APO. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

3-13-19 TENTATIVE BELOW

Petition Date: 2/17/17

Chapter: 13

Service: Proper. No opposition filed.

Property: 4158 Farmdale Ave., Studio City, CA 91604

Property Value: \$ 1,200,000 (Per debtor's schedules)

Amount Owed: \$ 779,901.02 (per RFS motion)

Equity Cushion: 27% (assuming 8% cost of sale)

Equity: \$232,547.98

Post-Petition Delinquency: \$21,188.42 (4 payments of \$6,442.91 minus suspense 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 may engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

There is a significant equity cushion on the property. Can the parties work out an APO or plan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Charles Jenkins

Represented By

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Charles Jenkins

Chapter 13

Joshua L Sternberg

Movant(s):

HSBC BANK USA, NATIONAL

Represented By
Jamie D Hanawalt
Kelsey X Luu
Alexander K Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11335 Hermond Setaghaian and Benita Hakoupian

Chapter 13

#3.00 Motion for relief from stay

ACAR LEASING LTD

Docket 39

Tentative Ruling:

Petition Date: 5/24/18
Chapter 13 plan confirmed: 10/5/18
Service: Proper. No opposition filed.
Property: 2017 Chevrolet Cruze
Property Value: \$ (per debtor's schedules)
Amount Owed: \$
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency:

Debtor's confirmed chapter 13 plan provides for voluntary surrender of the vehicle. Movant regained possession on or about 2/18/19.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (relief from the co-debtor stay under § 1301); 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):

Hermond Setaghaian

Represented By
Todd J Roberts

Joint Debtor(s):

Benita Hakoupian

Represented By

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Hermond Setaghaian and Benita Hakoupian
Todd J Roberts

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#4.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(second deed of trust)

Docket 19

Tentative Ruling:

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$818,878 (2nd DoT)

Equity Cushion: 14.3%

Equity: <\$85,156> (FMV - (total debt [1st DoT per Debtor's Sch. D; 2nd; 3rd DoT] + 8% CoS)

Post-Petition Delinquency (2nd DoT): \$5,949.19

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

While the equity cushion is less than 20%, the delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... John Joseph Strand

Chapter 13

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5066 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#5.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(3rd deed of trust)

Docket 20

Tentative Ruling:

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$211,368.86 (3rd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency (3rd DoT): \$624.46 (1 payment of \$624.46)

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

The post-petition delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... John Joseph Strand

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#6.00 Motion for relief from stay

Wells Fargo Bank N.A.

Docket 62

Tentative Ruling:

Petition Date: 7/6/17

Chapter 13 plan confirmed: 2/8/18

Service: Proper; co-debtor served. No opposition filed.

Property: 627 Ruthcrest Ave. La Puente, CA 91744

Property Value: \$541,000 (per debtor's schedules, see below)

Amount Owed: \$405,794

Equity Cushion: 25.1%

Equity: \$91,926

Post-confirmation Delinquency: \$8,045.61 (4 payments of \$2,581.75, less suspense account balance of \$2,281.39)

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 the co-debtor stay under § 1301; and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment it received for this debt was \$1,750 on or about 2/25/19.

It appears that there is a sufficient equity cushion to protect the creditor, notwithstanding the missing post-petition payments. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Kristofor Lee Masson

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:14-11582 Nathaniel Tolentino Timbol and Herminia Ojascastro

Chapter 13

#7.00 Motion for relief from stay

US BANK TRUST NA

Docket 72

Tentative Ruling:

Petition Date: 3/27/14

Chapter 13 plan confirmed: 6/19/14

Service: Proper. Opposition filed.

Property: 11014 Paso Robles Ave. Granada Hills, CA 91344

Property Value: \$418,000 (per debtor's schedules)

Amount Owed: \$461,886

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$15,590.78 (5 payments of \$3,138.59; 3 late charges of \$135.61; less suspense account balance of \$1,500).

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 for this debt was \$1,500 on or about 1/14/19.

Debtors oppose the Motion, contending that all post-petition payments are current. Nevertheless, Debtors request to cure any remaining delinquency per an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nathaniel Tolentino Timbol

Represented By

Hasmik Jasmine Papian

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Nathaniel Tolentino Timbol and Herminia Ojascastro

Chapter 13

Joint Debtor(s):

Herminia Ojascastro Timbol

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12079 Nicole Tanice Shepherd

Chapter 13

#8.00 Motion for relief from stay

WILMINGTON TRUST

fr. 3/13/19

Docket 40

*** VACATED *** REASON: Resolved per APO (doc. 45) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

Movant(s):

WILMINGTON TRUST,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 301 Calendar**

Wednesday, April 17, 2019

Hearing Room 301

10:00 AM

1:19-10410 Novelette Arlene Mack-Woods

Chapter 7

#9.00 Motion for relief from stay

HAPPY SKY, INC

Docket 14

Tentative Ruling:

Petition Date: 2/25/19

Ch: 7

Service: Proper. Opposition filed.

Movant: Happy Sky, Inc.

Property Address: 4601 W. Slauson Ave. Los Angeles, CA 90043

Type of Property: Commercial

Occupancy: holdover after title in the subject property was quieted in Movant as of April 21, 2014 (Motion for RFS, Ex. F)

Foreclosure Sale: n/a

UD case filed: 7/12/18

UD Judgment: 1/28/19

Movant alleges that Debtor has a permanent injunction against her for asserting any claim, whether legal or possessory, on the subject property. Motion for RFS, Ex. F. Movant also alleges that Debtor has been deemed a vexatious litigant in the State Court. Id., Ex. F.

Debtor filed an opposition to the Motion on her own behalf. She argues, among other things, that her case was not filed in bad faith and that Movant's description of the unlawful detainer proceedings is not accurate. Among Debtor's many allegations, she contends that Movant and its attorney has "abused its court system with the help of [its] attorney" and that Movant's attorney has "abuse [sic] their power to help their client Happy Sky commit thievery." Debtor Decl. ISO Opposition, ¶¶ 5 - 6.

A relief from stay motion does not "involve a full adjudication on the merits of claims, defenses, or counterclaims." Id. As stated in the Bankruptcy Appellate Panel in Hamilton v. Hernandez, 2005 WL 6960211 (B.A.P. 9th

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 301 Calendar**

Wednesday, April 17, 2019

Hearing Room 301

10:00 AM

CONT... Novelette Arlene Mack-Woods

Chapter 7

Cir., Aug. 1, 2005), relief from stay proceedings are summary proceedings which address issues arising only under 11 U.S.C. Section 362(d). Hamilton, 2005 WL 6960211 at *3 (citing Johnson v. Righetti (In re Johnson), 756 F.2d 738, 740 (9th Cir. 1985)). Relief from stay hearings are limited in scope to adequacy of protection, equity, and necessity to an effective reorganization; the validity of underlying claims is not litigated. In re Johnson, 756 F.2d 738, 740 (9th Cir.1985), *cert. denied*, 474 U.S. 828 (1985). The court does not determine the underlying issues of ownership, contractual rights of parties, or issue declaratory relief. Here, where the State Court has already litigated the merits of the parties claims, Movant has presented grounds for relief.

Disposition: GRANT Motion under 11 U.S.C. 362(d)(1), with the specific relief 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); and **10** (relief binding & effective for 180 days against any debtor).

Relief requested in paragraph **9** (relief under 362(d)(4) is DENIED because Movant is not a secured creditor and is thus ineligible for such relief; and relief requested in paragraph **11** is DENIED because such relief requires the filing of an adversary proceeding under FRBP 7001.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Novelette Arlene Mack-Woods	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:14-15222 Reynaldo Villanueva

Chapter 13

#10.00 Motion for relief from stay

WELLS FARGO BANK NA

Docket 90

Tentative Ruling:

Petition Date: 11/19/14

Chapter 13 plan confirmed: 8/31/15

Service: Proper; non-filing co-debtor served. No opposition filed.

Property: 287 N. Driftwood Ave. Rialto, CA 92376

Property Value: not listed on Debtor's schedules

Amount Owed: \$8,254.76

Equity Cushion: unk.

Equity: unk.

Post-confirmation Delinquency: \$202.40 (1 payment of \$4.00; 1 payment of \$63.95; 1 payment of \$66.44; 1 payment of 68.01)

Movant alleges that the last payment received was on or about 1/10/19.

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); **6** (relief from the 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):

Reynaldo Villanueva

Represented By
R Grace Rodriguez

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Reynaldo Villanueva

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#11.00 Motion for relief from stay

U.S. BANK N.A

fr. 12/12/18

fr. MB cal, 2/27/19

Docket 46

Tentative Ruling:

This hearing was continued from Feb. 27, 2019, so that Debtor could continue to make payments under a trial loan modification. See ECF doc. 64. What is the status of this Motion, and of Debtor's payments under the trial loan modification?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10720 Victor Ramos

Chapter 13

#11.01 Motion for relief from stay

ESSEX WARNER CENTER, LP

Docket 9

Tentative Ruling:

Petition Date: 3/28/19

Ch: 13

Service: Proper, on Judge's shortened time procedures. No opposition filed.

Movant: Essex Warner Center, LP

Property Address: 21201 Kittridge St. Apt. 3104, Woodland Hills, CA 91303

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 1/8/19

UD Judgment: n/a (trial continued to 4/23/19)

Movant alleges cause for extraordinary relief because it believes this is a case of bad faith a hi-jacked proceeding as Debtor is not on the lease but appeared in the U.D. action. Debtor, however, lists this address on his petition as his residence and does not have a history of repeat filings. Without more facts alleged to support a finding of bad faith, this case does not present grounds for extraordinary relief.

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).

DENY relief requested under paragraphs **9-10** (binding and effective relief), as no grounds for extraordinary relief were presented. DENY relief requested in paragraph **8** (relief under § 362(d)(4)), as such relief is reserved for

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Victor Ramos
secured creditors.

Chapter 13

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Victor Ramos

Pro Se

Movant(s):

ESSEX WARNER CENTER, LP

Represented By
Julian K Bach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10656 Rita Patricia Monteza

Chapter 13

#12.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 10

Tentative Ruling:

On 3/21/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-11092-MT, was a chapter 13 that was filed on 4/28/18 and dismissed on 3/19/19 for failure to make required payments.

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 payments because she spoke primarily with a Spanish-speaking paralegal at her previous attorney's office, who did not inform her of her obligation to make ongoing payments. Debtor claims that she had "ample funds" to make her payments and, had she known of her obligations, the First Filing would not have been dismissed. Debtor states that since the First Filing was dismissed, she has retained a new attorney who explained her obligations and will guide her successfully through this chapter 13 case. Debtor claims that the property is necessary for a successful reorganization because the real property is her primary residence and the vehicles are her primary means of transportation.

Service proper on regular notice. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Rita Patricia Monteza

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10786 Carl Walker

Chapter 13

#12.01 Motion for relief from stay

BALCOR, LLC

Docket 4

Tentative Ruling:

Petition Date: 4/3/19

Chapter: 13

Service: Proper; no co-debtor served. No opposition filed.

Movant: BalcOR, LLC

Property Address: 29416 Malibu View Court, Agoura Hills, CA 91301

Type of Property: Residential

Occupancy: Tenancy

UD case filed: May 1, 2018

UD Judgment: N/A

While Movant argues that the case was filed in bad faith, movant failed to request relief under §§ 362(d)(1), where such an allegation would be relevant. Movant only requests relief under § 362(d)(2). Regardless, there has been an insufficient showing that any extraordinary relief should be granted. The attached documents show that the two 2016 bankruptcies, filed before movant foreclosed, were filed by Debtor's former landlord. Without more, there is no basis for concluding that those bankruptcies represent an ongoing scheme by Debtor and his former landlord.

Also, it has not been shown or alleged that there is any co-debtor and no other person was provided notice of this hearing. Movant alleges that Debtor improperly removed the unlawful detainer action to federal court. Movant also requests confirmation that there is no stay. There is no reason, however, why the automatic stay would not have arisen in this case, as Debtor has no prior cases. Further, Movant has not presented grounds (or the need) for annulment.

Disposition: GRANT under 11 U.S.C. 362(d)(2). GRANT relief as requested in paragraphs 2

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Central District of California
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Carl Walker

Chapter 13

(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 relief requested under paragraph 3 (confirmation that there is no stay in effect), paragraph 4 (annulment of the stay), paragraph 5 (termination of the co-debtor stay), paragraph 9 (order binding and effective against any debtor for 180 days), 10 (order binding and effective in any other case for two years), and 11 (order binding and effective in any case filed by debtor).

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

Party Information

Debtor(s):

Carl Walker

Pro Se

Movant(s):

Balcor LLC

Represented By
Andrew Mase

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11732 Susan Fines Caldera

Chapter 7

Adv#: 1:18-01090 American Contractors Indemnity Company v. Caldera

#13.00 Status conference re: complaint to determine
dischargeability of debt [11 u.s.c. section 523(a)(4)

fr. 10/10/2018, 1/23/19

Docket 1

***** VACATED *** REASON: Continued to May 22, 2019 at 10 am**

Tentative Ruling:

Having considered Plaintiff's Unilateral status report and finding good cause, this status conference is continued to May 22, 2019 at 10:00 am. Plaintiff should give notice

APPEARANCES WAIVED ON 1/23/19

Party Information

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#14.00 Status conference re: complaint to determine dischargeability

fr. 1/23/19, 3/13/19

Docket 1

*** VACATED *** REASON: Cont'd to 6/12/19 per order #16. If

Tentative Ruling:

Having considered the Order Staying the Entire Case Due to the Lapse of Appropriations (ECF doc. 8) and finding good cause, this status conference is continued to **March 13, 2019, at 10:00 a.m.**

Plaintiff to give notice of continued status conference.

APPEARANCES WAIVED ON 1/23/19

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

United States Department of

Pro Se

United States Department of

Pro Se

Defense Finance and Accounting

Pro Se

Plaintiff(s):

Len Teo Flores

Represented By
Barry E Borowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12338 Edward Ivan Mitchell

Chapter 7

Adv#: 1:18-01128 University Credit Union v. Mitchell

#15.00 Motion to set aside default judgment

Docket 15

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):

Edward Ivan Mitchell Pro Se

Defendant(s):

Edward Alan Mitchell Pro Se

Plaintiff(s):

University Credit Union Represented By
A. Lysa Simon
A. Lysa Simon

Trustee(s):

Diane C Weil (TR) Pro Se

United States Bankruptcy Court
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12338 Edward Ivan Mitchell

Chapter 7

Adv#: 1:18-01128 University Credit Union v. Mitchell

#16.00 Motion for default judgment

Docket 10

***** VACATED *** REASON: Default Judgment entered 3/12/19 (doc. 13) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Ivan Mitchell Pro Se

Defendant(s):

Edward Alan Mitchell Pro Se

Plaintiff(s):

University Credit Union Represented By
A. Lysa Simon
A. Lysa Simon

Trustee(s):

Diane C Weil (TR) Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12338 Edward Ivan Mitchell

Chapter 7

Adv#: 1:18-01128 University Credit Union v. Mitchell

#17.00 Status conference re complaint for:
dischargeability of debt

fr. 2/6/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Ivan Mitchell	Pro Se
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Defendant(s):

Edward Alan Mitchell	Pro Se
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Plaintiff(s):

University Credit Union	Represented By
	A. Lysa Simon
	A. Lysa Simon

Trustee(s):

Diane C Weil (TR)	Pro Se
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United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

Adv#: 1:18-01132 Bautista v. Johnson et al

#18.00 Status conference re complaint for:
 (1) false pretenses, false representation
 (2) actual fraud

fr. 2/27/19

Docket 1

Tentative Ruling:

The Clerk entered default on April 9, 2019. A Motion for Default Judgment was filed that same day, noticed for hearing on April 17, 2019 at 10:00 a.m. The Court will not hear a motion for default judgment on eight days' notice. The Court will require Plaintiff to re-notice the Motion for Default Judgment for a hearing on at least 21 days' notice using the procedures under LBR 9013-1(d). Movant should also fix the box in item 7 of the motion, indicating that default has not yet been entered. The default motion also needs to contain adequate evidence explaining the basis for the judgment. See LBR 7055-1(b); FRCP 55(b)(2)

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bruce DeWayne Johnson	Pro Se
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Defendant(s):

Bruce Johnson	Pro Se
Mainstream Media Partners Inc. a	Pro Se

Plaintiff(s):

Lynn Bautista	Represented By Ali Hosseini
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Trustee(s):

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

CONT... Bruce DeWayne Johnson

Chapter 7

United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10228 Gudelia Basilisa Juarez

Chapter 7

Adv#: 1:19-01012 Juarez v. Asset Acceptance LLC

#19.00 Status conference re complaint to set aside preference

Docket 1

*** VACATED *** REASON: Continued to May 22 so Plaintiff can lodge judgment following settlement

Tentative Ruling:

Settled - Plaintiffs must lodge appropriate judgment order so case can be closed

Party Information

Debtor(s):

Gudelia Basilisa Juarez

Represented By
Steven L. Kimmel

Defendant(s):

Asset Acceptance LLC

Pro Se

Plaintiff(s):

Gudelia Basilisa Juarez

Represented By
Steven L. Kimmel

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#20.00 Status conference re complaint for:
(1) validity, priority or extent of lien or other interest in property
(1) declaratory judgment

Docket 1

***** VACATED *** REASON: Alias summons issued new hrg. 5/15/19
@10am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC

Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:19-10429 Gabriel Blanc

Chapter 7

#21.00 Motion to amend order dismissing case to Include a one-year bar to re-filing pursuant to 11 U.S.C. §§ 105(a), 349(a) and 707(b)(3)(A) and federal rule of bankruptcy procedure 9023

Docket 8

Tentative Ruling:

Trustee argues that the Court should amend its March 2019 order dismissing the case under Rule 9023 to include a finding of bad faith and a one year bar to refiling bankruptcy.

Bad faith, as cause for the dismissal of a Chapter 13 petition with prejudice, involves application of "totality of the circumstances" test, and bankruptcy court should consider following factors: (1) whether debtor misrepresented facts in his petition or plan, unfairly manipulated Bankruptcy Code, or otherwise filed his petition or plan in an inequitable manner; (2) debtor's history of filings and dismissals; (3) whether debtor only intended to defeat state court litigation; and (4) whether egregious behavior is present. In re Leavitt, 171 F.3d 1219 (9th Cir. 1999).

This Debtor filed three cases within three months. No schedules were filed in any of the cases. The filings were an attempt to thwart Debtor's landlord's attempts to proceed with an unlawful detainer action.

The Motion is GRANTED. The dismissal order will be amended to include a one-year bar to refiling. Trustee to lodge order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Gabriel Blanc

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

CONT... Gabriel Blanc

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#22.00 Status and case management conference

fr. 12/12/18

Docket 1

***** VACATED *** REASON: Continued to May 15 at 10 am**

Tentative Ruling:

APPEARANCE REQUIRED

This is continued to May 15 at 10 am, based on the request to go to mediation before a disclosure statement is filed.

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

**United States Bankruptcy Court
Central District of California
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#23.00 First amended chapter 11 plan of reorganization

fr. 2/6/19, 3/1/19

Docket 53

*** VACATED *** REASON: Case dismissed 4/5/19 -CT

Tentative Ruling:

There will be no testimony on valuation at the hearing on March 1. The Court will first have to resolve the issues raised in U.S. Bank's objection to confirmation. The Court will hear oral argument on the objection to confirmation. The Debtor's principals may also testify in support of confirmation.

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
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#24.00 Status and case management conference

fr. 5/23/18, 9/12/18, 11/14/18, 2/6/19, 3/1/19

Docket 1

*** VACATED *** REASON: Case dismissed 4/5/19 -CT

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

MEJD PARTNERSHIP

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#25.00 Motion for allowance and payment of administrative claim 9

Docket 127

***** VACATED *** REASON: Case dismissed per order #157. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#26.00 Scheduling and case management conference
and filing of montly reports

Docket 129

***** VACATED *** REASON: Case dismissed per order #157. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

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

Wednesday, April 17, 2019

Hearing Room 302

10:00 AM

1:17-13020 Tatul Karo Galfayan and Christina Azatouhi Aleksanian

Chapter 7

#27.00 Trustee's Final Report & Application for Compensation

Docket 27

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):

Tatul Karo Galfayan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Christina Azatouhi Aleksanian

Represented By
Rosie Barmakszian

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 17, 2019

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#28.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr. 10/24/18; 12/19/18

Docket 2149

*** VACATED *** REASON: Cont'd by stip to June 26 -CT

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

11:00 AM

1:16-10987 German Dario Delacruz

Chapter 7

Adv#: 1:18-01130 Delacruz v. Fast Auto Loans Inc., a California corporation et

#29.00 Status conference re complaint for:
(1) recovery of money/property
(2) injunctive relief
(3) declaratory judgment

fr. 2/27/19

Docket 1

Tentative Ruling:

Appearance required

Party Information

Debtor(s):

German Dario Delacruz Pro Se

Defendant(s):

Fast Auto Loans Inc., a California Pro Se

Sterling Asset Recovery, a California Pro Se

Brian Rubalcaca Pro Se

Plaintiff(s):

German Dario Delacruz Pro Se

Trustee(s):

David Keith Gottlieb (TR) Pro Se

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

Wednesday, April 17, 2019

Hearing Room 302

1:00 PM

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

Chapter 7

#30.00 Motion for protective order against certain provisions of trustee's amended motion to take 2004 Exam of non-debtor witness Danny Bibi, and to require Bibi to produce non-debtor documents

Docket 160

Tentative Ruling:

These pleadings raise the following questions:

1. Evidentiary Objections
2. Whether a subpoena, witness and mileage fees are required,
3. Scope of document production and examination
4. Document production in advance of the examination

Based on the pleadings and the court's extensive familiarity with this case from previous hearings, the following is the ruling on each of these issues:

Evidentiary Objections

The statements attributed to debtor are admissible under FRE 801(d)(2) . See e.g., In re Mitchell, 357 B.R. 142, 151 (Bankr. C.D. Cal. 2006)("a party's own statements, when offered against them as evidence, are not hearsay. See Fed.R.Evid. 801(d)(2)(A) ("A statement is not hearsay if ... the statement is offered against a party and is ... the party's own statement, in either an individual or a representative capacity."); *United States v. Arteaga*, 117 F.3d 388, 395 (9th Cir.1997) ("[A] party's own statement, if offered against that party, is not hearsay....")

This is also a 2004 motion, and requiring a transcript of the 341 meeting is an excessive cost and not required at this time.

Evidentiary objections are overruled.

Subpoena, witness and mileage fees

Bibi argues that under FRBP 2004(c), as a third party witness, he cannot be compelled to appear and produce documents without a subpoena, LBR 2004-1(e), or payment of witness

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, April 17, 2019

Hearing Room 302

1:00 PM

CONT... Mainstream Advertising, a California Corporation

Chapter 7

fees, FRBP 2004(e). Trustee argues that, because Bibi has been designated to be the "Debtor" under FRBP 9001(5), no such requirements exist.

The designation under FRBP 9001(5) defines Bibi as the Debtor, but only for purposes of Debtor's various duties and obligations under the code. 10 Collier on Bankruptcy ¶ 9001.06 (16th 2019). Danny Bibi has been designated as the "Debtor" under FRBP 9001(5), so the designation under FRBP 9001(5) only extends to instances where the Code requires the debtor to perform certain obligations.

If a party seeks an examination of any party other than the debtor, FRBP 2004(e) requires mileage and a witness fee be tendered. LBR 2004-1(e) requires that a subpoena be served under FRBP 9016 and FRCP 45. To the extent the exam is sought as to Bibi's personal knowledge or records separate from his role with the debtor, this rule would apply.

The code creates various duties and obligations for a debtor, including to be available to be examined under FRBP 2004. "If the debtor is not a natural person but is a corporation or a partnership. . . the court may appoint one or more persons to perform the duties imposed upon the debtor by these and other rules." 10 Collier on Bankruptcy ¶ 9001.06 (16th 2019). So anything that the debtor would have to produce or testify about would not be subject to FRBP 2004(e) or FRCP 45. Bibi as "debtor" can't be conflated with Bibi personally. That also does not permit Bibi to play the kinds of smoke and mirrors game he played when testifying at the order for relief hearing where he freely offered records of admedia and monetized and acted as though they were debtor's records and business. If the inquiries or documents have anything at all to do with the debtor or are related in any way, he is to respond as the debtor and not claim it is separate, either personal or another corporate entity.

As there has been no subpoena, the scope of the examination and requests that will be permitted under this request are those requests that can properly be made to the debtor. The Trustee may certainly serve another request on any corporate entity or Bibi personally in compliance with FRBP 2004(e) for the topics not permitted here, but they have not all been properly requested at this point. Thus, the scope of the document requests and examination are discussed below based on how this specific request was formulated.

Scope of Examination and Document Requests

"On Motion of any party in interest, the court may order the examination of any entity." FRBP 2004(a). The scope of such an examination is limited to "the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect

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the administration of the debtor's estate, or to the debtor's right to a discharge." FRBP 2004(b). "The scope of inquiry permitted under a Rule 2004 examination is generally very broad and can legitimately be in the nature of a 'fishing expedition.'" W & S Investments, Inc., In re, 985 F.2d 577 (9th Cir. 1993). So, the inquiry of Bibi may be quite broad, even as a representative of the debtor.

When a party seeks to conduct a 2004 examination, and the party to be examined objects, the former must show that it has "good cause" to conduct the examination. In re W & S Investments, Inc., 985 F.2d 577, 1993 WL 18272, at *2 (9th Cir. Jan. 28, 1993). "Generally, good cause is shown if the [Rule 2004] examination is necessary to establish the claim of the party seeking the examination, or if denial of such request would cause the examiner undue hardship or injustice." In re Metiom, Inc., 318 B.R. 263, 268 (S.D.N.Y.2004) (quoting In re Dinubilo, 177 B.R. 932, 943 (E.D.Cal.1993)). Once the examiner establishes the existence of "good cause," the burden shifts back to the objecting party to show that examination would be oppressive or burdensome. Wilcher, 56 B.R. at 434 (citing Freeman v. Seligson, 405 F.2d 1326, 1337 (D.C.Cir.1968)). Trustee has shown cause for all the requests, but only those detailed below are permitted without a subpoena.

The chapter 7 trustee now seeks to conduct a 2004 examination of Danny Bibi, and requests the following:

1. All DOCUMENTS that describe YOUR interest in, or relationship to, admedia.com, Inc.
2. All DOCUMENTS that describe YOUR interest in, or relationship to, monetized.com.
3. All DOCUMENTS that describe YOUR interest in, or relationship to, any company which is either related to the above companies or in which you any Interest (all of which may be referred to as "Related Companies").
4. All corporate books and records for each of the Related Companies, including, without limitation, admedia.com and monetized.com.
5. General ledger and financial reports, including in electronic format, for each of the companies, including, without limitation, admedia.com and monetized.com.
6. Any and all agreements as between the Debtor, on the one hand, and YOU, on the other hand.
7. Any and all agreements as between the Debtor, on the one hand, and the Related Companies, on the other hand.
8. Any bank statements showing any payment between the Companies and or You.
9. Any receipts or proof of payment, digital or otherwise for any payments made by the Companies or Bibi on behalf of the Companies, including, but not limited to, the payment

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for the renewal of domain names, payment for servers, colo services, hosting services, SEO services, credit cards, consulting / contracting services, or payments to employees.

Motion, ECF 158 Exh. C.

Bibi objects to this request as overbroad and improperly seeking information about Bibi's personal interest in other non-debtor companies. This is true only if the request is interpreted as Bibi "personally" rather than in his capacity as the debtor. The 2004 exam may go forward and Bibi can be examined and must produce documents held by Debtor as detailed below. Trustee may seek any information regarding anything Bibi knows as a representative of the debtor. He may be asked about other non-debtor corporations if they have any dealings with the debtor. If the inquiry is solely as to Bibi's personal holdings, unrelated to the debtor, he cannot be asked those topics with this request. The court does not know at this point what business or personal dealings Bibi has that are separate from the debtor, but his designation as debtor under 9001(5) can only mean his capacity as the debtor, not every other thing about him, if it is not related to the debtor. For example, if Bibi is an officer in another company and the company has not commingled records with the debtor, done business with the debtor or held itself out as part of the debtor, Bibi would not be required to answer questions about that company in his 9001(5) debtor capacity. If debtor has done any of those things, Bibi as debtor would be required to be responsive about what the debtor did or has related to that company.

The document requests define "YOU" and "YOUR" as "means and refers to Danny Bibi and his agents, employees, subsidiaries, attorneys, and all other persons or entities, and each of them, acting on his behalf." This can only define "your" as being in Bibi's capacity as debtor, so cannot be interpreted as Bibi personally. Related Companies similarly may be defined as those in which the debtor has an interest and control over.

Thus, requests 1, 2, 3, 6, 7, 8 and 9 must be interpreted as the debtor's interests, documents, agreements, payments, etc. Requests 6 and 7 are a bit redundant with this interpretation but are permissible only to the extent they request information about the two named "related companies (admedia.com and monetized.com) that the Debtor would have access to and therefore its production is an obligation of the Debtor. Where the remaining requests relate to Bibi as an individual, it is improper to use the FRBP 9001(5) designation to seek information without first complying with the requirements of LBR 2004-1(e), even though the information requested is likely within the broad scope of 2004.

While Bibi argues that Trustee has not provided an adequate evidentiary basis for the

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relationship between monetized.com and admedia.com, request number 7 only requests agreements between Debtor and those related companies. If the documents exist, they are clearly related to the Debtor. The Court does not reach Bibi's other objections as to other companies, as they are irrelevant in light of this ruling. Since "Related Companies" is limited to admedia.com and monetized.com and solely those companies the debtor holds records of, the request is not required through a subpoena.

Requests 4 and 5 are not permitted unless debtor is in possession of these companies records.

Document production in advance of the examination

Bibi also objects to the request for the production of documents a certain number of days before the examination. There is no practical reason to require Trustee to file two separate 2004 motions, one to produce documents and another for an examination. The only purpose this could serve would be to create an increased financial burden on the trustee and slow the administration of the estate. Production of documents may be required at a date in advance of the in-person examination to allow time for the Trustee to review those documents where the Trustee has given adequate notice of both the document production date as well as the in person examination date.

The Motion for protective order is GRANTED in part, DENIED in part as detailed above.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mainstream Advertising, a

Represented By
Kathleen P March

Trustee(s):

Amy L Goldman (TR)

Represented By
David B Golubchik
Peter J Mastan

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1:14-11862 Claudia C. Trinidad

Chapter 13

#61.00 Motion of U.S. Trustee Objecting to Notices of Payment Changed Filed In Connection with Proof of Claim 5; Declaration of Sandra A. Cruz In Support Thereof

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Federal Rule of Bankruptcy Procedure 3002.1(b)(1) requires the holder of a claim secured by a debtor's principal residence to provide a 21-day notice of any change in the payment amount.

[The Rule] is added to aid in the implementation of § 1322(b)(5), which permits a chapter 13 debtor to cure a default and maintain payments on a home mortgage over the course of the debtor's plan. . . . In order to be able to fulfill the obligations of § 1322(b) (5), a debtor and the trustee have to be informed of the exact amount needed to cure any pre-petition arrearage, see Rule 3001(c)(2), and the amount of the postpetition payment obligations. If the latter amount changes over time, due to the adjustment of the interest rate, escrow account adjustments, or the assessment of fees, expenses, or other charges, notice of any change in payment amount needs to be conveyed to the debtor and trustee. Timely notice of these changes will permit the debtor or trustee to challenge the validity of any such charges, if appropriate, and to adjust post-petition mortgage payments to cover any undisputed claimed adjustment.

Advisory Committee Note to Bankruptcy Rule 3002.1. If a claim holder fails to provide the notices required by Rule 3002.1, the court may:

- (1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or
- (2) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

Rule 3002.1(i).

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The Office of the United States Trustee ("U.S. Trustee") brings this objection to the Notices of Mortgage Payment Change ("NPC") filed in connection with proof of claim 5 of creditor Metropolitan Life Insurance Company ("Metropolitan") and servicer Bayview Loan Servicing, LLC ("Bayview"). Bayview filed an opposition to the motion. Bayview admits that it failed to file a total of three required NPCs. Using information provided by Bayview, the table below shows the timeline of changes made to the payments on this mortgage:

	Total Payment	P&I	Escrow	P&I Listed in Escrow Analysis	Note
7/1/14 MISSING NPC	\$2,568.43	\$2,051.19	\$517.24	N/A	APR increase 3% to 4%
Claim Filed 8/26/14	\$2,315.46	\$1,798.22	\$517.24	\$1,798.22	P&I incorrect
7/31/15 NPC	\$2,900.42	(no change listed)	\$849.23	\$2,051.19	Escrow Increase
9/1/16 MISSING NPC	\$3,182.43	\$2,333.20	N/A	N/A	APR increase 4% to 5.070%
10/1/16 MISSING NPC	\$2,958.98	\$2,333.20	\$625.78	N/A	Escrow Reduction
2/8/17 NPC	\$2,960.31	(no change listed)	\$627.11	\$2,333.20	Escrow Increase

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2/8/18 NPC	\$3,026.84	(no change listed)	\$693.64	\$2,333.20	Escrow Increase
1/30/19 NPC	\$3,129.82	(no change listed)	\$796.62	\$2,333.20	Escrow Increase

The first thing that strikes the Court is that the first NPC that Bayview failed to file for the change effective July 1, 2014 simply contradicts the amounts stated in its own claim filed two months later. The interest rate in Claim 5-1 was listed as 3% and the principal and interest component ("P&I") was listed as \$1,798.22, even though two months earlier the interest rate had risen to 4% with P&I of \$2,051.19. This initial error was the inauspicious start to a pattern of mistakes.

Bayview argues that the motion should be denied and that it should be granted attorneys' fees because a simple phone call would have quickly resolved this issue. Bayview argues that Debtor was not prejudiced by its failure to file the requisite NPCs because Bayview has retroactively issued credits to Debtor's account to correct its error. Bayview also argues that it has now filed a response to chapter 13 trustee's Notice of Final Cure Payment ("NOFC") indicating that Debtor is current on all post-petition payments. Bayview's response to the NOFC includes annotations indicating that it issued such credits to correct the errors pointed out in the motion. Bayview's response to the NOFC, however, was filed after the U.S. Trustee brought this motion, which undermines Bayview's argument that this motion was unnecessary.

Bayview also fails to mention that it filed a Motion for Relief from the Automatic Stay on October 17, 2018. Reviewing the schedule of payments attached to that RFS Motion as Exhibit "H," it is not clear that Debtor was ever completely sure about the amounts of monthly payments, as Debtor was typically making monthly payments in excess of the amount allegedly due. Further, exhibit H only shows as "amount due" the numbers included in the various NPCs: \$2,315, \$2,900, \$2,960, and \$3,026. This seems at odds with Bayview's representation in its opposition to this motion that it made the adjustments, but simply never filed the required NPCs. In fact, Exhibit F to Bayview's opposition has entirely different amounts due compared with Exhibit H of the RFS motion.

To put it bluntly: did Bayview fabricate exhibit H to its RFS motion to only include amounts due that properly appeared in NPCs? There are indications that exhibit H was hand-made, rather than computer generated, including at least one typographical error indicating that a payment of \$641.02 was made on 2/26/2015 although it appears to have been 2/26/2018. The accounting in exhibit H, when added up, indicates that Bayview received over \$131,393.30 from Debtor in the period from May, 2015 to May, 2018 and that \$133,274

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was due for that same period. That would indicate a delinquency of about \$1,880.70. However, Bayview's RFS motion indicated in that motion that Debtor was delinquent \$13,679.06. It appears that Bayview's RFS motion was internally inconsistent, yet it led to an APO whereby the Debtor paid Bayview a lump sum of \$6,038.76 to "cure arrears." Additionally, it seems that Debtor "cured" a portion of the \$13,679.06 "arrearage" before the APO stipulation was reached.

What explains the discrepancy between the representations made in the RFS and those made in the opposition to the instant motion? At minimum, it seems to indicate that Bayview knew about the missing NPCs over four months before the U.S. Trustee filed its motion. When exactly did Bayview credit Debtor's account--was it after it realized its error, or after it was confronted by the U.S. Trustee's motion?

The motion will be granted in full. Bayview's request for attorney's fees is denied. Bayview will appear and explain why it should not be sanctioned in connection with its representations in connection with the motion for relief from stay. Attorney Kevin Simon will not be granted attorney's fees in connection with resolving the RFS motion unless he can explain why it was reasonable to reach the APO stipulation despite the improper math in the motion. If such attorney's fees are granted, they will be paid by Bayview.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Claudia C. Trinidad

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-11926 Jacquelyn McQueen David

Chapter 13

#62.00 Notice of Motion of United States Trustee Objecting to Notices of Mortgage Payment Change Filed In Connection with Proof of Claim 6.

Docket 34

***** VACATED *** REASON: Cont'd to 6/25/19 @ 11:30 per Order #39. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn McQueen David

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-12070 Bernice Holtz Hart

Chapter 13

#63.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 2/7/19

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice Holtz Hart

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-12223 Arsen Babikian

Chapter 13

#64.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arsen Babikian

Represented By
Roland H Kedikian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-11938 Emilio I Ochoa

Chapter 13

**#65.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 72

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emilio I Ochoa

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-12528 Damian M Wilson

Chapter 13

**#66.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 54

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

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11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

#67.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 2/7/19

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Ruling for February 7, 2019: Continued to 4/23.

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-10866 Lecia Kay Westerman

Chapter 13

**#68.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lecia Kay Westerman

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#69.00 Trustee's motion to dismiss case for failure to make
plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Ruling for February 7, 2019: Continued to 4/23/19 at 11:00.

Ruling for December 18, 2018:
Continued to February 7, 2019 at 11:30 a.m.

Ruling for November 1, 2018:
Cont. to 12/6/18 at 11:30.

Ruling for July 19, 2018
Continued to November 1, 2018 at 11:30 a.m.

Ruling for June 7, 2018
Continued to July 19, 2018, at 11:30 a.m.

Ruling for April 5, 2018:
Continued to June 7, 2018, at 11:30 a.m.

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By

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**CONT... Eduard Shevkolenko and Sokhiba Shevkolenko
Elena Steers**

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-12308 Allan Apan

Chapter 13

#70.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Apan

Represented By
James Geoffrey Beirne

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-12597 Miriam Erica Claire Frenkel Fehring

Chapter 13

**#71.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 105

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miriam Erica Claire Frenkel Fehring

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-12668 Demonica E M Santiago-Plummer

Chapter 13

#72.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Demonica E M Santiago-Plummer

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-12943 Alireza Alex Mesrinejad and Mojgan Taghipour

Chapter 13

**#73.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alireza Alex Mesrinejad

Represented By
Kevin T Simon

Joint Debtor(s):

Mojgan Taghipour

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-13031 Marilyn Rafanan Jones

Chapter 13

#74.00 Motion RE: Objection to Claim Number 4 by
Claimant US Bank Trust N.A., et al.

fr. 12/6/18, 12/18/18; 4/4/19(MB)

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing in December 18, 2018, Judge Barash continued this matter to April to allow Debtor time to see whether Debtor successfully reached the end of the trial stage of the loan modification. Nothing new has been filed on the docket. What is the status of the trial loan mod?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Marilyn Rafanan Jones

Represented By
Kevin T Simon

Movant(s):

Marilyn Rafanan Jones

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-10083 Abdul K. Patel

Chapter 13

**#75.00 Motion to Dismiss Case for Failure to Make
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Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abdul K. Patel

Represented By
David Samuel Shevitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-10216 Lautala Tupou

Chapter 13

#76.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lautala Tupou

Represented By
Todd L Turoci

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-10258 Hernan Antonio Saravia and Vanessa Saravia

Chapter 13

**#77.00 Motion to Dismiss Case for Failure to Make
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Docket 64

***** VACATED *** REASON: Withdrawal filed by Trustee doc. #68. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hernan Antonio Saravia

Represented By
Allan S Williams

Joint Debtor(s):

Vanessa Saravia

Represented By
Allan S Williams

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-10570 Laura Pena

Chapter 13

#78.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Pena

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-10667 Esmeralda Miron

Chapter 13

**#79.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Esmeralda Miron

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#80.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This matter will be heard at 1:00 p.m. at the same time as the OSC and adversary status conference.

NO APPEARANCE REQUIRED AT 11:00 A.M.

10/23/18 Tentative

There is no need to rule on this claim until the state court litigation is completed.
This can be continued a few months to see what the Superior Court rules

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

**#81.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wolfe Amper

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-11140 Dahlia J-nai Jones

Chapter 13

#82.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dahlia J-nai Jones

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

**#83.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-12337 Edwin I Guardia

Chapter 13

#84.00 Debtor's motion re: objection to claim number 5 by
claimant Bank of America, N.A.

fr. 2/7/19

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Standing to File Proof of Claim

Debtor argues that Bank of America, N.A. (as serviced by Wells Fargo) ("BOA") does not have standing to assert this claim. Debtor relies on In re Veal, where the BAP determined that "a party has standing to prosecute a proof of claim involving a negotiable promissory note secured by real property if, under applicable law, it is a 'person entitled to enforce the note' as defined by [§ 3-301] the Uniform Commercial Code." Veal v. Am. Home Mortg. Servicing, Inc. (In re Veal), 450 B.R. 897, 902 (B.A.P. 9th Cir. 2011). UCC § 3-301 (codified as Cal. Commercial Code § 3301) defines "person entitled to enforce" an instrument to include the holder of the instrument. A "holder" in turn is defined to include "the person in possession of a negotiable instrument that is payable to the bearer or to an identified person that is the person in possession." UCC 1-201(b)(21)(A); Cal. Commercial Code § 1201(b)(21)(A).

BOA argues that the subject note is endorsed in blank and, therefore, is payable to the bearer. BOA submits evidence that it is in possession of the note and is therefore a person entitled to enforce the note under UCC 3-301. Attached to the declaration of Talneca Wilson is a copy of such note. This appears to resolve the issue of whether BOA has standing to prosecute this proof of claim. The Court now moves to the merits of the claim objection.

Informal Proof of Claim Theory

There are two requirements for a document to qualify as an informal proof of claim: "(1) the document must state an explicit demand showing the nature and amount of the claim against the estate, and (2) the document must evidence an intent to hold the debtor liable." Spokane Law Enf't Fed. Credit Union v. Barker (In re Barker), 839

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

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

CONT... Edwin I Guardia

Chapter 13

F.3d 1189, 1196 (9th Cir. 2016). Further, the document must have been filed within the statutorily prescribed time frame. Id. On October 31, 2018, almost a month before the deadline to file a proof of claim, BOA filed an objection to the confirmation of Debtor's chapter 13 plan. The objection to confirmation states that BOA holds a claim for \$913,768.58 secured by Debtor's residence. The objection to confirmation evinces an intent to hold the Debtor liable because BOA argues that Debtor has failed to provide any cure its arrearages of \$373,668.84 in the plan as required by §§ 1322(b)(2) and (b)(5). By contrast, the court in Barker held that a debtor's schedules did not meet either of the prongs of the informal proof of claim because they were neither an explicit demand nor did they evidence an intent to hold the debtor liable.

Debtor argues that creditor's "informal proof of claim" theory has been superseded by an amendment to Rule 3002(c). This argument falls flat. Rules establishing the timeliness of claims were in effect at the time that the Barker was decided--in fact, one of the requirements of an informal proof of claim is that the document must be filed within the statutorily prescribed time frame. The informal proof of claim doctrine should therefore be understood as expanding the definition of "proof of claim" beyond formal proofs of claim, and deeming a claim timely as long as the "informal" proof of claim was filed within the time allowed by applicable rules. Rule 3002(c) is therefore integral to and not in conflict with the application of the informal proof of claim theory. Nor does the 2017 amendment to 3002(a), requiring secured creditors to file proofs of claim, affect or supersede the precedent on informal proofs of claims.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Edwin I Guardia

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-12951 Stephanie J. Sullivan

Chapter 13

#85.00 Motion RE: Objection to Claim Number 15
by Claimant Fidelity Creditor Services.

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Stephanie Sullivan ("Debtor") filed this objection to claim # 15-1 by Fidelity Creditor Services ("Fidelity"). Fidelity filed a claim for \$7,408.01 on March 14, 2019. The deadline for filing claims was February 15, 2019. Fidelity has not filed any opposition to the objection.

The claim is therefore disallowed in its entirety under § 502(b)(9).

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Stephanie J. Sullivan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-13067 Attilio E Armeni

Chapter 13

#86.00 Motion to Dimiss Chapter 13 Case

Docket 15

***** VACATED *** REASON: Case dismissed 3/29/19 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Attilio E Armeni

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, April 23, 2019

Hearing Room 302

11:00 AM

1:18-13067 Attilio E Armeni

Chapter 13

#87.00 Motion to Commence Loan Modification
Management Program (LMM) with proof of service and proposed order thereon

Docket 18

*** VACATED *** REASON: Case dismissed 3/29/19 -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Attilio E Armeni

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:14-15110 Marlene Colon

Chapter 13

#88.00 Trustee's motion to dismiss case
for failure to make plan payments

fr. 1/3/19; 3/7/19(MB), 3/26/19

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marlene Colon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:16-11417 Farshid Tebyani

Chapter 13

#89.00 Trustee's Motion to Dismiss Case . (Rojas (TR), Elizabeth (SV))

Docket 77

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:16-13460 Kathy Sophia Brening-Ray

Chapter 13

#90.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 9/11/18, 10/23/18, 1/22/19, 3/26/19

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor's motion to modify was granted on April 1, 2019. Has Trustee's motion been resolved?

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#91.00 Trustee's motion for order dismissing chapter 13 proceeding
fr. 1/22/19, 3/26/19

Docket 46

Courtroom Deputy:

- NONE LISTED -

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#92.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed motion to modify. Trustee responded to the motion, arguing that it should be denied because Debtor failed to provide evidence of current income and no budget had been filed. Debtor subsequently filed an amended schedule I on March 27. No order has been lodged on that motion to modify, no hearing has been set, and Trustee has not supplied any new comments. What is the status of the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:17-11808 David Esparza and Maria Esparza

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

An amended motion to modify was filed on March 29, 2019.

3/26/19 Tentative

Debtors indicate that they intend to file an amended Motion to Modify due to some disagreement about the correct amount due. The Motion to Modify has not been set for hearing. Do the Debtors or the Trustee want a hearing on the motion to modify?

Party Information

Debtor(s):

David Esparza

Represented By
Leonard Pena

Joint Debtor(s):

Maria Esparza

Represented By
Leonard Pena

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:18-10772 Anna Gevorkian

Chapter 13

#94.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 1/22/19; 2/26/19, 3/26/19

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:18-11752 Kevin Wayne Roberson and Zundra Roberson

Chapter 13

#95.00 Debtor's motion to avoid junior lien on principal residence
with Wells Fargo

fr. 2/7/19, 3/26/19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, the bank represented that it would obtain an appraisal before the April 23 hearing so that an evidentiary hearing could be scheduled if necessary. Nothing new has been filed on the docket. What is the status of the Bank's appraisal?

APPEARANCE REQUIRED

3/26/19 Tentative

Service: Proper. Opposition filed. Judge Barash previously continued this motion due to improper service upon Wells Fargo, and required that Wells Fargo be served at the address listed on proof of claim #3. Debtor has corrected that service deficiency. Property Address: 8319 Densmore Ave., North Hills, CA 91343
First trust deed: \$ 495,577.15
Second trust deed (to be avoided): \$ 37,155.42
Fair market value per Debtor's appraisal: \$445,000

Wells Fargo opposes the motion, correctly pointing out that Debtor's appraisal of the property is as-of December 27, 2018, more than five months after the petition date. Wells Fargo asserts that the value is greater than debtor contends, and requests time to obtain its own valuation.

The parties should come prepared to discuss potential dates for an evidentiary hearing on the value of the property.

APPEARANCE REQUIRED

Party Information

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

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

CONT... Kevin Wayne Roberson and Zundra Roberson

Chapter 13

Debtor(s):

Kevin Wayne Roberson

Represented By
Julie J Villalobos

Joint Debtor(s):

Zundra Roberson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:18-12253 Sonia Figueroa

Chapter 13

#96.00 Debtor's objection to claim number 7

fr/ 2/26/19, 3/26/19

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, Parties represented that they may be able to resolve both 1) the confirmation issues and 2) the objection to claim issues. Nothing new has been filed. What is the status of this claim objection?

APPEARANCE REQUIRED

3/26/19 Tentative

At the previous hearing, it was represented to the court that the parties were working together to resolve potential issues with the previous loan modification and a future loan modification. Nothing new has been filed on the docket. Do the parties intend to seek a further continuance?

2/26/19 Tentative

Sonia Figueroa ("Debtor") files this objection to the claim of Wilmington Savings Fund Society, FSB, dba Christiana Trust ("Wilmington"), arguing that the amount claimed is incorrect due to a prior loan modification agreement and that the issues surrounding this claim were litigated and a final order on the claim was entered in Debtor's previous bankruptcy case.

Wilmington's response simply states that it is in the process of obtaining information from prior servicers regarding the loan modification agreement. The Court is willing to grant Wilmington a short continuance to March 26 if necessary; however, the Court is wary of allowing lenders' habitual transferring of distressed mortgages inure to a creditor's benefit while prejudicing debtor's ability to secure the protections of the bankruptcy code in a timely manner. Any further continuance will require the agreement of the Debtor.

APPEARANCE REQUIRED

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

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

CONT... Sonia Figueroa

Chapter 13

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#97.00 Motion to Value Collateral, Determine Secured Lien, and for Direct Payments by Debtors to Kubota Credit Corporation, U.S.A. [Re: Kubota U55, Kubota U25, Kubota SVL75]

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The property at issue is three pieces of heavy machinery: two excavators (Kubota U55 and Kubota U25 with accessories) and a track loader (Kubota SVL75). Under the cramdown provision of 11 U.S.C. § 1325(a)(5)(B)(ii), a debtor must provide each allowed secured creditor both a lien securing the claim and a promise of future property disbursements whose total value, as of the plan's date, is not less than the claim's allowed amount. Till v. SCS Credit Corp., 541 U.S. 465, 468 (2004). When a chapter 11 or 13 debtor intends to retained lien property by making payments to a secured creditor, the court values collateral using the replacement value standard, based on the cost that debtor would incur to obtain a like asset for the same proposed use. First S. Nat. Bank v. Sunnyslope Hous. Ltd. P'ship (In re Sunnyslope Hous. Ltd. P'ship), 859 F.3d 637, 644 (9th Cir. 2017), as amended (June 23, 2017), cert. denied sub nom. First S. Nat. Bank v. Sunnyslope Hous. Ltd. P'ship, 138 S. Ct. 648, 199 L. Ed. 2d 530 (2018).

Creditor Kubota opposes the motion, arguing that Debtors' valuations of the equipment are too low and that the interest rate provided in plan does not match the rate required by Till.

	Loan	Current APR	Debtor's Valuation	Creditor's Valuation	Proposed Plan Treatment
Kubota U55	\$35,000	.99%	\$35,000	\$38,893.61	\$35,000 at 3.5% for \$637/month
Kubota U25 & Accs	\$43,000	3.4%	\$25,000	\$31,102.96	\$25,000 at 3.5% for \$455/month
Kubota SVL 75	\$39,000	.99%	\$27,000	\$46,800	\$27,000 at 3.5% for \$491/month

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

Tuesday, April 23, 2019

Hearing Room 302

11:30 AM

CONT... Gerardo Melendez and Maribel Melendez

Chapter 13

Regarding the appropriate interest rate under Till, this case presents unusual facts. Creditors being treated pursuant to the cramdown provision of § 1325(a)(5)(B)(ii) are entitled to receive interest at a formula "prime plus" rate, "which begins with the national prime rate and adjusts up or down according to the risk of the plan's success." Sunnyslope, 859 F.3d at 646. According to Kubota, prime rate was 5.5% on the date Debtors filed this case, and it is entitled to an upward adjustment for an interest rate of 8.5%. The unusual twist in this case is that the contract interest rate on each of the loans is substantially lower than the current prime rate. Debtors' reply states "Debtor's counsel believes the federal rate is 2.5% based on bankrate.com." Till requires use of the prime rate, not the federal funds rate. Debtors have not submitted authority to indicate why the Till rate is inapplicable in this instance.

The reply states that the Debtors intend to work with Kubota to attempt to resolve this matter without the need for an evidentiary hearing. If the parties cannot resolve by stipulation the issues of 1) valuation and 2) appropriate interest rate, an evidentiary hearing will be required.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

1:00 PM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#98.00 Order to Show Cause why Noushin Laaly, Kourosh Laaly and their counsel should not be held in contempt of court for violation of court's order and for sanctions

fr. 3/26/19

Docket 74

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, April 23, 2019

Hearing Room 302

1:00 PM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#99.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

4/10/19 Tentative

The Joint Status Report submitted by the parties indicates that the state court trial begins on May 10. Plaintiffs request that this matter be continued to April 23, 2019 to coincide with the Order to Show cause scheduled for that day. Defendants request that the hearing be continued to May 10, 2019.

This matter will be continued to April 23, 2019 at 1:00 p.m.

NO APPEARANCE REQUIRED on 4-10-19.

Party Information

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

Tuesday, April 23, 2019

Hearing Room 302

1:00 PM

CONT... Hamid Farkhondeh

Chapter 13

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

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#1.00 Plaintiff's motion to compel deposition of defendant,
request for sanctions in the amount of \$3,218.60

fr. 4/3/19

Docket 28

***** VACATED *** REASON: cont. to 6/26/19 @11am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#2.00 Motion for protective order regarding defendant's deposition; request for sanctions in the amount of \$5,175

fr. 4/3/19

Docket 31

***** VACATED *** REASON: cont. to 6/26/19 @11am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#3.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of Interrogatories; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

fr. 4/3/19

Docket 34

*** VACATED *** REASON: cont. to 6/26/19 @11am (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#4.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for production of documents; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

fr. 4/3/19

Docket 36

*** VACATED *** REASON: cont. to 6/26/19 @11am (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#5.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for admissions

fr. 4/3/19

Docket 38

***** VACATED *** REASON: cont. to 6/26/19 @11am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#6.00 Defendant's motion to quash subpoena Duces Tecum
of plaintiff's to US Bank

fr. 4/3/19

Docket 40

*** VACATED *** REASON: cont. to 6/26/19 @11am (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, April 24, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#7.00 Defendant's cross motion for protective order regarding plaintiff's motion to compel amended responses to to interrogatories

Docket 58

*** VACATED *** REASON: cont. to 6/26/19 @11am (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10854 Anthony Cesar Morta Montero

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 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Cesar Morta Montero	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10840 James Gordon

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Gordon

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10847 Richard Lee Welsh

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Lee Welsh	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10861 Tonya Latrice Gould

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 9

***** VACATED *** REASON: Counsel substituted into case (doc. 12, 4/25/19) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tonya Latrice Gould

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10866 Antonina Eaton

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 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antonina Eaton

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10914 Trivia Young

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 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trivia Young

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 301 Calendar**

Wednesday, May 1, 2019

Hearing Room 301

10:00 AM

1:19-10915 Marquis Donte Jolley

Chapter 13

#0.07 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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marquis Donte Jolley	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10924 Tina Jackson

Chapter 13

#0.08 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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina Jackson

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10926 Brenda Segall

Chapter 13

#0.09 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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Segall

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10930 Steven W Choi

Chapter 13

#0.10 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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven W Choi

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10941 Ben Yizhak Kora

Chapter 13

#0.11 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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ben Yizhak Kora

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#1.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: October 7, 2014
Chapter:13
Service: Proper. No opposition filed.
Property: 11009 Fenway Street, Los Angeles, CA 91352
Property Value: \$521,000 (per debtor's schedules)
Amount Owed: \$601,648.79 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$14,258.75 (5 payments of \$2851.75)

The evidence submitted in support of this motion includes an accounting that ends in March 2018. Motion Exhibit 5. Why is this? Movant's motion indicates that Debtor made payments in October 2018, December 2018, and January 2019. Why aren't these payments, and apparently numerous others, included in the accounting? Movant must provide a supplemental accounting to support its assertion that cause exists under § 362(d)(1).

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); 6 (waiver of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Anita Marie Dominguez

Raffy M Boulgourjian

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:15-10172 Alfredo Evangelista-Gomez

Chapter 13

#2.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: January 19, 2015
Chapter: 13
Service: Proper. Opposition filed.
Property: 12555 Van Nuys Blvd, Pacoima, CA 91331
Property Value: \$444,895 (per debtor's schedules)
Amount Owed: \$ 346,883.09 (per RFS motion)
Equity Cushion: 14% (assuming 8% Cost of sale)
Equity: \$98,011.91
Post-Petition Delinquency: \$15,448.54

Debtor opposes the motion, on the grounds that Movant has an equity cushion.
Debtor further intends to commence the Court's LMM program to modify the loan.

Movant requests 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); 7 (waiver of the 4001(a)(3) stay); and 12 (Debtor is a borrower as defined by § 2920.5(c)(2)(C)).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Alfredo Evangelista-Gomez

Represented By
Donald E Iwuchuku

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Alfredo Evangelista-Gomez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#3.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#4.00 Motion for relief from stay

CITIBANK, N.A.

fr. 4/3/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: October 25, 2016
Chapter: 13
Service: Proper. No opposition filed.
Property: 14000 Leadwell St., Los Angeles, CA 91405
Property Value: \$ 464,000 (per debtor's schedules)
First position DoT: \$173,633 per Claim #2-1
Second position DoT (Movant): \$ 135,294.48 (per RFS motion)
Equity Cushion: 25% (assuming 8% Cost of sale)
Equity: \$155,073.
Post-Petition Delinquency: \$3,500.48

It appears that Movant is protected by an equity cushion in the property. Can the parties work out an APO?

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); and 7 (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Gregory Toussaint

Represented By
Scott D Olsen

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Michael Gregory Toussaint

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#5.00 Motion for relief from stay

GREEN WILLOW HOMEOWERS ASSOC.

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: December 20, 2016
Chapter: 13
Service: Proper. Opposition filed.
Property: 10220 De Soto Ave Unit 23, Chatsworth, CA 91311
Property Value: \$277,000 (per debtor's schedules)
Amount Owed to Movant (HOA): \$ 11,725.57 (per RFS motion)
Post-Petition Delinquency: \$11,725.57
First position DoT: \$186,560 (Per Schedules)
Second position DoT: 64,475.21 (per PoC)
Tax Liens: \$2,333 (per schedules)

Movant alleges that this case was filed as part of a scheme to hinder, delay, or defraud creditors under § 362(d)(4). However, § 362(d)(4) requires specifically that the scheme to hinder, delay, or defraud involve either "(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property." Movant has not identified any other transfers of the property or multiple bankruptcy filings affecting the property. Movant merely alleges that Debtor has failed to pay post-petition HOA dues. Nor is § 523(a)(16) relevant to this relief from stay motion.

Debtor opposes the motion, arguing that the case was not filed in bad faith and stating that Debtor would like to enter into a repayment plan with Movant. Debtor's declaration attached to the opposition indicates that debtor suffered a medical emergency which caused her to fall behind on payments. This seems like an appropriate situation for an APO.

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Deborah Rose Sanders

Chapter 13

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); and 7 (waiver of the 4001(a)(3) stay); 8 (law enforcement may evict); 9 (relief under 362(d)(4)); 10 (relief binding & effective for 180 days against any debtor); and 11 (order binding and effective in any future bankruptcy).

Relief requested under paragraph 9 (362(d)(4) relief) will be denied for the reasons stated above. Relief requested under paragraph 11 will be denied, as an adversary proceeding is required to obtain such relief under FRBP 7001(7).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#6.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. MB cal, 2/27/19

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the February 27 hearing, the Court continued this hearing to monitor the Debtor's progress with the loan modification process. The orders allowing Debtor to commence the LMM program were entered on April 16 and 17. Has there been any further progress?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#7.00 Motion for relief from stay

U.S. BANK TRUST N.A.

4/3/19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the last hearing, Debtor filed an untimely opposition seeking an adequate protection order. Debtor has a significant amount of equity in the property and the Debtor has allegedly been ill. According to the motion, Debtor has not made a single post-petition payment. Has Debtor's attorney been in contact with the movant about resolving this matter via APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-10950 Adolfo Cortez Ruiz and Hilda Cortes

Chapter 13

#8.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

fr. 4/3/19

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the prior hearing, Movant's counsel indicated that the parties had agreed to a continuance. What progress has been made on resolving this?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Adolfo Cortez Ruiz

Represented By
Guy R Bayley

Joint Debtor(s):

Hilda Cortes

Represented By
Guy R Bayley

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#9.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the 3/27/19 hearing, the parties indicated that they were working on an APO, and that if they couldn't work it out, the Court would set a date for an evidentiary hearing. What is the status of an APO or a refinance?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-12284 Seyed A Amid

Chapter 13

#10.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18; 11/7/18; 1/2/19, 1/9/19, 2/27/19, 4/3/19

Docket 25

*** VACATED *** REASON: Order approving APO entered, Doc 37 -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the last hearing, the parties indicated that they were working on an APO. What is the status of the APO talks?

APPEARANCE REQUIRED

4/3/19 Tentative

This hearing was continued from 2/27/19 as the parties are awaiting an accounting. What is the status of this Motion?

APPEARANCE REQUIRED

2-27-19 TENTATIVE RULING BELOW

The hearing was continued from 1/9/19 at the request of the parties so that they could continue with the accounting. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Seyed A Amid

Represented By
Devin Sawdayi

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Seyed A Amid

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:17-12801 Jersa Wheeler Liddell

Chapter 13

#11.00 Motion for relief from stay

CITIBANK, N.A.

fr. 4/3/19

Docket 79

***** VACATED *** REASON: Cont'd per stip to June 5 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jersa Wheeler Liddell

Represented By
Alon Darvish

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-10267 Teodoro Melgar

Chapter 13

#12.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 59

*** VACATED *** REASON: Resolved per APO -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teodoro Melgar

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-10718 Doriana Sanchez

Chapter 13

#13.00 Motion for relief from stay

US BANK NATIONAL ASSO.

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: March 20, 2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 12800 La Maida St., Los Angeles, CA 91607
Property Value: \$ 927,793 (per debtor's schedules and opposition)
Amount Owed (first mortgage): \$ 401,521.99 (per RFS motion)
Junior lien (Chase Bank): 165,508 (per schedules)
Equity Cushion: 30% (assuming 8% Cost of sale)
Equity: \$360,763.01
Post-Petition Delinquency: \$9,369.46

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); and 7 (waiver of the 4001(a)(3) stay).

Debtor filed an opposition, arguing that there is a significant amount of equity in the property. In re Mellor, 734 F.2d 1396, 1401 (9th Cir. 1984)(20% equity cushion, standing alone, can provide adequate protection for purposes of § 362). Debtor also asserts that more payments have been made than movant accounts for.

The parties should work out an APO.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Doriana Sanchez

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Doriana Sanchez

Chapter 13

Andrew Moher

Movant(s):

U.S. Bank National Association, not

Represented By
Erin M McCartney

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

#14.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

fr. MB cal, 2/27/19, 4/3/19

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the last hearing, the parties indicated that Debtor was 6 months in arrears. What is the status of a cure or APO?

APPEARANCE REQUIRED

4/3/19 Tentative

This hearing was continued from February 27, 2019 at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

David Wolfe Amper

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-11477 Brett Schindler

Chapter 13

#15.00 Motion for relief from stay

CAB WEST, LLC

Docket 37

***** VACATED *** REASON: Resolved per APO -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brett Schindler

Represented By
Larry D Simons

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#16.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 5/1/19

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, the parties indicated that Debtor was still two payments behind. What is the status of this motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-12847 Chukit Phimboun

Chapter 13

#17.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

Docket 21

***** VACATED *** REASON: APO reached, Doc. 24 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: November 21, 2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 2015 Kia Soul Wagon 4d

Property Value: \$10,100 (per debtor's schedules)

Amount Owed: \$10,817.64

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$1,693.4 (4 payments of \$423.35)

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):

Chukit Phimboun

Represented By
David H Chung

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Chukit Phimboun

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#18.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: November 27, 2018
Chapter: 11
Service: Proper. Non-opposition filed.
Property: 2206 Veteran Ave., Los Angeles, CA 90064
Property Value: Not scheduled
Current property value: Unknown
Amount Owed: None listed (per RFS motion)
Equity Cushion: N/A
Equity: Unknown
Post-Petition Delinquency: None listed

This property is not listed on Debtor's schedules and appears to have been dumped into this case. Wilmington Savings Fund Society ("Movant") argues that cause exists for relief from stay under § 362(d)(1) because its interest in the property is not adequately protected and the bankruptcy was filed in bad faith. Movant further argues that this case was part of a scheme to hinder, delay, or defraud creditors that involved the transfer of ownership of the property and/or multiple bankruptcy cases affecting the property. The property was affected by two previous cases filed by a Robert Silverman, 18-15400 and 18-18072. Both of those chapter 13 cases were dismissed without a plan being confirmed. Furthermore, a quitclaim deed attached to the motion as exhibit 5 indicates that PB-1 was "transferred" a 10% the property on November 27, 2018, the date that this case was filed by Mr. Silverman. This has all the indications of a scheme to hinder, delay, or defraud by a third party, and Debtor does not appear to be involved in any way.

Motion GRANTED under 11 U.S.C. 362(d)(1) and (d)(4), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 7 (waiver of the

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10:00 AM

CONT... PB-1, LLC

Chapter 11

4001(a)(3) stay); 8 (law enforcement may evict); 9 (relief under 362(d)(4)); 10 (relief binding & effective for 180 days against any debtor); and 12 (Debtor is a borrower for purposes of Cal. Civ. Code § 2923.5.

Relief DENIED under paragraph 11 (order binding and effective in any future bankruptcy case), as an adversary proceeding is required under FRBP 7001(7) for a permanent injunction.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kristin A Zilberstein

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10548 Pamela Boghonian

Chapter 7

#19.00 Motion for relief form stay

HYUNDAI LEASE TITLING TRUST

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: March 8, 2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Hyundai Santa Fe

Property Value: \$ N/A, lease

Amount Owed: \$ 22,902.61

Equity Cushion: N/A, Lease

Equity: N/A, Lease

Delinquency: \$1,276.16

No proof of insurance has been provided and the vehicle is depreciating in value.

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):

Pamela Boghonian

Represented By
Rabin J Pournazarian

Movant(s):

Hyundai Lease Titling Trust

Represented By
Jennifer H Wang

**United States Bankruptcy Court
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San Fernando Valley
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Pamela Boghozian

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10548 Pamela Boghozian

Chapter 7

#20.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: March 8, 2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2014 Lexus ES 300H
Property Value: \$ N/A, lease
Amount Owed: \$ 25,927.58
Equity Cushion: N/A. Lease
Equity: N/A, Lease
Delinquency: \$25,927.58 (lease matured)

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):

Pamela Boghozian

Represented By
Rabin J Pournazarian

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10805 Debbie Ann Ko

Chapter 13

#21.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 12422 Sylvan Street North Hollywood, CA 91606

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On April 4, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed within the past year. The dismissed Chapter 13 case, 16-11467-VK, was filed on May 16, 2016 and dismissed on February 14, 2019 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 became ill and was unable to work for a significant amount of time, and was therefore unable to make her modest \$200 per month plan payments. Debtor has now returned to work and her health has recovered. Debtor's consistency in making payments under her previous plan for two years indicates that these cases were filed in good faith by a Debtor who needs the protections offered by chapter 13.

No opposition was filed. The motion is GRANTED.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Debbie Ann Ko

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
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Wednesday, May 1, 2019

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10:00 AM

CONT... Debbie Ann Ko

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10836 Melissa D Kurtz

Chapter 13

#22.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 13105 Portola Way Sylmar, CA 91342

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On April 8, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 17-13304-MT, was filed on December 12, 2017 and dismissed on December 4, 2018 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. No opposition was filed. 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 Debtor was unexpectedly laid off from her job and was unable to make plan payments using only unemployment benefits. Debtor states that she has found new employment and is confident she can make all plan payments.

No opposition filed. The motion is GRANTED.

NO APPEARANCE REQUIRED.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:14-14219 Carmine Antonello

Chapter 13

#23.00 Opposition to declaraton re: Default under adequate protecton order; request for entry of order granting relief from stay

U.S. BANK TRUST N.A.

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On February 17, 2016, U.S. Bank ("Movant") filed a Motion for Relief from the Automatic Stay with respect to Debtor's property located at 5500 N. Owensmouth Ave., # 316, Woodland Hills, CA 91367. The Motion claimed that Debtor was nearly \$11,000 in arrears post-petition. Debtor responded to the motion, then the parties entered into a stipulated adequate protection order. The Adequate protection order stated that Debtor must cure the postpetition default of \$13,152.62 in equal monthly payments of \$1,096.05 from April, 2016 to March 2017, and stay current thereafter. The Declaration re: Default states that Debtor has not made monthly payments for January 2019 to March 2019. Movant filed a Declaration re: Default Under Adequate Protection Order on March 29, 2019.

Debtor filed an opposition to declaration re: default, stating that Debtor made payments that Movant did not account for. Movant then filed a Supplemental Declaration re: Default, indicating that it had received a payment for at least January and February. The accounting attached to the supplemental declaration indicates that payments are due for March 2019.

Do the parties intend to continue to work this matter out?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Carmine Antoniello

Chapter 13

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
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:12-17302 Dennis Berkovich

Chapter 13

Adv#: 1:19-01007 California Franchise Tax Board v. Berkovich

#24.00 Status Conference Re: Complaint to
Determine NonDischargeability of Tax
[11 USC Sections 523(a)(1)(B) (i) and
1328(a)(2)]

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The parties should advise whether any objection to following deadlines:

Discovery to be completed by 9/20/19

Dispositive Motions filed by October 16

If no MSJ filed, pretrial stip must be filed by 11/20

Continued s/c on 12/4 will be either a summary judgment hearing or a pretrial
conference and will set trial date

Parties may submit a mediation order anytime

Party Information

Debtor(s):

Dennis Berkovich

Represented By
Charles Shamash
Joseph E. Caceres

Defendant(s):

Dennis Berkovich

Represented By
Andrew Edward Smyth

Joint Debtor(s):

Marina Voloshin

Represented By
Charles Shamash

**United States Bankruptcy Court
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10:00 AM

CONT... Dennis Berkovich

Joseph E. Caceres

Chapter 13

Plaintiff(s):

California Franchise Tax Board

Represented By
Ronald N Ito

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-12429 Salvador German Helleon

Chapter 7

Adv#: 1:19-01001 Amaya v. Helleon

#25.00 Status Conference Re: Complaint
of Katherine Amaya for Determination
of Non-Dischargeability of Debt Pursuant
to 11 USC Sec. 523(a)

fr. 3/13/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Discovery cut-off (all discovery to be completed): **7/19/19**
Defendants are free to bring a motion for judgment on the pleadings at any time,
but it must be done by motion and not in a status conference report.

Case dispositive motion filing deadline (MSJ; 12(c)): **8/7/19**

**Pretrial conference: will be 10/2 at 11 am, unless MSJ is filed, then MSJ
will be heard at 1 pm**

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

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Salvador German Helleon

Represented By
Blake J Lindemann

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

CONT... Salvador German Helleon

Chapter 7

Defendant(s):

Salvador German Helleon

Pro Se

Joint Debtor(s):

Daniel Roy Farrell

Represented By
Blake J Lindemann

Plaintiff(s):

Katherine Amaya

Represented By
Paul M Yi
Edward W Choi

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 13

Adv#: 1:19-01015 Gamm et al v. Rodriguez

#26.00 Status Conference Re: Amended Complaint
to Determine Debts to be Non-Dischargeable
Pursuant to Section 1328(A)(4) of the Bankruptcy
Code; Demand for Trial by Jury

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

Defendant(s):

Eric Rodriguez

Pro Se

Plaintiff(s):

Veronica Gamm

Represented By
Frank E Marchetti

Marina Noorali

Represented By
Frank E Marchetti

Fredy Harrison

Represented By
Frank E Marchetti

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#27.00 Motion for Approval of Compromise by and Among Chapter 7 Trustee, and JPMorgan Chase, N.A.,

Docket 2242

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the settlement, and for good cause appearing, the motion is GRANTED.

NO APPEARANCE RQUIRED

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
Jorge A Gaitan

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#28.00 Trustee's Motion for Approval of Compromise by and among Chapter 7 Trustee, Manuel A. Sanchez, and Bank of America

Docket 2243

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the settlement, and for good cause appearing, the motion is GRANTED.

NO APPEARANCE RQUIRED

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
Jorge A Gaitan

**United States Bankruptcy Court
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10933 J Entertainment LLC

Chapter 7

#28.01 Order to Show Cause re Dismissal with a 180-Day Bar to Refiling for repeated violations of Local Bankruptcy Rule 9011-2(a)

Docket 3

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has not retained counsel or provided any explanation for why it filed a second improper pro se case on the same day its previous case was dismissed pursuant the Court's OSC.

This case is DISMISSED with a 180-day bar to refiling.

Party Information

Debtor(s):

J Entertainment LLC

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10739 J Entertainment LLC

Chapter 7

#29.00 Motion to Dismiss Debtor to Dismiss Debtor's
Bankruptcy Case and to Bar the Debtor from
re-filing for Bankruptcy for 180 days

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on April 17 without a bar pursuant to the Court's OSC. Debtor has filed a subsequent bankruptcy, case number 19-10933. A hearing is being held in that matter on May 1, and the Court is considering whether to impose a bar to re-filing on Debtor. This motion, however, is DENIED as moot.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

J Entertainment LLC

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#30.00 Application for Compensation Final and Request for Final Approval of Prior Interim Awards.

Period: 2/16/2019 to 4/10/2019,
Fee: \$20493, Expenses: \$315.45.

Docket 161

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the fee application filed by Lewis Landau, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON May 1, 2019.

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#31.00 Application for Compensation for Arthur Lettenmaier, Special Counsel,

Period: 2/20/2019 to 4/10/2019

Docket 166

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the fee application filed by Arthur Lettenmaier, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON May 1, 2019.

Party Information

Debtor(s):

Schaffel Development Company,

Represented By
Lewis R Landau

Movant(s):

Arthur Lettenmaier

Pro Se

**United States Bankruptcy Court
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:18-12070 Bagrat Ogannes

Chapter 11

#32.00 Status and Case Management Conference
fr. 12/12/18

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor should explain why this case should not be dismissed for failure to comply with the January 4 scheduling order, which required that Debtor file a Disclosure Statement by March 15, 2019. No Disclose Statement has been filed.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bagrat Ogannes

Represented By
Crystle Jane Lindsey

**United States Bankruptcy Court
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Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:19-10326 Fabio Rene Fajardo

Chapter 11

#33.00 Status and case management conference

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No Status Report has been filed as of April 23. There is no automatic stay in this case due to debtor's repeat filings, and the court confirmed that on a relief from stay motion with respect to Debtor's home.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Fabio Rene Fajardo

Pro Se

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

Wednesday, May 1, 2019

Hearing Room 302

10:00 AM

1:16-12061 Zvi Kur

Chapter 7

#34.00 Trustee's Final Report and Applications for Compensation

Docket 66

Courtroom Deputy:

- NONE LISTED -

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):

Zvi Kur

Represented By
Don Emil Brand

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Carmela Pagay

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1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#35.00

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, 9/12/18

Docket 47

***** VACATED *** REASON: Stip. cont. to 7/17/19 @10am (eg)**

Courtroom Deputy:

once the plaintiff filed the first amended complaint, please update
the subject. (eg 6/7/18)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Defendant(s):

BRANDEN & COMPANY, INC

Represented By
Daniel J McCarthy

MBNM FINANCIAL, INC

Represented By
Daniel J McCarthy

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CONT... R.J. Financial, Inc.

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OPEN BANK

Represented By
John H Choi
Tony K Kim

WELLS FARGO BANK

Represented By
Bernard J Kornberg

CALIFORNIA DIAMONDS

Represented By
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By
Daniel J McCarthy

Randy Abalkhad

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

DIAMOND TRADING COMPANY

Represented By
Daniel J McCarthy

MELINA ABALKHAD

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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1:00 PM

1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#36.00 Motion for summary judgment

fr. 2/27/18; 3/13/19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The causes of action asserted in the State Court Complaint were (1) constructive fraud; (2) breach of oral agreement; (3) financial elder abuse; (4) quiet title; (5) declaratory relief (as to the parties' rights to the Property & their obligations under any encumbrance or lien); and (6) partition of real property. While the formal causes of action do not control the analysis under issue preclusion, it is the findings made by the State Court that will be given preclusive effect where appropriate.

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).

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). 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. Celotex, 477 U.S. 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

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drawn from the underlying facts must be viewed in the light most favorable to the party opposing the motion. Valadingham v. Bojorquez, 866 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).

A court can consider granting partial summary judgment under Fed. R. Civ. P. 56(f). Rule 56(f) states in relevant part:

Judgment Independent of the Motion. After giving notice and a reasonable time to respond, the court may:

- (1) grant summary judgment for a nonmovant;
- (2) grant the motion on grounds not raised by a party; or
- (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

Under Rule 56(f) a cross-motion need not be filed for entry of summary judgment in favor of the opposing party. If there are no factual issues and the opposing party is entitled to judgment as a matter of law, and the moving party had notice and an adequate opportunity to address the issues, summary judgment may be granted forthwith. Gospel Missions of America v. City of Los Angeles, 328 F3d 548, 553 (9th Cir. 2003)("Even when there has been no cross-motion for summary judgment, a district court may enter summary judgment *sua sponte* against a moving party if the losing party has had a 'full and fair opportunity to ventilate the issues involved in the matter. The salient issues upon which the district court granted summary judgment were presented in the original motion.")(citation omitted).

2. Prior Discharge of Debtor Jane Silber

In their Supplemental Opposition, Defendants raise for the first time in this entire litigation that Plaintiffs' claim against Debtor Jane Silber was discharged in 2012 (the "Jane Bankruptcy"). Defendants contend that Plaintiffs were "aware of the filing, either at the time of filing or shortly after discharge and took no steps to revoke the discharge prior to proceeding with their State Court action." Defendants Supp. Opp., 10:5-14. Plaintiffs strenuously object, arguing that there is no evidence to support any of the facts alleged by Defendants. Plaintiffs also question why this alleged discharge was not raised in any of the prior state court litigation between the

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parties, either in the trial stages or on appeal.

Section 727(b) of the Bankruptcy Code states in part: "Except as provided in section 523 of this title, a discharge under subsection (a) of this section discharges the debtor from all debts that arose before the date of the order for relief under this chapter [i.e., the date of the bankruptcy filing]..." "The operative word is 'all'. There is nothing in Section 727 about whether the debt is or is not scheduled. So far as that section is concerned, a pre-bankruptcy debt is discharged, whether or not it is scheduled." In re Beezley, 994 F.2d 1433, 1435 (9th Cir. 1993). Thus, unless section 523 dictates otherwise, every prepetition debt becomes discharged under section 727.

Section 523(a) provides in part:

(a) A discharge under section 727 ... of this title does not discharge an individual debtor from any debt-

(3) neither listed nor scheduled ... in time to permit-

(A) if such debt is not of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim, unless such creditor had notice or actual knowledge of the case in time for such timely filing; or

(B) if such debt is of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim and timely request for a determination of dischargeability of such debt under one of such paragraphs, unless such creditor had notice or actual knowledge of the case in time for such timely filing and request[.]

The Bankruptcy Appellate Panel in Beezley explained:

Unscheduled debts are thus divided into two groups: those that are "of a kind specified in paragraph (2), (4), or (6) of this subsection," and those that are not. Loosely speaking, the paragraphs in question describe debts arising from intentional wrongdoing of various sorts (respectively, fraud, fiduciary misconduct, and the commission of malicious torts). What

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distinguishes these from all other debts is that, under section 523(c) and rule 4007(c), a creditor must file a complaint in the bankruptcy court within 60 days after the date established for the first meeting of creditors in order to assert their nondischargeability. Failure to litigate the dischargeability of these sorts of debts right away disables the creditor from ever doing so; an intentional tort debt will be discharged just like any other.

Section 523(a)(3) threatens nondischargeability in order to safeguard the rights of creditors in the bankruptcy process. The difference between subparagraphs (A) and (B) reflects the different rights enjoyed by and requirements imposed upon different kinds of creditors. For most creditors, the fundamental right enjoyed in bankruptcy is to file a claim, since this is the sine qua non of participating in any distribution of the estate's assets. Section 523(a)(3)(A) safeguards this right by excepting from discharge debts owed to creditors who did not know about the case in time to file a claim. By contrast, for creditors holding intentional tort claims the salient rights are not only to file a claim but also to secure an adjudication of nondischargeability. Thus, section 523(a)(3)(B) excepts intentional tort debts from discharge notwithstanding the creditor's failure to file a timely complaint under section 523(c) if the creditor did not know about the case in time to file such a complaint (even if it was able to file a timely proof of claim).

In re Beezley, 994 F.2d 1433, 1435–36 (9th Cir. 1993).

In this case, there is no evidence in the record to support a finding that Plaintiffs knew about the Jane Bankruptcy in time to file a timely complaint under section 523(c). The short excerpt submitted by Defendants from a State Court deposition in October 2014, *more than two years after the discharge in the Jane Bankruptcy*, does not support a finding that Plaintiffs knew about the Jane Bankruptcy in time to file a timely complaint under § 523(c).

A review of the documents filed in the Jane Bankruptcy, 2:12-bk-19241-DS, show that Plaintiffs are not listed on the Creditor Mailing Matrix. Debtor Jane's schedules, filed by her then-counsel on April 25, 2012, do not list a claim held by

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Plaintiffs. Lastly, the Petition filed in this joint chapter 13 case on June 19, 2018, did not list the Jane Bankruptcy, even though the Petition specifically directs the debtors to list any bankruptcy filed within the last eight years. The Statement of Related Cases, filed on July 3, 2018, listed three prior cases, two filed individually by Jane and one filed individually by Ian. ECF doc. 31. The Jane Bankruptcy is not included in the disclosed cases.

Plaintiffs' lack of knowledge of the Jane Bankruptcy in enough time to file a timely nondischargeability complaint therein is supported by how difficult it was for the Court to locate the case. The Jane Bankruptcy was filed using a Social Security Number that transposed the fourth and fifth numbers of the Social Security number that was used by Debtor Jane in the three other cases: the two other individual cases (1:10-bk-21132-VK; 1:18-bk-11065-VK), and this joint chapter 13 case. The Court will not speculate as to why the Jane Bankruptcy was not filed with the proper Social Security number or why the heretofore unidentified case was not disclosed at any point prior to this continued MSJ hearing. It is irrelevant whether the debtor intended to obfuscate his or her filing history, or if the prior unlisted case was due to a genuine oversight. A debtor need not act in bad faith in not properly listing a debt for it to be excepted from discharge. Lubeck v. Littlefield's Restaurant Corp. (In re Fauchier), 71 B.R. 212, 215 (B.A.P. 9th Cir. 1987). The test is whether the debt was scheduled in time to permit a timely request for a determination of discharge or a timely proof of claim. To be properly listed, the name and address of the creditor must be stated. The burden is on debtor to use reasonable diligence in completing its schedules. Id. On this record, the Court cannot find that Debtor Jane used reasonable diligence in completing her schedules in the Jane Bankruptcy and thus Plaintiffs' claim is exempt from the Jane Bankruptcy discharge under § 523(a)(3)(B), notwithstanding Plaintiffs' failure to file a timely complaint because they did not know about the Jane Bankruptcy in time to file such a complaint under § 523(c).

3. Issue Preclusion

Issue preclusion, also known as collateral estoppel, applies in discharge exception proceedings under § 523(a). Grogan v. Garner, 498 U.S. 279, 284 n.11 (1991). "Under [issue preclusion], once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case." Hydranautics v. FilmTec Corp., 204 F.3d 880, 885 (9th Cir. 2000) (citing Dodd v. Hood River County, 59 F.3d 852, 863 (9th Cir. 1995)).

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"Under [issue preclusion], once an issue is actually and necessarily determined by a court of competent jurisdiction, that determination is conclusive in subsequent suits based on a different cause of action involving a party to the prior litigation." Montana v. United States, 440 U.S. 147, 153 (1979). "To preclude parties from contesting matters that they have had a full and fair opportunity to litigate protects their adversaries from the expense and vexation attending multiple lawsuits, conserves judicial resources, and fosters reliance on judicial action by minimizing the possibility of inconsistent decisions." Id. at 153-54.

Issue preclusion bars relitigation of an issue of fact or issue that: (1) is identical to a fact or issue determined in an earlier proceeding, (2) was actually decided by a court in an earlier action, (3) the issue was necessary to the judgment in such action, (4) there was a final judgment on the merits, and (5) the parties are the same. Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Lastly, in the Ninth Circuit, the Court must also find that giving the previous judgment preclusive effect would further the public policies underlying the collateral estoppel doctrine. The California Supreme Court has identified three policies underlying the doctrine of collateral estoppel: "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation." Baldwin v. Kilpatrick (In re Baldwin), 249 F.3d 912, 919-920 (9th Cir. 2001).

The common thread that runs through the entirety of this matter is the state of mind of Defendants at different times in the transactions, and whether the facts that support an intent finding were actually litigated and necessarily decided. Under California law, an issue is actually litigated in the initial action when "it is properly raised, by the pleadings or otherwise, and is submitted for determination, and is determined" Gottlieb v. Kest, 141 Cal. App. 4th 110, 148 (Cal. Ct. App. 2006). An issue is "necessarily decided" when the issue's determination was not "entirely unnecessary" to the judgment in the initial proceeding. Lucido v. Superior Court, 51 Cal. 3d 335, 342 (1990).

After oral argument on the Motion, held March 13, 2019, the Court ordered supplemental briefing on (a) the level of intent required for a finding of embezzlement under § 523(a)(4); (b) apportionment of the nondischargeable portion of the damages award; and (c) whether post-petition attorney's fees are permitted in this action. Plaintiffs' Supplemental Memorandum did not address the propriety of post-petition

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attorney's fees. The issues presented by the Motion and the Supplemental Pleadings are outlined below, with the controlling legal standards:

- a. False Pretenses, False Representation, or Actual Fraud under § 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). The Ninth Circuit has held that 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. Turtle Rock Meadows Homeowners Ass'n v. Slyman (In re Slyman), 234 F.3d 1081, 1085 (9th Cir. 2000).

The relevant cause of action under this section on which judgment was entered is constructive fraud, which does not require a finding of intent. Consider the following excerpt from Harmon:

Constructive fraud is a unique species of fraud applicable only to a fiduciary or confidential relationship.... [A]s a general principle constructive fraud comprises any act, omission or concealment involving a breach of legal or equitable duty, trust or confidence which results in damage to another even though the conduct is not otherwise fraudulent. The failure of the fiduciary to disclose a material fact to his principal which might affect the fiduciary's motives or the principal's decision, which is known (or should be known) to the fiduciary, may constitute constructive fraud even though there is no fraudulent intent.

Assilzadeh v. Cal. Fed. Bank, 82 Cal.App.4th 399 (Cal.Ct.App. 2000) (internal quotation marks and citations omitted). [...] But such a finding would be insufficient to establish fraud under § 523(a)(2)(A), because under § 523(a)(2)(A), the debtor must have intended to deceive the creditor, but in the case of "constructive fraud ... it is not necessary to prove deliberate or

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intentional fraud." Edmunds v. Valley Circle Estates, 16 Cal.App.4th 1290 (Cal.Ct.App. 1993). (internal quotation marks and citation omitted) (omission in original). The party asserting collateral estoppel has the burden of showing that the doctrine's threshold requirements are met. Lucido, 51 Cal. 3d 335, 341 (Cal. 1990). [Creditor] has failed to show that the state court granted judgment because it found that [Debtor] had committed actual rather than constructive fraud. Therefore, [Creditor] has not demonstrated that the issue of whether [Debtor] committed actual fraud was necessarily decided by the state court.

In re Harmon, 250 F.3d 1240, fn. 10 (9th Cir. 2001)(citing Assilzadeh v. Cal. Fed. Bank, 82 Cal.App.4th 399, (Cal.Ct.App. 2000)

Defendants argue that the facts show that they were not motivated by an intent to deceive because "they clearly were not aware of the falsity of their alleged promises, assuming they even know they were making any promises at all. The defendants did not believe they had a duty since there was no joint venture." Defendants stick by their contention that they honestly thought that they were buying the property on their own, rather than as a joint venture with Kurt and Irene, as the State Court found. Defendants' position was rejected by the State Court findings that there was an oral contract to enter into a joint venture to purchase the Galvez Property and that Defendants breached that oral contract by denying its existence and failing to pay Plaintiffs the full amounts due under the contract. Hanigan Decl., Ex. 2, internal pg. 8. The lack of findings as to intent is understandable as it was not required under the theory of constructive fraud.

The facts of this case may also present a case for false pretenses under § 523(a)(2)(A), although the briefs are silent on this theory. Section 523(a)(2)(A) addresses implied misrepresentations intended to create and foster a false impression. Unlike false representations, which are express misrepresentations, false pretenses include conduct and material omissions. In re Sturgeon, 496 B.R. 215, 223 (B.A.P. 10th Cir. 2013)(citing Marks v. Hentges (In re Hentges), 373 B.R. 709, 725 (Bankr.N.D.Okla.2007) (false pretenses are "implied misrepresentations or conduct intended to create and foster a false impression")). False pretenses can be "defined as any series of events, when considered collectively, that create a contrived and misleading understanding of a transaction, in which a creditor is wrongfully induced to extend money or property to the debtor." Stevens v. Antonious (In re Antonious),

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358 B.R. 172, 182 (Bankr.E.D.Pa.2006) (citing Rezin v. Barr (In re Barr), 194 B.R. 1009, 1019 (Bankr.N.D.Ill.1996)).

Defendants also attack Plaintiffs' assertion of justifiable reliance, as they assert that Plaintiffs knew or should have known the statement to be false. Justifiable reliance takes into account the "qualities and characteristics of the particular plaintiff, and the circumstances of the particular case, rather than of the application of a community standard of conduct to all cases." Field v. Mans, 516 U.S. 59, 71 (1995). Judging by the sophistication of Plaintiffs, experienced owners of and investors in real estate, Defendants argue that justifiable reliance does not exist where Plaintiffs failed to use their access to title professionals to determine whether they were properly put on title in 1996, after the periodic payments for "rent" ceased.

Plaintiffs allegations of nondischargeable conduct are that Defendants hid the material fact that Kurt and Irene were not on the title of the Galvez Property, and misrepresented their ownership to a lending bank to obtain a loan to drain the equity from the Galvez Property. In cases where the fraudulent conduct is false pretenses or omission, the Ninth Circuit has held that under § 523(a)(2)(A), there is a presumption of reliance when the subject nondisclosure is determined to be material. See In re Apte, 96 F.3d 1319, 1323–24 (9th Cir. 1996). Clearly, the fact that Kurt and Irene were joint owners of Galvez and were to have been on title is material. This presumption of reliance is limited, however, to cases in which *the plaintiff primarily alleges nondisclosure*. *Id.* (emphasis added). Where Plaintiffs primarily alleged misrepresentation in the State Court complaint (the Judgment on which Plaintiffs seek preclusion), the presumption may not apply. *Id.*, citing Poulos v. Caesars World, Inc., 379 F.3d 654, 666–67 (9th Cir.2004); Binder v. Gillespie, 184 F.3d 1059, 1063–64 (9th Cir.1999).

The record is insufficient for the Court to grant summary judgment on this cause of action. Whether Plaintiffs choose to go to trial on the issue of justifiable reliance is unclear, given the finding in their favor on the embezzlement cause of action below.

- b. Fraud or Defalcation while acting in a Fiduciary Capacity under § 523(a)(4)

A creditor seeking a relief under Section 523(a)(4) must establish three elements: (1) an express trust existed; (2) the debt was caused by fraud or

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defalcation; and (3) that the debtor was a fiduciary to the creditor at the time the debt was created. Nahman v. Jacks, 266 B.R. 728, 735 (B.A.P. 9th Cir. 2001). For the Court to find that a fiduciary relationship exists, however, "the court must determine that the circumstances establish an express trust pursuant to state law." Jacks, 266 B.R. at 736. Under California law "[t]he five elements required to create an express trust are (1) a competent trustor, (2) trust intent, (3) trust property, (4) trust purpose, and (5) a beneficiary." Keitel v. Heubel, 103 Cal.App. 4th 324, 337 (Cal.Ct.App.2002). Intent is a question of fact. See, e.g., Candland v. Ins. Co. of N. Am. (In re Candland), 90 F.3d 1466 (9th Cir.1996).

Because California case law has raised the duties of partners beyond those imposed under a trust *ex maleficio*, partners are fiduciaries within the meaning of § 523(a)(4). Ragsdale v. Haller, 780 F.2d 794, 796–97 (9th Cir. 1986). Joint venturers have the same responsibilities as partners. See Leff v. Gunter, 33 Cal. 3d 508, 514 (Cal. 1983). Thus, the finding of the State Court that Plaintiffs and Defendants had an oral contract between them to enter into a joint venture to purchase the Galvez Property establishes that Defendants had the same duties to Kurt and Irene as a partner under California law.

Defalcation is the misappropriation of trust funds or money held in any fiduciary capacity, or the failure properly to account for such funds. In re Lewis, 97 F.3d 1182, 1186 (9th Cir. 1996)(internal citations omitted). The United States Supreme Court determined that where the conduct at issue does not involve bad faith, moral turpitude, or other immoral conduct, the term "defalcation" requires an "intentional wrong." Bullock v. BankChampaign, N.A., 133 S.Ct. 1754, 1759 (2013). This includes a knowingly wrongful act, or a grossly reckless act, by the debtor in a fiduciary capacity. Id. Where actual knowledge of wrongdoing is lacking, a fiduciary who "'consciously disregards' (or is willfully blind to) 'a substantial and unjustifiable risk' that his conduct will turn out to violate a fiduciary duty" satisfies the statute. Id. (internal citations omitted). That risk "must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation." Id., *citing ALO, Model Penal Code* § 2.02(2)(c).

Defendants argue that while the State Court found that there was breach of a fiduciary duty, it did not address the question of whether the wrongdoing was intentional at the time the alleged "agreement" took place or during the tenure of ownership of the Galvez Property. Defendants contend that with no specific finding

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made as to Defendants' degree of intent or gross recklessness, summary judgment is inappropriate. For their part, Plaintiffs point to the State Court findings under the punitive damages analysis to support their position, arguing that because the State Court "expressly found that Defendants' conduct was 'malicious, oppressive and/or fraudulent' it necessarily follows that Defendants engaged in defalcation."

Again, the Court is confronted with the question of how to proceed where the State Court's findings of "malicious, oppressive and/or fraudulent" conduct were made in the context of Defendant's fraudulent activity in the damages prove-up portion of the trial rather than fraudulent conduct as relates to the joint venture. It is unclear how the State Court related the malicious, oppressive and/or fraudulent conduct of Defendants during the damages portion of the trial to their intent during the breaches of their duty by omitting information to Plaintiffs during the Venture. The record is insufficient for the Court to grant summary judgment on this cause of action. Whether Plaintiffs choose to press this claim at trial is unclear, given the finding in their favor on the embezzlement cause of action below.

c. Embezzlement under § 523(a)(4)

Under federal law, embezzlement in the context of nondischargeability requires three elements: '(1) property rightfully in the possession of a nonowner; (2) nonowner's appropriation of the property to a use other than which [it] was entrusted; and (3) circumstances indicating fraud.'" In re Littleton, 942 F.2d 551, 555 (9th Cir. 1991)(citations omitted). The fact the debtor had lawful possession of the funds and wide discretion to dispose of the funds on behalf of the Appellant is insufficient to confer ownership of the funds to the Debtor. See In re Wada, 210 B.R. 572, 576-577 (B.A.P. 9th Cir. 1997).

Defendants argue that Plaintiffs' claim should fail under the first element, as they were owners in rightful possession of the Galvez Property and thus had a legal right to possession and use. While Defendants' assertion of ownership is correct, their position ignores the Superior Court's finding that Plaintiffs had a 50% interest in the Galvez Property as well. Thus, while they had a legal right to use and possession of the entire fee, Defendants also obtained a loan that liquidated \$380,000 in equity from the Galvez Property – equity in which Plaintiffs had a 50% right. The portion of the equity of the Galvez Property that belonged to Plaintiffs was in the rightful possession of Defendants, per the terms of their oral agreement. Defendants then appropriated Plaintiffs' portion of the equity to their own use,

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namely Jane's unnamed business – a use for which the funds were certainly not entrusted, not in a real estate venture. Hanigan Decl. ISO MSJ, internal p. 2; Hanigan Decl. ISO Reply, Ex. 1. The State Court findings thus satisfy the first two elements of embezzlement, at least as to the loan proceeds. Whether the portion of the rents to which Plaintiffs were entitled were later misappropriated, rather than used for maintenance of the Galvez Property, is unclear on this record.

The State Court findings that Defendants misrepresented to the lender that they were the sole owners of the Galvez Property and that Defendants concealed from Plaintiffs that they had encumbered the Galvez Property with a substantial lien, along with the exhaustively detailed encomium of Defendants' misleading testimony and evidence identify circumstances indicating fraud. At oral argument on the Motion, Defendants argued that "circumstances indicating fraud" required a finding of actual fraud that was not supported by the State Court findings.

We look to federal law instead of state law for the meaning of the term "embezzlement" for purposes of § 523(a)(4). First Del. Life Ins. Co. v. Wada (In re Wada), 210 B.R. 572, 576 (9th Cir. BAP 1997). Defendants' Supplemental briefing on this point is almost entirely reliant upon Bullock v. BankChampaign, N.A., 569 U.S. 267 (2013). This reliance is misplaced, however, as the analysis of the Supreme Court in Bullock was focused entirely on the intent requirement for defalcation by a fiduciary, not embezzlement. See Bullock v. BankChampaign, N.A., 569 U.S. 267 (2013) (holding that the term "defalcation" includes a state of mind as one involving knowledge of, or gross recklessness in respect to, the improper nature of the relevant fiduciary behavior). Embezzlement, unlike defalcation, does not require the existence of a fiduciary relationship. Transamerica Commercial Fin. Corp. v. Littleton (In re Littleton), 942 F.2d 551, 555 (9th Cir. 1991).

The type of conduct necessary to satisfy the third embezzlement element—circumstances indicating fraud—need not include a misrepresentation or any other particularized type of fraud identified in § 523(a)(2)(A). Phillips v. Arnold (In re Phillips), 2016 WL 7383964, at *5 (B.A.P. 9th Cir., Dec. 16, 2016) (citing Husky Int'l Elecs., Inc. v. Ritz, 136 S. Ct. 1581 (2016)). When the debtor attempts to conceal the misappropriation or to deceive the creditor regarding the misappropriation, evidence of such concealment or deception can satisfy the "circumstances indicating fraud" element. McClain v. Crown Coachworks, Inc. (In re McClain), 2017 WL 3298418 (B.A.P. 9th Cir., August 2, 2017) (citing PMM Invs.,

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LLC v. Campbell (In re Campbell), 490 B.R. 390, 402 (Bankr. D. Ariz. 2013)).

Here, the State Court record contains sufficient findings of Defendants actions to conceal from Plaintiffs the fact that they had drained the equity from the Galvez Property and encumbered it with a substantial lien. Plaintiffs have met their burden to show that there are no genuine issues of material fact and are entitled to judgment under § 523(a)(4) for embezzlement. The extent of the damages under this theory will be discussed below.

d. Willful or Malicious Injury under § 523(a)(6) and Damages

Section 523(a)(6) excepts from discharge any debt of the debtor "for willful or malicious injury to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). Under § 523(a)(6), Debtors' actions would need to equate with "willful and malicious" injury within the meaning of the Code. The first step of this inquiry is whether there is "willful" injury, which is must entail a deliberate or intentional injury. Kawaauhau v. Geiger, 523 U.S. 57, 61-62 (1998). In the Ninth Circuit, the intent required to be considered "willful" is either the subjective intent of the actor to cause harm or the subjective knowledge of the actor that harm is substantially certain to occur. Carrillo v. Su (In re Su), 290 F.3d 1140, 1144-45 (9th Cir. 2002).

In California, the elements for a breach of fiduciary duty are the existence of a fiduciary relationship, breach of that fiduciary duty, and damages. Oasis W. Realty, LLC v. Goldman, 51 Cal.4th 811, 820, 124 Cal.Rptr.3d 256, 250 P.3d 1115 (2011). There is no particular scienter requirement, let alone a requirement of a subjective intent to injure. See In re Pylam, 530 B.R. 456, 470-71 (B.A.P. 9th Cir. 2015) (internal citations omitted). As a result, without more, a judgment for breach of fiduciary duty under California law cannot support a willfulness determination under § 523(a)(6).

That said, a breach of fiduciary duty can give rise to an award of punitive damages if the breach is a result of malice, oppression, or fraud. See Cal. Civ. Code ("C.C.P.") § 3294. The State Court's punitive damages award against Defendants was based on a finding of "malice, oppression, and/or fraud." Hanigan Decl. ISO MSJ, Ex. 3. The "malice, oppression or fraud" finding arises from C.C.P. § 3294, which provides for the recovery of punitive damages in non-contract breach civil cases. Each finding supplies an independent basis for a punitive damages award under C.C.P. § 3294. See Coll. Hosp. Inc. v. Super. Ct., 8 Cal.4th 704, 721 (Cal.

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C.C.P. § 3294 provides statutory definitions of these terms. "Malice" is defined as either: (1) conduct that the defendant intends to cause injury to the plaintiff ("Intentional Malice"); or (2) despicable conduct carried on by the defendant with a willful and conscious disregard of the rights or safety of others ("Despicable Malice"). C.C.P. § 3294(c)(1). "Oppression" means "despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights." Id. § 3294(c)(2). And, "fraud" refers to "an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury." Id. § 3294(c)(3).

Only "intentional malice," see Brandstetter v. Derebery (In re Derebery), 324 B.R. 349, 356 (Bankr.C.D.Cal. 2005), and fraud expressly require an intent to cause injury. In re Plyam, 530 B.R. 456, 465 (B.A.P. 9th Cir. 2015). As a result, only those findings satisfy the § 523(a)(6) willfulness requirement for the purposes of issue preclusion. Id. Conversely, "despicable malice" and oppression, which arise from acts in conscious disregard of another's rights or safety, fail to satisfy the requisite state of mind for § 523(a)(6) willfulness. Id.

The second step of the inquiry is whether Debtors' conduct was "malicious." The relevant test for such "malicious" conduct is: 1) a wrongful act; 2) done intentionally; 3) which necessarily causes injury; and 4) without just cause and excuse. Jett v. Sicroff (In re Sicroff), 401 F.3d 1101, 1105-1106 (9th Cir. 2005).

The findings of the State Court as to the punitive damages portion of the award do not explain under which theory of C.C.P. § 3294 the award was made. The State Court summed up its findings under Punitive Damages as "clear and convincing evidence demonstrates that Defendants' conduct was malicious, oppressive and/or fraudulent, thereby warranting an award of punitive damages." Hanigan Decl. ISO MSJ, Ex. 3, internal p. 6. As explained in In re Pylam, the distinctions among the three available findings under C.C.P. § 3294 (i.e., malice, oppression or fraud) are crucial to a determination of whether the punitive damage award is nondischargeable under 11 U.S.C. § 523(a)(6). See In re Pylam, 530 B.R. 456, 463-470 (B.A.P. 9th Cir. 2015)(explaining in detail the tort theories of recovery under C.C.P. §3294 and whether findings thereunder would suffice for issue preclusion under § 523(a)(6)). Under Pylam, to the extent that CC § 3294 findings are stated in the disjunctive or based on Despicable Malice or oppression or both,

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those findings prevent the use of issue preclusion as to § 523(a)(6) willfulness. It is unclear from the findings how the Punitive Damage award was apportioned between the identified "malicious, oppressive, and/or fraudulent conduct."

The Motion for Summary Judgment is granted in part, as to Plaintiffs' cause of action for embezzlement under § 523(a)(4). Given the lack of clarity as to the State Court's theory of punitive damages upon which it based the award, it cannot be given preclusive effect here. The parties will be ordered to mediation for an apportionment of nondischargeable damages. If the parties cannot resolve the remaining issues in mediation, the Court will hold a trial as to damages arising out of embezzlement and other unresolved causes of action on which Plaintiffs choose to go forward.

Plaintiffs to lodge via LOU Proposed Findings of Fact and Conclusions of Law in accordance with this ruling.

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

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Timothy R Hanigan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#37.00 Status conference re complaint for:
non-dischargeability of debt

fr. 12/12/18, 2/27/19; 3/13/19

Docket 5

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
Arthur Carvalho Jr

Irene Silber

Represented By

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CONT... Ian Ellis Silber

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

#1.00 Pre-Trial Conference re: Complaint

fr. 6/6/18

Docket 1

*** VACATED *** REASON: Cont. to 5/15/19 @ 10am (eg)

Party Information

Debtor(s):

David Saghian

Represented By
Edmond Nassirzadeh

Defendant(s):

PARVANEH SAGHIAN

Pro Se

David 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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1:19-10976 Andre Fitzgerald Hayes

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 refiling.

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre Fitzgerald Hayes Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:19-10985 Fred Feraydoon Humble

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 refiling.

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fred Feraydoon Humble Pro Se

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CONT... Fred Feraydoon Humble

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:19-10292 Maria Cristina Chavez

Chapter 7

#0.03 Order to Show Cause Re: Dismissal for
Failure to Comply with Rule 1006(b)

Docket 14

*** VACATED *** REASON: Final Installment paid 5/13/19 - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Cristina Chavez Pro Se

Trustee(s):

David Keith Gottlieb (TR) Pro Se

1:19-10515 Shohreh Zamani Towliati

Chapter 13

#0.04 Order to Show Cause Re: Dismissal for
Failure to Comply with Rule 1006(b)

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shohreh Zamani Towliati Pro Se

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CONT... Shohreh Zamani Towliati

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:19-11166 Juan R Nungaray

Chapter 7

#0.05 Application for ch. 7 filing fee waived

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan R Nungaray Pro Se

Trustee(s):

David Seror (TR) Pro Se

1:16-11767 Angela V. Rojas

Chapter 13

#1.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 1/16/19, 3/27/19

Docket 64

Tentative Ruling:

This hearing was continued so that the parties could sort through the payment history & negotiate an APO. Creditor has since filed a Loan Modification Final

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CONT... **Angela V. Rojas**

Chapter 13

Report, indicating that no steps have been taken beyond submitting the Initial LMM Package on the Portal. ECF doc. 70. What is the status of this Motion?
APPEARANCE REQUIRED

3-27-19 TENTATIVE BELOW

Petition Date: 06/14/2016

Chapter 13 Plan confirmed: 09/07/2016

Service: Proper. Co-borrower was served. Opposition filed.

Property: 9545 Delco Avenue, Chatsworth, California 91311

Property Value: \$575,000 (Debtor states value per Movant appraisal during LMM process)

Amount Owed: \$368,902.33 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$20,383.90 (2 payments of \$2,896.64; 5 payments of \$2,925.00; less \$34.38 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); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or § 1301(a) as to Richard Burghardt); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection).

Debtor opposes the Motion, arguing: (1) that the property value of \$575,000 was established by Movant's own appraiser who appraised the property during the loan modification process; and (2) more payments have been to Movant than the Motion accounts for. Debtor states that she has reached out to Movant to discuss an APO and also seeks to continue the hearing to allow her to amend her chapter 13 plan to pay the arrears claimed my Movant.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Angela V. Rojas

Represented By
R Grace Rodriguez

Movant(s):

U.S. BANK NATIONAL

Represented By
Andrew Kussmaul

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CONT... Angela V. Rojas

Sean C Ferry

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:16-13575 Deborah Rose Sanders

Chapter 13

#1.01 Motion for relief from stay

GREEN WILLOW HOMEOWERS ASSOC.

fr. 5/1/19

Docket 50

*** VACATED *** REASON: Cont'd per Stipulation to June 5, 2019, at
10:00 a.m. (doc. 55) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:15-10694 Elvira Catimbang Arandia

Chapter 13

#2.00 Debtor's Objection to Declaration re Default
under Adequate Protection Order

Docket 100

Tentative Ruling:

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CONT... Elvira Catimbang Arandia

Chapter 13

Creditor asserts in its declaration re default under APO that Debtor (the "Declaration") has missed two post-petition mortgage payments and one APO payment on arrears, for a total amount in arrears of \$6,145.84. Per the terms of the APO, Creditor lodged an Order Granting RFS. Debtor filed an objection to the Declaration, contending that she had a family emergency that caused increased expenses but that she made a \$6,146 mortgage payment to cure the arrears on or about April 17, 2019. Debtor requests that the Court deny the request for entry of the RFS Order.

Have the issues raised in the Declaration been resolved?
APPEARANCE REQUIRED

Party Information

Debtor(s):

Elvira Catimbang Arandia

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10095 Georg Bruno Ehlert

Chapter 13

#2.01 Motion for relief from stay

HOLDING PEN, LLC

Docket 76

Tentative Ruling:

Petition Date: 1/12/17

Chapter 13 plan confirmed: 7/25/17

Service: Proper. Opposition & Reply filed.

Property: 277 E. Camino Limon Verde, Sahuarita, AZ 85629

Property Value: \$125,000 (per debtor's schedules)

Amount Owed: \$39,566.31

Equity Cushion: 60%

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CONT... **Georg Bruno Ehlert**

Chapter 13

Equity: \$85,434

Post-Petition Delinquency: percentage distributions from three plan payments (loan matured on 10/1/16).

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **10** (binding and effective relief against any debtor for 180 days). Movant contends that its claim is not adequately protected because Debtor is not keeping current on his plan payments so Movant is not receiving payment via plan distributions. Movant also alleges that Debtor has failed to pay the second installment of 2018 property taxes.

Debtor opposes the Motion, arguing that he is current on his plan payments and that there is a more than sufficient equity cushion to protect Movant's claim. Debtor points out that Movant has been paid more than was provided for in the Amended Plan and that a Motion for Relief from Stay arguments presented here by Movant were Further, Debtor states that he will make the payment for the second installment of the 2018 taxes for this income-producing rental property.

Movant maintains in its reply that that the large equity cushion and the overpayment of the amount it is due under the Plan are not factors that should weigh against Debtor's failure to maintain plan payments.

Having reviewed the history of this case and the Trustee's reports, the Court is inclined to continue this hearing to May 21, 2019, at 11:00 a.m., to be considered with Trustee's Motion to Dismiss to see if Debtor can make up the delinquency.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Georg Bruno Ehlert

Represented By
Kevin T Simon

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CONT... Georg Bruno Ehlert

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10637 Liliya F Kargina

Chapter 13

#3.00 Motion for relief from stay

TARZANA WOODS OWNERS ASSOCIATION

Docket 73

Tentative Ruling:

Petition Date: 3/13/17

Chapter 13 plan confirmed: 8/31/17

Service: Proper. No opposition filed.

Property: 18319 Collins St., Tarzana, CA 91356

Property Value: \$366,160 (per debtor's schedules)

Amount Owed: \$6,070 (HOA payments)

Equity Cushion: 33.9%

Equity: \$153,287

Post-Petition Delinquency: \$6,070 (8 payments of \$540; 1 payment of \$100; 2 payments of \$110; 10 late charges of \$54; attorney's fees of \$1,250; less suspense balance of \$360)

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 the last payment tendered on this claim was on 1/15/19, for \$540.

Given the amount of equity protecting this claim, have the parties had an opportunity to discuss resolving this matter with an APO?

APPEARANCE REQUIRED

Party Information

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CONT... Liliya F Kargina

Chapter 13

Debtor(s):

Liliya F Kargina

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11777 Cindy Lee Harris

Chapter 13

#4.00 Motion for relief from stay

HSBC BANK USA

Docket 52

*** VACATED *** REASON: Resolved per APO (doc. 55) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cindy Lee Harris

Represented By
Kevin T Simon

Movant(s):

HSBC Bank USA, National

Represented By
Darren J Devlin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11995 Priscilla Jeanette Bueno

Chapter 13

#4.01 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

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CONT... Priscilla Jeanette Bueno Chapter 13

Docket 44

*** VACATED *** REASON: Duplicate of cal. no. 5 - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Jeanette Bueno

Represented By
Matthew D. Resnik

Movant(s):

Nationstar Mortgage LLC

Represented By
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11995 Priscilla Jeanette Bueno Chapter 13

#5.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 44

Tentative Ruling:

Petition Date: 7/26/17

Chapter 13 plan confirmed: 11/14/17

Service: Proper. Opposition filed.

Property: 15956 Vincennes St., North Hills, CA 91343

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

Amount Owed: \$314,867 (1st DoT)

Equity Cushion: 29%

Equity: \$145,965

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CONT... Priscilla Jeanette Bueno

Chapter 13

Post-Petition Delinquency: \$6,712.11 (3 payments of \$1,941.84; attorney's fees of \$1,031; less suspense balance of \$144.41)

Movant alleges cause for relief 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). Movant alleges that the last payment received on this claim was on or about 2/12/19.

In July 2018, the hot water line had ruptured in Debtor's home and caused extensive water damage to about 40% of her home. Debtor states that she was required to vacate the home immediately, first moving to a hotel with her three children and now residing in a short term rental.

Debtor's insurance company Metlife delayed issuing advanced living expenses ("ALE") payments to the Debtor. In January of 2019, Metlife finally issued a check for \$20,000; the check was made out to the Debtor and Movant as loss payee (as are all insurance coverage checks). Debtor states that the funds were intended to cover work at the Property and ALE payments. Debtor contends that Movant continues to possess those funds and that she promptly spoke to Movant's agent about when these funds would be released to her. Debtor states that Metlife informed her that the funds would only be issued once the work at the property was 100% completed with the caveat that if account was not in good standing (i.e., "in arrears"), the funds would be used to cure any default.

Debtor questions why this Motion for Relief was filed, as the lender did not first attempt to contact her to discuss if the ALE funds would be used to cure the loan. Debtor has requested the exact amount of the arrears and will pay that amount immediately and in full before the hearing. Given the equity cushion here, have the parties discussed a consensual resolution to this Motion?

APPEARANCE REQUIRED

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CONT... Priscilla Jeanette Bueno

Chapter 13

Party Information

Debtor(s):

Priscilla Jeanette Bueno

Represented By
Matthew D. Resnik

Movant(s):

Nationstar Mortgage LLC

Represented By
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-11203 Barjinder Singh

Chapter 13

#5.01 Motion for relief from stay

BANK OF AMERICA N.A.

Docket 42

Tentative Ruling:

Petition Date: 5/9/18

Chapter 13 plan confirmed: 11/27/18

Service: Proper; co-debtor served. Opposition filed.

Property: 14661 Oak Rd., Los Angeles, CA 91342

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

Amount Owed: \$296,050

Equity Cushion: 33.5%

Equity: \$111,283

Post-Petition Delinquency: \$9,296.48 (4 payments of \$1,917.81; post-petition advances of \$650; attorney's fees of \$1,031; less suspense balance of \$55.76)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief

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10:00 AM

CONT... **Barjinder Singh** Chapter 13

requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **5** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received on this claim was on or about 2/7/19.

Debtor opposes the Motion, explaining that a drop in his business income that has made it difficult to maintain his plan payments. Debtor states that he can tender two mortgage payments now and requests to cure any remaining deficiency via an APO. There is a sufficient equity cushion to protect this claim; have the parties discussed an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Barjinder Singh

Represented By
D Justin Harelik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-11366 Irene Franklin Chapter 13

#6.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18, 1/16/19, 3/6/19; 4/10/19

Docket 22

Tentative Ruling:

This hearing was continued from 4/10/19 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the

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10:00 AM

CONT... Irene Franklin

Chapter 13

status of this Motion?
APPEARANCE REQUIRED

12-12-18 TENTATIVE

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-11760 Paul T Formanek

Chapter 7

#7.00 Motion for relief from stay

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CONT...

Paul T Formanek

Chapter 7

YOSEMITE CAPITAL LLC

fr. 8/15/18, 1/9/19; 3/6/19

Docket 7

***** VACATED *** REASON: file Ntc. of w/drawal 5/13/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

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

1:18-12026 Hiyas-min Sabado Eichar

Chapter 13

#8.00 Motion for relief from stay

DAIMLER TRUST

Docket 35

Tentative Ruling:

Petition Date: 8/10/18
Chapter 13 plan confirmed: 1/15/19
Service: Proper. No opposition filed.

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CONT... **Hiyas-min Sabado Eichar** Chapter 13

Property: 2018 Mercedes Benz GLA 250W
Property Value: \$27,000 (per debtor's schedules; LEASE)
Amount Owed: \$32,602.49
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$1,556.24 (2 payment of \$520.31; 1 payment of \$515.62)

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):

Hiyas-min Sabado Eichar

Represented By
Raj T Wadhvani

Movant(s):

Daimler Trust

Represented By
Jennifer H Wang

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12174 **Hengameh Zadeh**

Chapter 7

#9.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 67

*** VACATED *** REASON: Cont'd per stipulation to August 7, 2019 at 10:00 a.m. (doc. 74) - hm

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CONT... Hengameh Zadeh

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

1:18-12337 Edwin I Guardia

Chapter 13

#10.00 Motion for relief from stay

BANK OF AMERICA N.A.

Docket 66

Tentative Ruling:

Petition Date: 9/19/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 20656 Blackhawk St., Chatsworth, CA 91311

Property Value: \$662,504 (per debtor's schedules)

Amount Owed: \$937,020

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$28,442 (6 payments of \$4,045.84; 1 payment of \$4,167.88)

Movant requests relief under 11 U.S.C. 362(d)(1) for failure to make post-petition payments, with the specific relief requested in paragraphs 2 (proceed

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CONT... Edwin I Guardia

Chapter 13

under non-bankruptcy law); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, stating that the delinquency is due to Debtor not making payments while his objection to Movant's claim was pending. Now that the Objection was overruled, Debtor states that he has submitted a Motion to Confirm that Loan Modification Discussions will not Violate the Automatic Stay (the "Motion") and he believes that his income will be sufficient to make modified payments.

Debtor requests that the Court continue this hearing to permit the review of his loan modification application. Is Movant amenable to a continuance?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Edwin I Guardia

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12534 David Wayne Thompson

Chapter 13

#11.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.

Docket 28

Tentative Ruling:

Petition Date: 10/15/18

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 2534 N. Topanga Cyn. Bl., Topanga, CA 90290

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10:00 AM

CONT... David Wayne Thompson

Chapter 13

Property Value: \$917,259 (per debtor's schedules)
Amount Owed: \$731,591
Equity Cushion: 20.2%
Equity: \$259,048
Post-Petition Delinquency: approx. \$10,289 (3 payments of \$3,309; attorney's fees of \$1,031; less suspense balance of \$670)**

Movant requests relief under 11 U.S.C. 362(d)(1) for failure to make post-petition payments, 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 also alleges cause for relief under 362(d)(4) due to multiple bankruptcies affecting the subject property. Movant contends that this bankruptcy is the sixth chapter 13 proceeding since 2010 that has affected their rights to the subject property.

Debtor has not opposed the Motion but a review of the docket shows that an Order Confirming Chapter 13 Plan was entered on May 9, 2019. The Plan treats this claim and there is a sufficient equity cushion to protect the claim.

As to Movant's request for relief under § 362(d)(4), merely pointing out Debtors' repeat filing history is insufficient. The docket for Debtors' most-recent previous chapter 13 case (the "2012 Case") shows that Debtors received a discharge on February 12, 2018. In its Response to Notice of Final Cure Payment Rule 3002.1, the authorized agent for Movant asserted that Debtors were not post-petition current on their ongoing mortgage payments and were delinquent approx. \$86,047.03, but that they had made all of the payments provided for in the plan (1:12-bk-17615-MB, ECF entry, Jan. 5, 2018). The Motion here does not include an accounting that would show the timing of Debtors cessation of ongoing mortgage payments - evidence that may support an argument that this case was filed with intent to hinder, delay, or defraud.

The parties should be prepared to discuss whether an APO is appropriate here, or a briefing schedule for Movant to submit an accounting and a supplemental brief as to the grounds for relief under § 362(d)(4), and for Debtors to file a response.

APPEARANCE REQUIRED

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CONT... David Wayne Thompson

Chapter 13

** PDF of the Declaration ISO the Motion that was uploaded to CM/ECF is partially unreadable - the dollar amounts used reflect the Court's best reading of the blurred PDF.

Party Information

Debtor(s):

David Wayne Thompson

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12559 Jacqueline B Urenda

Chapter 13

#12.00 Motion for relief from stay

US BANK NA

fr. 4/10/19

Docket 34

Tentative Ruling:

This hearing was continued from 4/10/19 to allow Debtor time to obtain a Qualified Domestic Relations Order("QDRO"), with which she would be entitled to receive a distribution from her soon-to-be former spouse's County Pension. Debtor averred at the hearing that with the additional income from the QDRO, she would be able to cure the arrears in an APO. What is the status of this Motion?
APPEARANCE REQUIRED

4-10-19 TENTATIVE BELOW

Petition Date: October 17, 2018

Chapter: 13

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CONT... Jacqueline B Urenda

Chapter 13

Service: Proper. Opposition filed.
Property: 19919 Lassen St., Chatsworth, CA 91311
Property Value: \$ 760,000 (per debtor's schedules)
Amount Owed: \$ 618,130.76 (per RFS motion)
Equity Cushion: 11.0% (assuming 8% cost of sale)
Equity: \$60,016.24
Post-Petition Delinquency: \$11,656.36
Pre-petition arrears: \$187,443.25

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(4), with 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); 7 (waiver of the 4001(a)(3) stay); 9 (Relief under § 362(d)(4)); 10 (Order binding and effective against any debtor for 180 days upon recordation); and 12 (Debtor defined as a borrower under Cal. Civ Code. 2920.5(c)(2)(C)).

Movant argues that this case was filed in a bad faith attempt to thwart foreclosure, stating that Debtor and her spouse have been "taking turns filing Bankruptcy cases" in order to prevent Movant's foreclosure. Debtor has one previous case, 17-12523-MT, which was dismissed after a year for failure to make payments on Debtor's confirmed chapter 13 plan. Eduardo Urenda has two prior cases, 16-10360-VK and 13-12566-VK (in which Jacqueline was a co-debtor). Eduardo did not successfully confirm a plan in either of his cases, but all documents were filed.

Debtor opposes the motion. Debtor argues that the property is necessary for an effective reorganization, and that the case was not filed in bad faith. Debtor argues that the presumption of bad faith under 11 U.S.C. § 362(c)(3)(C)(i) or (c)(4)(D)(i) was overcome when the court entered an order continuing the automatic stay on November 14, 2018. Debtor states that all postpetition arrears will be cured by the hearing date. Debtor further argues that more payments have been made to Movant than the motion accounts for.

The Court does not agree with Debtor's argument that, because it granted a continuance of the automatic stay in this case, Debtor's case was necessarily filed in good faith. The motion to continue the stay was unopposed and the Court had less information regarding previous cases than it has now.

With respect to the non-(d)(4) relief from stay requests, the Debtor has indicated a willingness to cure the post-petition arrears and Movant also seems to have a small equity cushion. With respect to the (d)(4) relief from stay, there is conflicting

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CONT... Jacqueline B Urenda Chapter 13

evidence regarding whether this bankruptcy was filed as a part of a scheme to hinder, delay, or defraud creditors. The parties should come prepared to discuss dates for a short evidentiary hearing. If Debtor is unable to cure the post-petition arrears before such an evidentiary hearing, the Court will likely grant relief from stay on the non-(d)(4) requests for relief from stay.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jacqueline B Urenda

Represented By
James Geoffrey Beirne

Movant(s):

U.S. BANK, NA AS LEGAL TITLE

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill- Chapter 13

#13.00 Motion for relief from stay

U.S.BANK NATIONAL ASSOC.

Docket 61

Tentative Ruling:

Petition Date: 10/24/18

Chapter 13 plan confirmed: 3/11/19

Service: Proper. Opposition filed.

Property: 16840 Donmetz St., Granada Hills, CA 91344

Property Value: \$603,000 (per debtor's schedules)

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CONT... **George Daniel Hernandez and Breda Marie Mulvihill-**

Chapter 13

Amount Owed: \$547,323

Equity Cushion: 9.2%

Equity: \$7,437

Post-Petition Delinquency: \$10,132.34 (5 payments of \$2,367.62; less
suspense balance of \$1,705.76)

Movant requests relief 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). Movant states that the last payment received for this claim was on or about 2/1/19.

Debtors oppose the Motion, explaining that they have not received statements from Movant to make payments and that their income declined temporarily from their Amazon business. Debtors state that their Amazon account is now reinstated and they would like to cure the deficiency in an APO and continue to make regular mortgage payments.

Is Movant amenable to discussing an APO with Debtors?

APPEARANCE REQUIRED

Party Information

Debtor(s):

George Daniel Hernandez

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10924 Tina Jackson

Chapter 13

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CONT... Tina Jackson

Chapter 13

#13.01 Motion for relief from stay

RUBEN VALEZ

Docket 10

Tentative Ruling:

Petition Date:

Ch: 13

Dismissed after OSC: 5/7/19

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Ruben Valdez

Property Address: 1130 E. 13th St., Upland, CA 91786

Type of Property: Residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 1/23/19

UD Judgment: n/a (trial continued to 5/21/19)

Movant alleges cause for extraordinary relief because this is the second bankruptcy that has been filed, allegedly to as part of a scheme to delay, hinder or defraud creditors. See In re Fred Jackson, 1:19-bk-10599-VK (the "Fred Bankruptcy"). In the Fred Bankruptcy, Movant also filed an Motion for Relief from Stay to continue his unlawful detainer action which was not heard after the case was dismissed.

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 and 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.

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CONT... Tina Jackson

Chapter 13

Party Information

Debtor(s):

Tina Jackson

Pro Se

Movant(s):

RUBEN VALDEZ

Represented By
Helen G Long

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10037 Gayane Muradyan

Chapter 13

#14.00 Motion for relief from stay

KB HOLDINGS & INVESTMENTS, LLC

Docket 33

*** VACATED *** REASON: Cont'd to 6/12 per stip -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10037 Gayane Muradyan

Chapter 13

#14.01 Motion In Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

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CONT... Gayane Muradyan

Chapter 13

Docket 38

*** VACATED *** REASON: Cont'd per stip to 6/12 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10037 Gayane Muradyan

Chapter 13

#14.02 Emergency Motion for a Temporary Restraining Order and Order to Show Cause re Preliminary Injunction Pursuant to Rule 7065, Restraining KB Holdings & Investments, LLC from Conducting Foreclosure Sale of Property Located at 11446 Terra Vista Way, Sylmar, CA

Docket 43

*** VACATED *** REASON: Cont'd per stip to 6/12 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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CONT... **Gayane Muradyan** **Chapter 13**

1:19-10201 **Eloy Medina, Jr.** **Chapter 13**

#15.00 Motion for relief from stay

U.S. BANK TRUST, N.A.

Docket 34

***** VACATED *** REASON: Resolved per APO Doc 39 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eloy Medina Jr.

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10420 **John Joseph Strand** **Chapter 13**

#16.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(second deed of trust)

fr. 4/17/19

Docket 19

Tentative Ruling:

Having reviewed the opposition and the reply, it appears that cause exists to grant

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CONT... **John Joseph Strand**

Chapter 13

relief from stay under 362(d)(1). Debtor requests an APO, but movant indicates that Debtor's income will not support adequate protection payments. The first position note for \$800,000, which is not held by movant, was apparently a short term note and has matured and is due in full. Debtor is allegedly \$17,857 in post-petition arrears on the second note and \$1,873 in arrears on the third note.

According to the payoff amounts attached to movant's reply, the equity cushion shrinks from the original calculation. Assuming 8% cost of sale, there is no equity cushion on the third position mortgage and a 7% equity cushion for the second position mortgage. This is not sufficient to adequately protect movant's interest in the second position deed of trust.

Adequate protection can come in forms other than an equity cushion, but any such result seems unlikely where debtor is so delinquent on post-petition payments. The Court is inclined to grant the motion as to both the second and third position liens.

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$818,878 (2nd DoT)

Equity Cushion: 14.3%

Equity: **<\$85,156>** (FMV - (total debt [1st DoT per Debtor's Sch. D; 2nd; 3rd DoT] + 8% CoS)

Post-Petition Delinquency (2nd DoT): \$5,949.19

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

While the equity cushion is less than 20%, the delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

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CONT... John Joseph Strand

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5066 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10420 John Joseph Strand

Chapter 13

#17.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(3rd deed of trust)

fr. 4/17/19

Docket 20

Tentative Ruling:

See tentative for #16.

APPEARANCE REQUIRED

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CONT... **John Joseph Strand**

Chapter 13

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$211,368.86 (3rd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency (3rd DoT): \$624.46 (1 payment of \$624.46)

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

The post-petition delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10628 Kaaren Yeghiazarian

Chapter 13

#17.01 Motion for relief from stay

WELLS FARGO BANK

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CONT... Kaaren Yeghiazarian

Chapter 13

Docket 21

Tentative Ruling:

Petition Date: March 18, 2019
Chapter: 13
Service: Proper. Opposition filed.
Property: 4825 Sancola Ave., Los Angeles, CA 91601
Property Value: \$ 806,016 (per debtor's schedules)
Amount Owed: \$ 854,230.46 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$3,709.06 (one payment)

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); 6 (waiver of the co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 9 (in rem relief under § 362(d)(4)); and movant requests that this motion be heard despite any dismissal of the case.

Movant asserts that the case was filed in bad faith under 11 U.S.C. § 362(d)(1) and with intent to hinder, delay, or defraud under (d)(4). Debtor and her spouse have collectively filed six cases in the past eight years. Debtor's spouse ("Armine") filed bankruptcy case 18-11499-MB on 6/14/18, the same day that a foreclosure sale was scheduled. Armine filed a subsequent case, 18-12165-MT which was dismissed with a 180-day bar to refiling. Another foreclosure sale was scheduled for 3/19/19, and Debtor filed the instant case one day before that sale.

Debtor opposes the motion, denying that the case was filed in bad faith and stating that Debtor is applying for loan modification through the Court's LMM program.

The apparent tactic of alternating which spouse files for chapter 13 protection is troubling. Armine filed case 11-14939 on 4/21/11, which was dismissed on 11/14/12. Less than a month later, Debtor filed case 12-20509, which was dismissed on 11/14/13. Armine filed case 13-14625 on 7/11/13, which was dismissed on 7/9/14. Debtor filed case 14-10970 on 2/26/14, and successfully received a chapter 13 discharge on 1/18/19. Each of those cases was filed with the aid of counsel, Kevin Simon. Armine's two 2018 cases, both filed on the

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CONT... Kaaren Yeghiazarian

Chapter 13

eve of foreclosure, were filed pro se.

If Debtor had not successfully completed one previous chapter 13, this motion would likely be granted. As it stands, debtor's opposition simply does not address the allegations that this case was filed in bad faith other than to deny it. Debtor should file a declaration in support of her opposition explaining the series of cases indicated above. The delinquency of one payment is a relatively minor issue.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kaaren Yeghiazarian

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10840 James Gordon

Chapter 13

#18.00 Motion for relief from stay

PMI CIELO LLC

Docket 7

Tentative Ruling:

Movant's motion requests confirmation under 11 U.S.C. § 362(l) that the automatic stay does not apply to its unlawful detainer action. This case was dismissed on May 7, 2019 due to Debtor's failure to appear at a chapter 13 status conference. Therefore, the automatic stay is no longer in effect under 11 U.S.C. 362(c)(2)(B). Because the movant did not request any extraordinary relief, the motion is DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS.

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CONT... James Gordon Chapter 13

Party Information

Debtor(s):

James Gordon Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:18-12729 Irene Alvarez-Castaneda Chapter 13

#18.01 Motion for relief from stay

WILMINGTON TRUST, NATIONAL ASSOC.

Docket 58

*** VACATED *** REASON: Resolved per APO, Doc 65 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irene Alvarez-Castaneda Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:19-10007 John Mason Gordon and Jennifer Constantine Chapter 7

#18.02 Motion for relief from stay

AMNON DAHAN

Docket 17

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CONT... **John Mason Gordon and Jennifer Constantine**

Chapter 7

Tentative Ruling:

A discharge was entered in this chapter 7 case at 8:26 on April 22, 2019, thereby terminating the automatic stay under 11 U.S.C. 362(c)(2)(C). Less than two hours later, Movant filed this motion for relief from the automatic stay. The motion does not request any extraordinary relief. The motion is therefore DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS.

Party Information

Debtor(s):

John Mason Gordon

Represented By
Matthew D. Resnik

Joint Debtor(s):

Jennifer Constantine

Represented By
Matthew D. Resnik

Movant(s):

Amnon Dahan

Represented By
Paul E Gold

Trustee(s):

Amy L Goldman (TR)

Pro Se

1:19-10988 Ricky B Smith

Chapter 7

#18.03 Motion for relief from stay

BEVERLY HILLS PROPERTIES, LLC
AND TERRA INVESTMENTS

Docket 10

Tentative Ruling:

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CONT... Ricky B Smith
- NONE LISTED -

Chapter 7

Party Information

Debtor(s):

Ricky B Smith

Pro Se

Movant(s):

Terra Investments

Represented By
Luke P Daniels

Trustee(s):

Amy L Goldman (TR)

Pro Se

1:19-10940 Laurie Francene Kinzer

Chapter 13

#19.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as
the Court Deems Appropriate

Docket 11

Tentative Ruling:

On April 17, 2019, Debtor filed this Chapter 13 case. Debtor has one previous chapter 13 bankruptcy case that was dismissed a short time ago. The dismissed case, 17-12345-VK, was filed on October 24, 2016 and dismissed on April 16, 2019 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 Debtor stopped making payments in anticipation of a sale of Debtor's real property, but the sale did not go through and Debtor missed the deadline to oppose trustee's motion to dismiss. Debtor states that she has the funds to complete a chapter 13 plan. The Motion is GRANTED.

However, would Debtor prefer to vacate the dismissal in the prior case to bring the Debtor

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CONT... Laurie Francene Kinzer

Chapter 13

closer to discharge? If so, Debtor's attorney should appear and inform the court.

APPEARANCE REQUIRED DUE TO SHORTENED TIME. RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Laurie Francene Kinzer

Represented By
Nathan A Berneman

Movant(s):

Laurie Francene Kinzer

Represented By
Nathan A Berneman
Nathan A Berneman
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10984 Ernesto Martinez and Gabriela Martinez

Chapter 13

#19.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14417 Clymer St., Mission Hills, CA 91345

Docket 10

Tentative Ruling:

On April 23, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 18-10552-VK, was filed on March 1, 2018 and dismissed on April 22, 2019 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. No opposition was filed. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed

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CONT... Ernesto Martinez and Gabriela Martinez Chapter 13

because Debtor has a new job and is no longer relying upon self-employment for Debtors' income.

No opposition filed. The motion is GRANTED.

APPEARANCE REQUIRED DUE TO SHORTENED TIME. RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ernesto Martinez

Represented By
R Grace Rodriguez

Joint Debtor(s):

Gabriela Martinez

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-12102 Arman Tombakian

Chapter 13

**#19.02 Debtor's Objection to Declaration re Default
under Adequate Protection Order**

Docket 45

Tentative Ruling:

The accounting attached to the declaration re: default is, as usual, highly confusing. Debtor alleges that he made a \$5,000 payment on March 20. Debtor submits scans of five money orders apparently dated "032019." Has movant located these five missing money orders?

Additionally, there appear to be payments that came due on 3/15 and 4/1, after the notice of default was sent on March 6. Has Debtor made those payments?

APPEARANCE REQUIRED

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CONT... Arman Tombakian

Chapter 13

Party Information

Debtor(s):

Arman Tombakian

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12276 Catherine J. Watkins

Chapter 11

#19.03 Motion for relief from stay

NEW PENN FINANCIAL, LLC

fr. 2/6/19

Docket 32

Tentative Ruling:

At the previous hearing, the parties indicated that they were working on a global stipulation to resolve this creditor's issues. The status report indicates that the lender has not responded to Debtor's proposal for plan treatment. What is Movant's position on this RFS and Debtor's proposed plan treatment?

APPEARANCE REQUIRED

2/6/19 Tentative

Petition Date: 09/10/2018

Chapter: 11

Service: Proper. Opposition filed.

Property: 10533 S Wilton Pl, Los Angeles, CA 90047-4351

Property Value: \$ 400,000 (per debtor's schedules)

Amount Owed: \$ 353,064.17 (per RFS motion)

Equity Cushion: 4.0%

Equity: \$46,935.83.

Delinquency: \$7,131.96

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CONT... Catherine J. Watkins

Chapter 11

Movant alleges cause for 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).

Debtor opposes the Motion, arguing that the value of the property is \$450,000 because of the increase based on recent comps; the total amount of debt on the property is \$346,967; the property is necessary for an effective reorganization. Debtor contends that she stands ready to make payments and has segregated rents from the property into a separate account where such funds remain. No funds have been used for any other purpose. Debtor alleges that the only reason that no payment has been made to date is the inability to get the lender to respond, however the rents have been segregated and are being held in the Debtor in Possession account.

Debtor has proposed a new 30-year loan at 4%; Debtor's counsel called lender numerous times attempting to work out an APO with no response. A continued hearing on Debtor's motion to impose plan treatment will be heard on 3/6/19 at 10:00 a.m.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

Movant(s):

New Penn Financial, LLC DBA

Represented By
S Renee Sawyer Blume

1:18-12276 Catherine J. Watkins

Chapter 11

#20.00 Scheduling and Case Management Conference

fr. 12/12/18, 3/6/19

Docket 1

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CONT... Catherine J. Watkins

Chapter 11

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

1:10-15822 David B. Rosen

Chapter 11

Adv#: 1:18-01023 Rosen v. Wilmington Savings Fund Society, FSB, dba Christia

#21.00 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; 10/10/18, 3/6/19

Docket 6

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

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

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CONT... David B. Rosen

Chapter 11

Plaintiff(s):

David B. Rosen

Represented By
Louis J Esbin

1:10-15822 David B. Rosen

Chapter 11

Adv#: 1:18-01023 Rosen v. Wilmington Savings Fund Society, FSB, dba Christia

- #22.00** Status conference re complaint for:
1) declaratory relief
2) injunctive relief and violation of automatic stay
3) extent, validity or priority of claim or interest
4) attorney fees and costs

fr. 5/23/18, 3/6/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Complete all discovery by October 15, 2019 or resolve case. No further extensions.
A pretrial stipulation is due November 13, and a pretrial will be held December 4 when a trial date will be set.

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society, Pro Se

Selene Finance LP Pro Se

Plaintiff(s):

David B. Rosen

Represented By

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CONT... David B. Rosen

Louis J Esbin

Chapter 11

1:16-13077 David Saghian

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

Chapter 7

#23.00 Pre-Trial Conference re: Complaint

fr. 6/6/18; 5/8/19

Docket 1

***** VACATED *** REASON: Cont'd to 9/11/19 @ 11:00 per order #40. If**

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

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CONT... **David Saghian**

Chapter 7

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.

Party Information

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

1:17-10527 Sharique Ahmed Shaikh

Chapter 7

Adv#: 1:19-01016 Weil, Chapter 7 Trustee v. Shaikh

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CONT... **Sharique Ahmed Shaikh** **Chapter 7**
#24.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

Docket 1

*** VACATED *** **REASON: Alias summons issued new hrg. date 5/22/19**
(eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Ishraque Shaikh

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

1:17-10527 Sharique Ahmed Shaikh **Chapter 7**
Adv#: 1:19-01017 Weil, Chapter 7 Trustee v. Tanveer

#25.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

Docket 1

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CONT... **Sharique Ahmed Shaikh** Chapter 7
*** VACATED *** REASON: Alias summons issued new hrg. date 5/22/19
(eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Sameena Tanveer

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#26.00 Status Conferece re: Notice of Removal of
action under 28 U.S.C. section 1452(a) and 1334(b)

Docket 1

*** VACATED *** REASON: Cont'd to 5/22/19 at 1:00 p.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

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CONT... Benzeen Inc.

Chapter 11

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#27.00 Status Conference Re: Complaint to
Determine Value of Real Property, Determine
the Extent of Secured Claims and to Extinguish
the Second Position Lien of Creditor the Bank
of New York Mellon C/O Bank of America N.A.

Docket 1

Tentative Ruling:

No SR Filed. No proof of service of summons filed. Is Plaintiff prosecuting this case?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama

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CONT... Michael Vara

Chapter 11

Defendant(s):

THE BANK OF NEW YORK Pro Se

Does 1-10 Inclusive Pro Se

Plaintiff(s):

Michael Vara Represented By
Alfred J Verdi

1:18-12931 Melvin Gomez

Chapter 13

Adv#: 1:19-01019 Linfield et al v. Gomez et al

#28.00 Status Conference Re: Complaint
Objecting to Discharge Pursuant to 11
USC Sec. 523(a) and 727

Docket 1

Tentative Ruling:

The underlying bankruptcy case was dismissed on April 24, 2019. This case will be dismissed.
NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Melvin Gomez Represented By
Donald E Iwuchuku

Defendant(s):

Melvin Gomez Pro Se

Mirilian Elizabeth Marroquin Pro Se

Joint Debtor(s):

Mirilian Elizabeth Marroquin Represented By
Donald E Iwuchuku

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CONT... Melvin Gomez

Chapter 13

Plaintiff(s):

Michael Linfield Pro Se

Bethany Marshall Linfield Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

Adv#: 1:14-01042 Sharp v. Essex Insurance Company

- #28.01** Status conference re complaint for:
1- declaratory relief
2- breach of contract
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, 9/26/18, 2/6/19; 4/8/19

Docket 1

***** VACATED *** REASON: Continued to 2/26/20 at 10 am**

Tentative Ruling:

Having reviewed the status report, this matter will be continued to **February 26, 2020 at 10:00 a.m.** Plaintiff to lodge order.

NO APPEARANCE REQUIRED ON 4/8/19

Party Information

Debtor(s):

C.M. Meiers Company, Inc. Pro Se

Defendant(s):

Essex Insurance Company Pro Se

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CONT... C.M. Meiers Company, Inc.

Chapter 11

Plaintiff(s):

Bradley D Sharp

Represented By
Larry W Gabriel

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

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#29.00 Status Conference re: Complaint for 1) Cancellation of
Written Instruments; 2) Quiet Title and 3) Declaratory Relief

Docket 3

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC

Pro Se

Bayview Financial Trading Group

Pro Se

M&T Mortgage Corp.

Pro Se

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CONT... Castillo I Partnership Chapter 11

Bayview Loan Servicing LLC Pro Se

Nationstar Mortgage, LLC Pro Se

Benjamin Kolodaro Pro Se

Nily Kolodaro Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:17-13341 Castillo I Partnership Chapter 11

#30.00 Amended Disclosure Statement 150 Disclosure
Statement Describing First Amended Chapter 11 Plan
of Reorganization

Docket 205

Tentative Ruling:

TO BE HEARD AT END OF CALENDAR DUE TO COUNSEL SCHEDULING
CONFLICT

Debtor filed a Corrected Disclosure Statement Describing Second Amended Plan of Reorganization ("Disclosure Statement") on April 10, 2019. Debtor seeks to reorganize its interest in two pieces of real property which constitute the Debtor's only assets: a single family residence located at 11733 Castillo Lane, Porter Ranch, CA 91326 (the "Castillo Property") and a condominium located at 13236 Valley Heart Drive, Unit 102, Studio City, CA 91604 (the "Valleyheart Property").

To approve the Disclosure Statement, this Court must find that it contains "adequate information," such that a hypothetical investor could make an informed judgment about the plan. Courts look at multiple factors in evaluating the adequacy of a disclosure statement—as detailed below. 7 *Collier on Bankruptcy* ¶1125.02[2] (16th ed. 2011) citing *In re Scioto Valley Mortgage Co.*, 88 B.R. 168 (Bankr. S.D. Ohio 1988); *In re A.C. Williams Co.*, 25 B.R. 173 (Bankr. N.D. Ohio 1982); *In re Ferretti*, 128 B.R. 16, 19 (Bankr. D.N.H. 1991); *In re U.S. Brass Corp.*, 194 B.R. 420, 424

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CONT... Castillo I Partnership
(Bankr. E.D. Tex. 1996).

Chapter 11

The Scioto Valley court set forth the following types of information which should be addressed by a disclosure statement:

1. The circumstances that gave rise to the filing of the bankruptcy petition;
2. A complete description of the available assets and their value;
3. The anticipated future of the debtor;
4. The source of the information provided in the disclosure statement;
5. A disclaimer, which typically indicates that no statements or information concerning the debtor or its assets or securities are authorized, other than those set forth in the disclosure statement;
6. The condition and performance of the debtor while in Chapter 11;
7. Information regarding claims against the estate;
8. A liquidation analysis setting forth the estimated return that creditors would receive under Chapter 7;
9. The accounting and valuation methods used to produce the financial information in the disclosure statement;
10. Information regarding the future management of the debtor, including the amount of compensation to be paid to any insiders, directors, and/or officers of the debtor;
11. A summary of the plan of reorganization;
12. An estimate of all administrative expenses, including attorneys' fees and accountants' fees;
13. The collectibility of any accounts receivable;
14. Any financial information, valuations or *pro forma* projections that would be relevant to creditors' determinations of whether to accept or reject the plan;
15. Information relevant to the risks being taken by the creditors and interest holders;
16. The actual or projected value that can be obtained from avoidable transfers;
17. The existence, likelihood and possible success of non-bankruptcy litigation;
18. The tax consequences of the plan; and
19. The relationship of the debtor with affiliates.

While not all of these factors are relevant in a smaller corporate case, some courts have stated that a disclosure statement should include, at a minimum, 1) a description of the business; 2) its history; 3) financial information; 4) a description of the plan; 5) facts respecting its execution; 6) a liquidation analysis; 7) identification of management and its compensation; 8) transactions with insiders; and 9) tax consequences of the plan.

Bank of New York Mellon ("BONYM") filed an objection to the disclosure statement

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CONT... **Castillo I Partnership**

Chapter 11

on the grounds that the proposed plan fails to comply with the "fair and equitable" requirement of §§ 1129(b)(1) and 1129(b)(2)(A)(i). BONYM argues that the 4.75% interest rate provided by the plan is insufficient under Till v. SCS Credit Corp. (In re Till). 541 U.S. 465, 478-79 (2004). BONYM is correct that the proposed interest rate does not satisfy Till as the prime rate is currently 5.5%, before any adjustment for risk of default under Till's "prime plus" formula. BONYM also points out that there has been no valuation of Debtor's property. BONYM also raises the issue of the feasibility of an unexplained balloon payment.

The Disclosure Statement further fails to provide adequate information regarding the relief from the automatic stay granted to Comerica. The Court did not merely grant relief from stay to Comerica, the Court made a finding that this bankruptcy case was filed in bad faith and was part of a scheme to hinder, delay, or defraud creditors that involved transfers of the Valleyheart Property. That is information "of a kind. . .that would enable [a] hypothetical investor" to "make an informed judgment about the plan" that must be disclosed under 11 U.S.C. 11125(a)(1). See In re Mohammad, 596 B.R. 34, 38 (Bankr. E.D. Va. 2019)(Finding that a disclosure statement did not contain adequate information because, in part, it failed "to disclose a prior finding of bad faith in this case and that U.S. Bank has been granted *in rem* relief from the automatic stay.").

Furthermore, the Amended Disclosure Statement fails to explain the nature of the connection between Debtor and its principal and Nily and Shai Kolodaro ("Kolodaros"). The claim of E.N. Financial, treated in class 4 as an insider holding a third position deed of trust, is explained as "a \$20,000 loan purportedly made in 2005 by E.N. Financial Services and Development, Inc. to Nily Kolodaro." Debtor's principal, Ahron Zilberstein ("Zilberstein"), is also the principal for E.N. Financial--was this only a "purported" loan, or was the loan actually made? The Court is not satisfied that Debtor has been fully forthcoming with respect to the nature of that transaction and other transactions with the Kolodaros. For example, there is no explanation as to why the note secured by a fifth position deed of trust on the Castillo Property, a note arising from a \$250,000 loan to Nily Kolodaro, was transferred from Jacob Safranovitz to Oakdale, LLC ("Oakdale"). Oakdale is another insider entity owned by Zilberstein. What was the purpose of these transfers? What were Debtor and Debtor's insiders trying to accomplish with respect to the Castillo Property? Why did the Kolodaros extend \$70,000 in loans to Debtor, then transfer the Castillo Property to the Debtor?

It appears that Debtor and its principal are in the business of obtaining distressed

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CONT... **Castillo I Partnership**

Chapter 11

property, further distressing it, and removing liens for the former owners. This appears to be accomplished through a complex series of transfers to real estate holding companies and bankruptcies. See, e.g., In re NH Simpson Partnership 1:10-bk-25909 (Zilberstein and Charles Miseroy as partners of entity holding fractional ownership of several properties); In re OJ General Partnership 2:11-31147-SK and 2:11-52127-SK (Charles Miseroy and Jim Kolodaro as partners of entity with fractional interest in properties transferred from NH Partnership, and later transferred to other Zilberstein entities); In re Tracht Gut, LLC 1:12-bk-20308-MT (Zilberstein principal of entity obtaining fractional interests in property from NH Simpson, OJ General Partnership, and E.N. Financial, and litigating alleged fraud in connection with Zilberstein's alleged attempt to "abuse[] the legal system to avoid paying obligations secured by the property." ECF 1:14-ap-01138-MT Doc. 9); In re YOD Partnership, 1:13-bk-16402-MT (Zilberstein principal of Single Asset Real Estate business, which filed and immediately removed a state court lawsuit involving a dispute with the estate of Syma Zilberstein); In re 10 NB Partnership 1:14-bk-11563-MT (Christian Spanhoff ("Spanhoff") principal of entity owning property later transferred to 01 BH Partnership); In re 14520 Hesby, LLC 1:14-bk-15412-MT and 1:14-bk-10769-MT (Zilberstein Principal of entity owning property acquired from Eric and Deborah Chen (the "Chens"), who accused Zilberstein of wrongfully taking the property after he had promised to remove all liens from the property); In re M.N.E. Funding, 1:17-bk-12420-MT (reorganizing the property acquired from the Chens); In re 01 BH Partnership 1:18-bk-11040-MT (Zilberstein and Spanhoff attempting to rehabilitate nuisance properties, where neighbor of property alleged "the partnerships are all sham and fraudulent fillings [sic.] by the organize Team [sic.] headed by Ahron Zilberstein To [sic.] hold the bank from foreclosures do process [sic.] by filing many bankruptcies under different partnerships." ECF 18-bk-11040-MT Doc. 54); In re Elmer 1 Partnership 1:17-bk-10228-VK (Zilberstein principal of entity that filed, then immediately removed state court litigation before case was dismissed for failure to file required documents); In re JSK Partnership, 1:12-bk-17040-MT and 1:12-bk-16290-AA (Jim Kolodaro principal of entity owning fractional interest of properties transferred by Zilberstein on behalf of NH Simpson Partnership).

There are too many connections between the above cases to spell out all of them. Most were dismissed shortly after being filed. Many involved dilatory removal of state court litigation into adversary proceedings. Most involved E.N. Financial Services and Development as a creditor, and often as a proposed lender or contributor to the debtor's reorganization. Many of the same parcels of property appear in several cases owned by different debtors. Almost all follow the same pattern of fractional interest transfers of distressed real property with the same cast of creditors, many of which seem to share an address with this Debtor and Zilberstein: 6360 Van Nuys

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CONT... Castillo I Partnership
Blvd., Van Nuys, CA 91401.

Chapter 11

The Court likely only scratched the surface of this network--but it should not be required to scour its own records to figure out what this Debtor's business consists of. Whether there is illegal activity implicated in the above cases is not before this Court, but the Debtor's principal's pattern of conduct gives rise to the implication that Debtor has not provided adequate information as defined in 11 U.S.C. 1125(a). The Court will not approve a disclosure statement unless the Debtor gives a robust explanation of its business practices in obtaining property and any agreements entered into with former owners of the properties. This must include information and any documentation relating to the alleged loan made by the Kolodaros to Debtor and the agreements whereby the Kolodaros transferred the Castillo Property to Debtor and Gladys Husanu transferred the Valleyheart property to the Debtor. While such disclosure would not be required in a typical case, "the nature and history of the debtor" indicate significant undisclosed risks that a hypothetical investor would require in order to make an informed judgment about the plan. 11 U.S.C. § 1125(a) (1).

Furthermore, the Debtor has not remedied the deficient liquidation analysis to discuss whether Debtor's general partners would be required to contribute towards a hypothetical chapter 7 liquidation under § 723(a), as stated by the Court previously:

Furthermore, Debtor has not provided adequate information on the liability of general partners' assets under Section 723(a):

"There is, however, a way in which 723(a) is relevant in chapter 11 and chapter 12 cases. Section 1129(a)(7). . . require[s] as a condition to confirmation of a plan that each holder of a claim either accept the plan or receive under the plan at least as much as the holder would have received had the case been filed under chapter 7. If a chapter 11 or chapter 12 case for a partnership had been filed under chapter 7, the chapter 7 trustee would have the right under section 723(a) to seek payment from general partners on behalf of creditors of the partnership. Accordingly. . . it will be necessary to determine the extent of the recovery that would be available to a chapter 7 trustee against the general partners."

Collier 723.02[5]. Debtor has not provided any liquidation analysis of the rights that a chapter 7 trustee would have against Debtor's general partners.

Approval of this disclosure statement is DENIED.

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CONT... Castillo I Partnership Chapter 11

APPEARANCE REQUIRED

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:17-13341 Castillo I Partnership Chapter 11

#31.00 Scheduling and case management conference
fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18; 4/3/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:17-10017 Akhoian Enterprises, Inc. Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#32.00 Status conference re: Notice of removal to the United
States Bankruptcy Court of Litigation pending in
Los Angeles County Superior Court

fr. 1/16/19; 2/6/19, 4/3/19

Docket 1

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CONT... Akhoian Enterprises, Inc.

Chapter 7

Tentative Ruling:

Having reviewed the status report, Trustee should appear and discuss the possibility of dismissal or other potential directions for this litigation.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Pro Se

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

Ascensus, Inc., a Delaware

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.

Represented By
Richard Burstein

John Akhoian

Represented By
Richard Burstein

Tamar Akhoian

Represented By
Richard Burstein

Trustee(s):

David Seror (TR)

Represented By
Steven T Gubner

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CONT... Akhoian Enterprises, Inc.

Chapter 7

Richard Burstein
Talin Keshishian

1:19-10498 Robert Nadler

Chapter 7

#32.01 Motion to Sell Property of the Estate Free
and Clear of Liens under Section 363(f).

Docket 23

Tentative Ruling:

Chapter 7 trustee Nancy Zamora ("Trustee") filed this motion to sell the property located at 9628 Kentland Ave., Chatsworth, CA 91311 free and clear of any interests and liens under 11 U.S.C. §§ 363(b) and (f). The proposed sales price is \$910,000, subject to overbid in minimum increments of \$5,000. Trustee estimates that that the sale will yield approximately \$42,000 for the benefit of the estate. Service proper. No opposition filed. Having considered the motion and finding good cause, the Motion to Sell is granted.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Robert Nadler

Represented By
Eric Bensamochan

Movant(s):

Nancy J Zamora (TR)

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#33.00 Evid Hearing Re: Objection to claim number 7

fr. 12/12/18, 2/5/16, 4/8/19

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10:00 AM

CONT... Akhoian Enterprises, Inc.

Chapter 7

Docket 83

*** VACATED *** REASON: Resolved per stipulation, Doc 121 -CT

Tentative Ruling:

- NONE LISTED -

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

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#34.00 Evid Hearing Re: Objection to claim number 8

fr. 12/12/18, 2/5/19, 4/8/19

Docket 84

*** VACATED *** REASON: Resolved per stipulation, Doc 121 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Trustee(s):

David Seror (TR)

Represented By

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CONT... Akhoian Enterprises, Inc.

Chapter 7

Steven T Gubner
Richard Burstein
Talin Keshishian

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#35.00 Evid Hearing Re: Objection to claim number 9

fr. 12/12/18, 2/5/19, 4/8/19

Docket 85

*** VACATED *** REASON: Resolved per stipulation, Doc 121 -CT

Tentative Ruling:

- NONE LISTED -

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

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#36.00 Chapter 11 Plan of Reorganization

fr. 2/6/19, 4/3/19

Docket 75

*** VACATED *** REASON: Cont'd to 7/31/19 @10:00 per order #138. If

Tentative Ruling:

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CONT... **Henrik Andreas Ingvarsson and Keri Ingvarsson**
- NONE LISTED -

Chapter 11

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

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#37.00 Scheduling and Case Management Conference

fr. 3/28/18; 10/24/18; 2/6/19, 2/27/19, 4/3/19

Docket 1

***** VACATED *** REASON: Cont'd to 7/31/19 @10:00 per order #138. If**

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: _____

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10:00 AM

CONT... **Henrik Andreas Ingvarsson and Keri Ingvarsson**

Chapter 11

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

1:18-11544 Happy Jump, Inc.

Chapter 11

#38.00 Motion for Extension of Time to File Plan and Disclosure Statement in Small Business Case; Memorandum of Points and Authorities.

Docket 106

Tentative Ruling:

Since no opposition was filed, the time to file a disclosure and plan is extended to July 17, 2019, and this motion is GRANTED. Debtor should submit an order and notice the continued status conference to 9/11/19 at 11 am at same time

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

1:18-11544 Happy Jump, Inc.

Chapter 11

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CONT... Happy Jump, Inc. Chapter 11
#39.00 Status and case management conference

fr. 12/12/18, 4/17/19

Docket 1

***** VACATED *** REASON: Continued to Sept.11 at 11 am**

Tentative Ruling:

APPEARANCE REQUIRED

This hearing is continued to September 11, 2019 at 11 am so that it can be heard with the disclosure statement and plan

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

1:18-12698 Green Nation Direct, Corporation Chapter 11

**#39.01 Application for Compensation for
The Orantes Law Firm, P.C.**

Period: 11/2/2018 to 2/4/2019,
Fee: \$34,241.00,
Expenses: \$1,387.48

Docket 117

Tentative Ruling:

The Orantes Law Firm, P.C. ("Orantes") filed a final fee request under 11 U.S.C. § 330 in connection with his former representation of the debtor. Orantes Debtor, through Orantes, filed this case on November 2, 2018. On December 3, 2018, Debtor

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CONT... **Green Nation Direct, Corporation**

Chapter 11

filed Debtor's Application for Authority to Employ the Orantes Law Firm, P.C. as General Insolvency Counsel (the "Employment Application").

Orantes requests fees in the amount of \$34,241 and \$1,387.48 in expenses. Chapter 11 Trustee Nancy Zamora ("Trustee") opposes the fee application, requesting that the entire fee application be denied. Trustee argues that Orantes failed to adequately disclose that its engagement letter with the Debtor granted Orantes a security interest in the \$35,000 retainer. Failure to disclose this lien, Trustee argues, Orantes violated Rule 2014(a).

While the body of the Employment Application did not disclose the existence of a security interest in the retainer, the security interest was disclosed in the engagement letter attached as Exhibit 1 to the Employment Application. Orantes' statement of disinterestedness also disclosed the existence of the lien. Doc. 20. Despite Trustee's characterization of the statement in the Statement of Disinterestedness as an admission that Orantes was not disinterested, an estate professional obtaining a security interest does not per se disqualify the professional as not "disinterested" under § 327. In re Dick Cepek, Inc., 339 B.R. 730, 740 (B.A.P. 9th Cir. 2006). Orantes correctly cites additional authority in its reply to this effect.

Trustee's attempt to analogize this situation to In re Paris, 568 B.R. 810, 814 (Bankr. CDCA 2017) is an unfair characterization of this situation. Orantes did disclose what he was required to disclose. No objection was made to the reasonable and necessary nature of the work billed. Counsel attempted a reorganization; the work was necessary at the time; later developments made this approach untenable - this does not translate into a denial of payment for the work that was done. It was secured by a permissible lien that was never objected to and is allowed. Thus, fees and costs will be approved and may be made from the retainer.

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

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CONT... Green Nation Direct, Corporation Chapter 11

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

1:18-12698 Green Nation Direct, Corporation Chapter 11

#39.02 Motion for relief from stay

RIDEC, LLC

Docket 111

*** VACATED *** REASON: Cont'd to June 26 per stip -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Movant(s):

Ridec, LLC a California Limited

Represented By

Alla Tenina

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

1:18-12698 Green Nation Direct, Corporation Chapter 11

#39.03 Motion for relief from stay

JULIO C. MENJIVAR

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CONT... Green Nation Direct, Corporation
Docket 114

Chapter 11

Tentative Ruling:

Petition Date: November 2, 2018
Chapter: 11
Service: Proper. No opposition filed.

Movant: Julio Menjivar

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

Litigation Information

Case Name: Menjivar v. Ygrene Energy Fund Inc et al

Court/Agency: L.A. County Superior Court, Case # BC 724144

Date Filed: 10/3/18

Judgment Entered: N/A

Trial Start Date: N/A

Action Description: 1) California Consumer Legal Remedies Act, 2) Breach of Contract, 3) Intentional Misrepresentation, 4) Negligence, 5) Business and Prof Code 17200, 6) Quiet Title, 7) Declaratory Relief

Grounds

Bad Faith Claim is Insured Claim Against 3rd Parties

Nondischargeable

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

Other: Movant argues that the case was filed in bad faith because "Debtors are 100% shareholders of Defendant Genesis Innovators Inc in the Nonbankruptcy action."

Movant has not met his burden of establishing that this case was filed in bad faith. The state court action seeks to impose alter ego liability among the several defendants, including the Debtor. No opposition was filed to this motion. What is the Trustee's position?

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate).

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10:00 AM

CONT... Green Nation Direct, Corporation

Chapter 11

APPEARANCE REQUIRED

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Movant(s):

Julio C Menjivar Represented By
Jesse J Thaler

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#39.04 Motion for relief from stay

JULIO C MENJIVAR

Docket 28

*** VACATED *** REASON: Withdrawal filed on 5/8/19 - doc. #31. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Melendez Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez Represented By
Shai S Oved

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CONT... Gerardo Melendez and Maribel Melendez Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:19-10326 Fabio Rene Fajardo Chapter 11

#40.00 U.S. Trustee's Motion to Dismiss or Convert Case.

Docket 23

*** VACATED *** REASON: Dismissed 5/2/19 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabio Rene Fajardo Pro Se

1:12-10231 Owner Management Service, LLC and Trustee Corps Chapter 7

#41.00 Motion of Chapter 7 Trustee for Order Deeming Estate's Interest Abandoned in Real Property Located at 20101 Halsted Street, Chatsworth, California 91311 (APN 2748-025-040)

Docket 2254

Tentative Ruling:

Having reviewed the motion and for good cause appearing, the motion is GRANTED and the property is deemed abandoned *nunc pro tunc* to April 8, 2019.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Owner Management Service, LLC Pro Se

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CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

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
Jorge A Gaitan

1:17-13154 Scott Ray Ramage

Chapter 7

#42.00 Trustee's Final Report and Applications for Compensation

Docket 81

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):

Scott Ray Ramage

Represented By

John D Faucher

Trustee(s):

Amy L Goldman (TR)

Represented By

Todd A Frealy
Carmela Pagay

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Wednesday, May 15, 2019

Hearing Room 301

11:00 AM

1:19-10410 Novelette Arlene Mack-Woods

Chapter 7

#43.00 Motion for relief from stay

HAPPY SKY, INC

fr. 4/17/19

Docket 14

Tentative Ruling:

At the hearing held on 4/17/19, Debtor presented argument about the long and tortuous litigation history related to the Subject Property. During her argument, Debtor averred that she had paperwork that showed her interest in the Subject Property had somehow been recognized post-2016, after the vexatious litigant finding by the Superior Court. The Court continued the hearing to allow Debtor to file that paperwork so that it would be in the record, and to allow Creditor to file a response.

On May 7, 2019, Debtor filed more than 700 pages of documents. Having reviewed the documents, there is not one that shows that a court recognized Debtor's alleged right to the Subject Property post-2016. In its response, Creditor attaches a 4/10/19 Minute Order from the Superior Court, in which it found Debtor in contempt for various instances where Debtor acted as if she was the owner of the Subject Property, in violation of a permanent injunction enjoining Debtor from doing so. Reply, Ex. H. Although the court fines and sanctions ordered by the Superior Court are stayed because of this bankruptcy, the State Court did order Debtor imprisoned for 30 days. *Id.* The Minute Order indicates that Debtor was to have reported to jail on May 3, 2019 for a 30-day term.

It is therefore unclear whether Debtor is able to appear at this hearing today. Nevertheless, a review of all of the documents filed in this matter shows that there are grounds to grant this motion, on the terms stated in its previous tentative.

APPEARANCE REQUIRED

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11:00 AM

CONT... Novelette Arlene Mack-Woods

Chapter 7

4/17/19 TENTATIVE BELOW

Petition Date: 2/25/19

Ch: 7

Service: Proper. Opposition filed.

Movant: Happy Sky, Inc.

Property Address: 4601 W. Slauson Ave. Los Angeles, CA 90043

Type of Property: Commercial

Occupancy: holdover after title in the subject property was quieted in Movant as of April 21, 2014 (Motion for RFS, Ex. F)

Foreclosure Sale: n/a

UD case filed: 7/12/18

UD Judgment: 1/28/19

Movant alleges that Debtor has a permanent injunction against her for asserting any claim, whether legal or possessory, on the subject property. Motion for RFS, Ex. F. Movant also alleges that Debtor has been deemed a vexatious litigant in the State Court. Id., Ex. F.

Debtor filed an opposition to the Motion on her own behalf. She argues, among other things, that her case was not filed in bad faith and that Movant's description of the unlawful detainer proceedings is not accurate. Among Debtor's many allegations, she contends that Movant and its attorney has "abused its court system with the help of [its] attorney" and that Movant's attorney has "abuse [sic] their power to help their client Happy Sky commit thievery." Debtor Decl. ISO Opposition, ¶¶ 5 - 6.

A relief from stay motion does not "involve a full adjudication on the merits of claims, defenses, or counterclaims." Id. As stated in the Bankruptcy Appellate Panel in Hamilton v. Hernandez, 2005 WL 6960211 (B.A.P. 9th Cir., Aug. 1, 2005), relief from stay proceedings are summary proceedings which address issues arising only under 11 U.S.C. Section 362(d). Hamilton, 2005 WL 6960211 at *3 (citing Johnson v. Righetti (In re Johnson), 756 F.2d 738, 740 (9th Cir. 1985)). Relief from stay hearings are limited in scope to adequacy of protection, equity, and necessity to an effective reorganization; the validity of underlying claims is not litigated. In re Johnson, 756 F.2d 738, 740 (9th Cir.1985), *cert. denied*, 474 U.S. 828 (1985). The court does not

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 301 Calendar**

Wednesday, May 15, 2019

Hearing Room 301

11:00 AM

CONT... Novelette Arlene Mack-Woods

Chapter 7

determine the underlying issues of ownership, contractual rights of parties, or issue declaratory relief. Here, where the State Court has already litigated the merits of the parties claims, Movant has presented grounds for relief.

Disposition: GRANT Motion under 11 U.S.C. 362(d)(1), with the specific relief 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); and **10** (relief binding & effective for 180 days against any debtor).

Relief requested in paragraph **9** (relief under 362(d)(4) is DENIED because Movant is not a secured creditor and is thus ineligible for such relief; and relief requested in paragraph **11** is DENIED because such relief requires the filing of an adversary proceeding under FRBP 7001.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Novelette Arlene Mack-Woods	Pro Se
-----------------------------	--------

Trustee(s):

Nancy J Zamora (TR)	Pro Se
---------------------	--------

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

Wednesday, May 15, 2019

Hearing Room 302

1:00 PM

1:09-21160 **Hermine Nazaryan**

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#44.00 Defendants' motion for summary judgment.

fr. 12/19/18, 2/6/19; 2/27/19; 4/3/19

Docket 28

*** VACATED *** REASON: Cont'd to 5/22/19 at 1:00 p.m. - hm

Tentative Ruling:

- NONE LISTED -

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

1:09-21160 **Hermine Nazaryan**

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

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

Wednesday, May 15, 2019

Hearing Room 302

1:00 PM

CONT...

Hermine Nazaryan

Chapter 7

#45.00 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, 8/15/18, 2/6/19,
2/27/19; 4/3/19

Docket 1

***** VACATED *** REASON: Cont'd to 5/22/19 at 1:00 p.m. - hm**

Tentative Ruling:

- NONE LISTED -

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

Michael Waldren

Pro Se

Plaintiff(s):

Hermine Nazaryan

Represented By
Lloyd D Dix

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

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

Wednesday, May 15, 2019

Hearing Room 302

1:00 PM

CONT... **Benzeen Inc.**
#46.00 Motion to Dismiss First Amended Complaint

Chapter 11

Docket 5

*** VACATED *** REASON: Cont'd to 5/22/19 at 1:00 p.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

#1.00

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; 12/11/18; 1/25/19
4/11/19

Docket 98

*** VACATED ***

Courtroom Deputy:

per order ent 9/27/18 (doc. 143) S/J motions will not be heard on 10/10, rather, the Court will hold a status conference jc

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

CONT... Solyman Yashouafar

Chapter 11

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

#2.00 Defendants' Cross-Motion for Summary Judgment
on Plaintiffs First Claim for
Relief (Quiet Title)

fr. 9/18/18; 10/10/2018; 11/15/18; 12/11/18; 1/25/19;
4/11/19

Docket 102

***** VACATED *****

Courtroom Deputy:

per order ent 9/27/18 (doc. 143) S/J motions will not be heard on 10/10,
rather, the Court will hold a status conference jc

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

CONT... Solyman Yashouafar

Chapter 11

	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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

#3.00 Motion to dismiss the Abselets' first amended counterclaim.

fr. 11/15/18; 12/11/18; 1/25/19; 4/11/19

Docket 165

***** VACATED *****

Courtroom Deputy:

- NONE LISTED -

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

CONT... Solyman Yashouafar

Chapter 11

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

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. 12/11/18; 1/25/19; 4/11/19

Docket 151

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Appearance Required

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

CONT... Solyman Yashouafar Chapter 11

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 Gottlieb v. Elkwood Associates, LLC et al

#5.00 Order setting hearing and response deadline
 regarding objection to form of order

fr.2/27/19

Docket 197

***** VACATED *****

Courtroom Deputy:

- NONE LISTED -

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

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

Thursday, May 16, 2019

Hearing Room 302

10:00 AM

CONT... Solyman Yashouafar

Chapter 11

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

8:30 AM

1:18-12365 Michelle Cherice Lawson-Biggs

Chapter 7

**#0.01 Pro se Reaffirmation Agreement
with Ford Motor Credit Company LLC
(2016 Ford Focus)**

Docket 15

Tentative Ruling:

Petition date: 9/24/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? **No, this case was reopened for the limited purpose of refiling this reaffirmation agreement.**

Discharge?: **Yes, discharge entered Jan. 7, 2019**

Property: 2016 Ford Focus

Debtor's valuation of property (per Reaffirmation): \$13,075

Amount to be reaffirmed: \$11,129.93

APR: 3.9%

Contract terms: \$200.85 per month for 61 months

Monthly Income (Schedule I): \$3,571.24

Monthly expenses: (Schedule J): \$3,568.99

Disposable income: \$2.25

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?

This payment is listed in Sch. J.

APPEARANCE REQUIRED

Party Information

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

Tuesday, May 21, 2019

Hearing Room 302

8:30 AM

CONT... Michelle Cherice Lawson-Biggs

Chapter 7

Debtor(s):

Michelle Cherice Lawson-Biggs

Represented By
Chirnese L Liverpool

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

8:30 AM

1:18-11965 Ian Jacoby

Chapter 7

#0.02 Reaffirmation agreement between debtor and
Ventura County Credit Union

fr. 4/16/19

Docket 71

Tentative Ruling:

4/16/19 TENTATIVE BELOW

Petition date: 8/3/18

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?: **Yes**

Property: N/A, personal guarantee on business loan between Ventura County Credit Union and iE, Inc.

Debtor's valuation of property (Sch. B): N/A

Amount to be reaffirmed: \$101,313.99

APR: Not indicated

Contract terms: N/A

Monthly Income (Schedule I): \$13,680

Monthly expenses: (Schedule J): \$13,557.18

Disposable income: \$122.82

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 March 7, 2019,

**United States Bankruptcy Court
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Tuesday, May 21, 2019

Hearing Room 302

8:30 AM

**CONT... Ian Jacoby
whichever is later.**

Chapter 7

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:14-13290 Guadalupe Estela Corona

Chapter 13

#55.00 Motion for Entry of an Order Dating Agreement
Between Debtor and Tudor's Regency Association
Nunc Pro Tunc to Confirmation Date

Docket 89

Tentative Ruling:

Motion is GRANTED. Movant to lodge order.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Guadalupe Estela Corona

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:14-14219 Carmine Antoniello

Chapter 13

#56.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 98

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:15-10864 Luis Alberto Paz De La Vega-Mayandia and Margarita

Chapter 13

**#57.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Paz De La Vega-

Represented By
Ali R Nader

Joint Debtor(s):

Margarita Mirtha Calle-Zanabria

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:15-14033 Ismail Alia Oshana

Chapter 13

#58.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ismail Alia Oshana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:16-11646 Edgar Rufino Hernandez

Chapter 13

#59.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 73

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:16-12579 Nafees Memon

Chapter 13

#60.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 88

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nafees Memon

Represented By
William R Ramsey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Represented By
Huy N Tran

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:16-13460 Kathy Sophia Brening-Ray

Chapter 13

#61.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 9/11/18, 10/23/18, 1/22/19, 3/26/19; 4/23/19

Docket 56

Tentative Ruling:

What is the status of Debtor's payments?

4/23/19 Tentative

Debtor's motion to modify was granted on April 1, 2019. Has Trustee's motion been resolved?

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

#62.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 75

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:17-11624 Gregory Allen Hovis and Dawn Marie Howell-Hovis

Chapter 13

**#63.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Allen Hovis

Represented By
D Justin Harelik

Joint Debtor(s):

Dawn Marie Howell-Hovis

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:17-11808 David Esparza and Maria Esparza

Chapter 13

#64.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19; 4/23/19

Docket 31

Tentative Ruling:

An amended motion to modify was filed on March 29, 2019.

3/26/19 Tentative

Debtors indicate that they intend to file an amended Motion to Modify due to some disagreement about the correct amount due. The Motion to Modify has not been set for hearing. Do the Debtors or the Trustee want a hearing on the motion to modify?

Party Information

Debtor(s):

David Esparza

Represented By
Leonard Pena

Joint Debtor(s):

Maria Esparza

Represented By
Leonard Pena

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:17-12668 Demonica E M Santiago-Plummer

Chapter 13

#65.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Demonica E M Santiago-Plummer

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-10083 Abdul K. Patel

Chapter 13

#66.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
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Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-10524 Peter A. Holliday

Chapter 13

#67.00 Objection to claim number 9
by Internal Revenue Service

fr. 2/26/19

Docket 62

***** VACATED *** REASON: Cont'd per stip to 11/19/19 at 11:30 -CT**

Tentative Ruling:

Debtor objects to the claim of the IRS as time-barred, as well as "unliquidated and disputed." The proof of claim was filed on December 26, 2018, four months after the deadline for government entities to file claims.

In its response, the IRS states that it did not receive notice of Debtor's bankruptcy until December 13, 2018 because Debtor failed to list the IRS as a creditor in his schedules. It is unclear whether Debtor filed his 2017 tax returns. The IRS additionally seeks income taxes from 2013-2015.

The parties should come prepared to discuss a deadline for Debtor to file his 2017 tax returns and work out a plan for moving this case forward.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Peter A. Holliday

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#68.00 Motion For Sanctions/Disgorgement against
Leo Fasen Esq. of fees paid to him by the
Debtors pursuant to 11 USC Section 329

Docket 83

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hamid Farkhondeh

Represented By
Stella A Havkin
Stella Rafiei

Joint Debtor(s):

Mary Dadyan

Represented By
Stella A Havkin
Stella Rafiei

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-11448 Nasrin Ashouri

Chapter 13

#69.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nasrin Ashouri

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#70.00 Objection to claim number 1
Cascade Funding Mortgage Trust

fr. 2/26/19

Docket 30

Tentative Ruling:

Cascade filed an amended proof of claim on March 14. Debtor commenced an adversary proceeding against Cascade and others on April 2, alleging claims under RESPA, FDCPA, and other grounds. The issues in the adversary proceeding seem to mirror and expand upon the issues in this objection to claim, including the assignment and chain of title issues. A motion to dismiss that adversary complaint is scheduled for June 26, 2019. This objection to claim will be set to trail the status conference in that adversary. However, that litigation is endangered by Debtor's actions with respect to the undisclosed commercial property discussed as matter number 71.

APPEARANCE REQUIRED

2/26/19 Tentative

Salomon Llanos ("Debtor") objects to the arrearage claim of Cascade Funding Mortgage Trust ("Cascade"), which holds a first position deed of trust secured by property located at 23741 Burton St., West Hills, CA 91304 (the "Property").

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. 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). 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." Id. "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

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11:00 AM

CONT... Salomon Llanos
(3d Cir.1992)).

Chapter 13

Debtor alleges that Cascade's claim stems from a default which Debtor cured by tendering \$86,073.10 to Citimortgage Inc. on or about October 10, 2016 pursuant to a reinstatement quote. Cascade's opposition states that Debtor is simply mistaken in claiming that the arrearage stems from pre-October 2016 amounts due. Cascade states that the entire arrearage stems from defaults between May 1, 2017 and the petition date. The balance sheet attached to the original proof of claim supports Cascade's assertion. That balance sheet indicates \$23,106.74 in Principal, Interest, and Escrow Past Due Balance; -\$12,534.75 in escrow balance; and \$2,601.50 in fee/charges balance for a total of \$38,242.99. Debtor has failed to carry his burden to put any facts tending to defeat Cascade's claim. Debtor's argument that the arrearage predates the October 2016 reinstatement payment is undermined by the supporting documents attached to the proof of claim.

Cascade also states that its initial proof of claim was incorrect, and that the correct amount of the arrearage is \$66,869.86 rather than the initially claimed \$38,242.99 arrearage. Cascade's claim has not yet been amended to reflect that amount, and the Court does not address any updated arrearage amount.

Debtor further argues that Cascade does not have standing to assert a claim because Cascade has not set forth documentation demonstrating that it is the holder of a secured loan on Debtor's property. Debtor essentially argues that the chain of title was not properly recorded.

The note was originally held by Citibank and recorded on July 27, 2007. Omitting momentarily the problematic assignment, dated April 7, 2017 (the "April 7 Assignment"), the next transfer was Citimortgage, Inc. assigning its interest in the deed of trust to Waterfall Victoria Grantor Trust II Series G ("Waterfall") on May 19, 2017 (recorded on June 8, 2017). Waterfall then assigned its interest to Cascade Funding, LP, Series I ("Cascade LP") on September 26, 2017, which was recorded on December 28, 2017. Cascade then assigned its interest to Cascade (the secured creditor in this case) in an assignment on September 26, 2017, recorded on December 28, 2017.

The April 7 Assignment could cast doubt on the chain of title. The April 7 Assignment states as follows:

'Through this assignment **CitiMortgage, Inc. transfers to RLF Mortgage Corporation** without recourse, representation or warranty except as provided in the

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CONT... Salomon Llanos

Chapter 13

related Master Mortgage Loan Sale Agreement dated March 25, 2016.

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, **CITIBANK, N.A.**, WHOSE ADDRESS IS 1000 TECHNOLOGY DRIVE, O'FALLON, MO 63368, (ASSIGNOR), by these presents **does convey**, grant, assign, transfer and set over the described Deed of Trust, without recourse, representation or warranty, together with all rights, title and interest secured thereby, all liens, and any rights due or to become due thereon **to CITIMORTGAGE, INC.**, WHOSE ADDRESS IS 1000 TECHNOLOGY DRIVE, O'FALLON, MO 63368 (877)286-4272, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Claim 1-1 Ex. C (emphasis changed from original). As indicated in bold above, the April 7 Assignment names two separate transferors (Citimortgage, Inc. and Citibank, N.A.) and two separate beneficiaries (RLF Mortgage Corporation and Citimortgage, Inc.). Cascade advances several theories as to why this assignment did not transfer the property to RLF Mortgage Corporation. Cascade has also provided evidence that it is the holder of a properly endorsed note. Cascade correctly states that assignment of the note also assigns the deed of trust. Yvanova 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."). Furthermore, Cascade is likely correct that the April 7 Assignment contained a typographical error. Debtor has not filed a reply, so it is unclear whether he disputes any of the evidence or law advanced by Cascade. Will an evidentiary hearing or adversary proceeding be required? An objection to claim may not include a demand for relief to determine the validity, priority, or extent of a lien—such a demand requires an adversary proceeding. FRBP 3007(b); 7001(2).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#71.00 Motion to Transfer Shares of Interest in
Real Property for the Benefit of the Estate

Docket 54

Tentative Ruling:

Debtor files this motion to transfer Debtor's interest in a warehouse located at 7430 Ethel Ave, North Hollywood, CA (the "Property") to his son so that his son can obtain a refinance of the Property and pay the creditors of Debtor's bankruptcy estate. The Property was not disclosed on Debtor's schedules, and he claims that he did not know about his interest in the Property until after the plan was confirmed. Debtor filed an amended schedule A/B at time same time as this motion. Debtor argues that the motion should be granted because the purpose is to pay all claims of the estate. Debtor states that as long as the property remains property of the bankruptcy estate, Debtor's son cannot obtain the loan "as Debtor's bankruptcy violates the underwriting of the lender."

Debtor relies on § 363(b)(1), which allows a trustee, after notice and a hearing, to "use, sell, or lease, other than in the ordinary course of business, property of the estate."

There are significant issues with this plan. First, and most obviously, Debtor did not disclose this asset in his bankruptcy case. Debtor's amended schedule A, which now discloses the asset, indicates "Debtor sign promissory note as 'trustee of the LLANOS trust.'" Does this mean that the Debtor signed the promissory note, indicating that he knew must have known about the property, but didn't disclose the property in this bankruptcy? No documents relating to this property are disclosed. What are the encumbrances on the property? How did the Debtor obtain his interest in the property? Does the property produce income, and who has been collecting that income?

Secondly, what is this Llanos Trust that Debtor signed the promissory note on behalf of? Does Debtor have an interest in the trust? Does the trust own any further property that Debtor has failed to disclose? Is the debt secured by the property a debt of Debtor, such that Debtor now exceeds the debt limit for chapter 13?

Moreover, the Debtor provides no assurances that, once the property is transferred to

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CONT... Salomon Llanos

Chapter 13

Debtor's son Victor, that Victor will contribute any funds obtained from a refinance to Debtor's plan. There is no declaration on file from Victor to that effect. If the above questions are answered to the court's satisfaction, this proposal may work, but the proceeds of the refinance would need to be paid into the trustee for disbursement in order to guarantee the proceeds are used as intended. Otherwise, the case can be dismissed so that the debtor and his son can make appropriate arrangements outside of bankruptcy.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

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, May 21, 2019

Hearing Room 302

11:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#72.00 Motion to Value Collateral, Determine Secured Lien, and for Direct Payments by Debtors to Kubato Credit Corporation, U.S.A. [Re: Kubota U55, Kubota U25, Kubota SVL75]

fr. 4/23/19

Docket 10

***** VACATED *** REASON: Resolved per stip. Doc. 34 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:00 AM

1:16-11164 Bennie James Hildreth

Chapter 13

#72.01 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennie James Hildreth

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:14-11697 Daniel Cortez

Chapter 13

#73.00 Order to Show Cause Why Debtor's Attorney
Kenumi Maatafale Should Not Be Sanctioned
for Failure to Comply with Rights and
Responsibilities Agreement

Docket 62

Tentative Ruling:

On March 27, 2019, the Court issued an Order to Show Cause Why Debtor's Attorney Kenumi Maatafale Should Not Be Sanctioned For Failure To Comply With Rights And Responsibilities Agreement. Maatafale was given until May 14, 2019 to file a response as to what steps he took to ensure the success of this case and why he should not be sanctioned for failure to comply with the RARA. No response has been filed.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Daniel Cortez

Represented By
Kenumi T Maatafale
Milton Williams

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:14-11697 Daniel Cortez

Chapter 13

#74.00 Trustee's motion for order dismissing chapter 13 case
for delinquency

fr. 3/26/19

Docket 58

Tentative Ruling:

Has the trustee had any contact with Debtor or Debtor's attorney since the large payment in November 2017? Debtor filed a certificate of compliance and application for discharge in December 2017. That declaration states that Debtor has completed all payments required by the plan. It appears that this debtor may incorrectly believe that this case already concluded.

Party Information

Debtor(s):

Daniel Cortez

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:14-12591 Robert Troy Harriman and Dolores Villanueva

Chapter 13

**#75.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Troy Harriman

Represented By
David Samuel Shevitz

Joint Debtor(s):

Dolores Villanueva

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-11014 Sara Katrdzhyan

Chapter 13

**#76.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 74

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Katrdzhyan

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#78.00 Motion Objection to Claim Number 7 of
Nationstar Mortgage, LLC
its Successors and/or assigns;
Request Claim be Dissallowed

Docket 58

***** VACATED *** REASON: Ntc. of w/d filed 5/7/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-13833 Jorge Navarro

Chapter 13

#79.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Navarro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-14044 Ahmad Heidari and Nafiseh Alamdar Heidari

Chapter 13

#80.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ahmad Heidari

Represented By
Steven A Alpert

Joint Debtor(s):

Nafiseh Alamdar Heidari

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:15-14137 Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

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

Docket 78

Tentative Ruling:

Debtors Filed this Motion to Modify (the "Motion") to cure the delinquency under the plan. While the Motion does not mention it, the Trustee previously filed a Notice of Infeasibility of the confirmed plan, which this plan will also presumably correct. The plan previously provided for payments of \$695 per month for 28 months, then \$325 per month for 32 months. The Motion seeks to amend the plan to reduce its term to 38 months. The plan also states that "[t]he debtors are seeking to pay off the plan, as is (38 months) with the assistance of their son, Kevin Krivitsky. Proof of funds are attached hereto. . . ." The attached declaration indicates that Debtors' son wants to pay the full \$11,000 due under the proposed modified plan as a one-time payment.

Trustee objected on the grounds that Debtor's applicable commitment period is 60 months under the means test. Debtor filed a "Motion to Amend Voluntary Petition," which appears to simply be an amended means test. The case law is fraught on the applicable standard for a Debtor seeking to "pre-pay" a plan before the expiration of the applicable commitment period. *See, e.g., In re Sunahara*, 326 B.R. 768 (B.A.P. 9th Cir. 2005); *In re Flores*, 735 F.3d 855 (9th Cir. 2013); *In re Fridley*, 380 B.R. 538 (B.A.P. 9th Cir. 2007). However, Debtor's argument seems to be that the original means test, which stated that the applicable commitment period was five years, was incorrect and that the applicable commitment period is in fact three years. The means test under § 707(b)(2) states that the court shall presume a bankruptcy to be abusive of the provisions of the bankruptcy code if a debtor's income is enough to pay a certain amount of Debtor's unsecured claims, as defined by a mechanical test.

The narrow question presented to the Court seems to be whether a Debtor is entitled to amend their means test years after confirmation to change the applicable commitment period. The Court is hesitant to rule on this issue without 1) input from the U.S. Trustee, which reviews all initial means tests, and 2) briefing on whether amendment of the means test is allowed.

APPEARANCE REQUIRED

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Tuesday, May 21, 2019

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11:30 AM

CONT... Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:16-10507 Amjad Shaktah

Chapter 13

#82.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amjad Shaktah

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:16-12201 Andrea Beckham

Chapter 13

#83.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Beckham

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:16-13052 Laurie Francene Kinzer

Chapter 13

#84.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 110

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laurie Francene Kinzer

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:17-10702 Vicente Rafael Arteaga

Chapter 13

#85.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

#86.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/26/19

Docket 87

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:17-11374 Vicente M Aguilar

Chapter 13

#87.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente M Aguilar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:18-10343 Hemman Sweis

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hemman Sweis

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:18-11545 Ian Ellis Silber and Jane Ellen Silber

Chapter 13

**#89.00 Motion to Convert Case From Chapter 13
to Chapter 11**

Docket 83

Tentative Ruling:

Debtors bring this motion to convert to chapter 11 due to 1) their debt exceeding the limits allowed in § 109(e) and 2) the ability to reorganized secured debts over a longer period of time.

The motion is GRANTED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Ian Ellis Silber

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Joint Debtor(s):

Jane Ellen Silber

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:18-11776 Mary Lou Lee Magpantay

Chapter 13

**#90.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Lou Lee Magpantay

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:18-12136 Raymond Jesse Garcia

Chapter 13

#91.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Jesse 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

1:19-10308 Fernando Gonzales Calugcugan, Jr.

Chapter 13

#92.00 Trustee's Objection to Debtor's Homestead Exemption

Docket 16

Tentative Ruling:

Trustee objected to Debtor's homestead exemption of \$100,000 under C.C.P. § 704.730 in the property located at 14440 Savanna Circle, Sylmar, CA (the "Property"). Debtor states in his schedule C "Property transferred to ex-wife as part of divorce." Trustee argues that Debtor is not entitled to a homestead exemption in the Property if it was transferred to his ex-wife. Debtor responds that Debtor's former spouse continues to reside in the property with their two children, and that C.C.P. § 704.720(d) therefore controls this situation.

(d) If a judgment debtor is not currently residing in the homestead, but his or her separated or former spouse continues to reside in or exercise control over possession of the homestead, that judgment debtor continues to be entitled to an exemption under this article until entry of judgment or other legally enforceable agreement dividing the community property between the judgment debtor and the separated or former spouse, or until a later time period as specified by court order. Nothing in this subdivision shall entitle the judgment debtor to more than one exempt homestead. Notwithstanding subdivision (d) of Section 704.710, for purposes of this article, "spouse" may include a separated or former spouse consistent with this subdivision.

C.C.P. § 704.720(d). It is not clear on this record whether a judgment or legally enforceable agreement dividing the property has been entered in the divorce proceeding. Debtor should submit a declaration describing the status or outcome of the divorce proceedings, including and divorce decree, separation agreement, or judgment otherwise.

Debtor attaches a grant deed to his opposition, which indicates that he transferred his ownership to Esther Calugcugan in November 7, 2017. If Debtor simply has no ownership interest in the property, this is a moot point. Why did Debtor list the property in schedule C if he has no interest in it?

APPEARANCE REQUIRED

Party Information

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

Tuesday, May 21, 2019

Hearing Room 302

11:30 AM

CONT... Fernando Gonzales Calugcugan, Jr.

Chapter 13

Debtor(s):

Fernando Gonzales Calugcugan Jr.

Represented By
Brad Weil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

9:30 AM

1:19-11140 Judith Lee Baldwin

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 -

Party Information

Debtor(s):

Judith Lee Baldwin

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

9:30 AM

1:19-11147 Raul Rodriguez and Guadalupe Rodriguez

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Rodriguez	Pro Se
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Joint Debtor(s):

Guadalupe 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

9:30 AM

1:19-11152 Felipe Jesus Santacruz

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Jesus Santacruz	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#1.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 2258

Tentative Ruling:

Petition Date: 1/9/12

Converted to Ch. 7: 3/14/12

Service: Proper. No opposition filed.

Property: 17755 Bentley Manor Court, Canyon Country, CA 91398-3813

Property Value: \$277,836 (per debtor's schedules)

Amount Owed: \$803,893.84

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$313,735 (130 payments of \$4,690.58)

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):

Owner Management Service, LLC

Pro Se

Movant(s):

Wilmington Savings Fund Society,

Represented By
Josephine E Salmon

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

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
Jorge A Gaitan

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:14-11582 Nathaniel Tolentino Timbol and Herminia Ojascastro

Chapter 13

#2.00 Motion for relief from stay

US BANK TRUST NA

fr. 4/17/19

Docket 72

Tentative Ruling:

This hearing was continued from 4/17/19 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.

4/17/19 TENTATIVE BELOW

Petition Date: 3/27/14

Chapter 13 plan confirmed: 6/19/14

Service: Proper. Opposition filed.

Property: 11014 Paso Robles Ave. Granada Hills, CA 91344

Property Value: \$418,000 (per debtor's schedules)

Amount Owed: \$461,886

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$15,590.78 (5 payments of \$3,138.59; 3 late charges of \$135.61; less suspense account balance of \$1,500).

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 for this debt was \$1,500 on or about 1/14/19.

Debtors oppose the Motion, contending that all post-petition payments are current. Nevertheless, Debtors request to cure any remaining delinquency per an APO. Have the parties had an opportunity to discuss the terms of an

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

**CONT... Nathaniel Tolentino Timbol and Herminia Ojascastro
APO?**

Chapter 13

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nathaniel Tolentino Timbol

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Herminia Ojascastro Timbol

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:14-14656 Angelica Marie Potucek

Chapter 13

#3.00 Motion for relief from stay

BANK OF AMERICA N.A.

fr. 4/3/19

Docket 71

Tentative Ruling:

This hearing was continued from 4/3/19 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.

4/17/19 TENTATIVE BELOW

Petition Date: 10/13/2014

Chapter 13 Plan confirmed: 02/12/2015

Service: Proper. No opposition filed.

Property: 111 Meadow Oaks Lane, Glendora, California 91741

Property Value: \$ 430,000.00 (per Debtors' schedules)

Amount Owed: \$ 346,326.58 (per RFS motion)

Equity Cushion: 11.46%

Equity: \$ 49,273.42

Post-Petition Delinquency: \$20,307.95 (7 payments of \$2,780.38; attorneys' fees and costs of \$1,031.00; less suspense account or partial paid balance: [\$185.71])

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

Angelica Marie Potucek

Represented By

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Angelica Marie Potucek

Chapter 13

Ali R Nader

Movant(s):

Bank of America, N.A.

Represented By

Brandy N Foreman

Elizabeth Noble

Bonni S Mantovani

Melissa A Vermillion

Diana Torres-Brito

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:15-10098 Tammy Ann Castricone

Chapter 13

#4.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 50

Tentative Ruling:

Petition Date: 1/12/15

Chapter 13 plan confirmed: 4/28/15

Service: Proper. Opposition filed.

Property: 22046 Bahama St. Woodland Hills, CA 91304

Property Value: \$550,000 (per debtor's schedules)

Amount Owed: \$412,946

Equity Cushion: 25.1%

Equity: \$93,054

Post-confirmation Delinquency: \$5,752.34 (2 payments of \$3,299.65, less
suspense balance of \$846.96)

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 for this claim was on or about 4/4/19.

Debtor opposes the Motion, requesting to negotiate an APO to cure the deficiency. The equity cushion here is sufficient and the amount of the delinquent payments is not so large - have the parties discussed an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Tammy Ann Castricone

Represented By
Steven A Alpert

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Tammy Ann Castricone

Chapter 13

Movant(s):

U.S. Bank National Association as

Represented By
Ashish R Rawat
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:16-10125 Ben Diep

Chapter 13

#5.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

fr. 4/3/19

Docket 64

Tentative Ruling:

This hearing was continued from 4/3/19 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.

4/3/19 TENTATIVE BELOW

Petition Date: 01/15/2016

Chapter 13 Plan confirmed: 10/07/2016

Service: Proper. Opposition filed.

Property: 11404 Dona Dorotea Drive, Los Angeles, CA 91604

Property Value: \$ 1,279,999.00 (per debtor's schedules)

Amount Owed: \$ 1,156,716.05 (per RFS motion)

Equity Cushion: 1.63%

Equity: \$ 20,883.03

Post-Petition Delinquency: \$64,108.04 (9 payments of \$7,463.30; attorneys' fees and costs of \$1,031.00; less suspense account or partial paid balance: [\$4,092.66])

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 **12** (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5).

Debtor opposes the Motion, arguing that more payments have been to Movant than the Motion accounts for, and if there is any remaining default, will seek an APO.

APPEARANCE REQUIRED

Party Information

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Ben Diep

Chapter 13

Debtor(s):

Ben Diep

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#6.00 Motion for relief from stay

U.S. BANK N.A

fr. 12/12/18

fr. MB cal, 2/27/19, 4/17/19

Docket 46

Tentative Ruling:

This hearing was continued from Feb. 27, 2019, so that Debtor could finalize a loan modification. On May 17, 2019, Creditor filed a Motion to Authorize Loan Modification, on negative notice. See ECF doc. 70. The objection period for the Loan Modification Motion expires on or about June 1, 2019. Are the parties amenable to a continuance of this hearing to June 5, 2019, to allow for the Loan Modification Motion to be resolved?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:16-13251 Linda Faye Shepherd

Chapter 7

#7.00 Motion for relief from stay

U.S. BANK

Docket 63

Tentative Ruling:

Petition Date: November 11, 2016
Chapter: 7
Service: Proper. No opposition filed.
Property: 18751 Leadwell St., Reseda, CA

Because discharge was entered on 2/13/17, there is no automatic stay in effect under § 362(c)(2)(C). The request for relief from stay is DENIED as moot, but the request to confirm that there is no stay in effect under § 362(j) is GRANTED.

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

Party Information

Debtor(s):

Linda Faye Shepherd

Represented By
Gregory M Shanfeld

Movant(s):

U.S. BANK NATIONAL

Represented By
Julian T Cotton
Diane Weifenbach

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#8.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 10/31/18; 11/7/18, 12/12/18; 1/16/19

fr. MB cal, 2/27/19, 4/3/19

Docket 32

Tentative Ruling:

This hearing was continued from April 3, 2019, so that the parties could continue working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

4/3/19 Tentative

This hearing was continued from February 27, 2019, so that the parties could continue working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

2-27-19 TENTATIVE RULING BELOW

This hearing was continued from Jan. 16, 2019, so that the parties could continue to discuss an APO. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Annette Sanders-Wright

Chapter 13

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-10427 Charles Jenkins

Chapter 13

#9.00 Motion for relief from stay

HSBC BANK USA

fr. 3/13/19, 4/17/19

Docket 67

*** VACATED *** REASON: Resolved per APO Doc. 82 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Jenkins

Represented By
Joshua L Sternberg

Movant(s):

HSBC BANK USA, NATIONAL

Represented By
Jamie D Hanawalt
Kelsey X Luu
Alexander K Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#10.00 Motion for relief from stay

U.S. BANK TRUST N.A.

4/3/19, 5/1/19

Docket 28

Tentative Ruling:

Debtor has commenced the LMM program. What is the status of payments and an APO?
APPEARANCE REQUIRED

5/1/19 Tentative

At the last hearing, Debtor filed an untimely opposition seeking an adequate protection order. Debtor has a significant amount of equity in the property and the Debtor has allegedly been ill. According to the motion, Debtor has not made a single post-petition payment. Has Debtor's attorney been in contact with the movant about resolving this matter via APO?

APPEARANCE REQUIRED

4/3/19 Tentative

Petition Date: 03/06/2017

Chapter 13 Plan confirmed: 06/14/2017

Service: Proper. Original borrower served. No opposition filed.

Property: 14838 Mission Glen Ln, Sylmar, CA 91342

Property Value: \$ 450,000.00 (per Debtor's schedules)

Amount Owed: \$ 322,486.64 (per RFS motion)

Equity Cushion: 20.34% (assuming 8% cost of sale)

Equity: \$91,513.36

Post-Petition Delinquency: \$51,448.55 (pre-confirmation--3 payments of \$2,233.43, post-confirmation--10 payments of \$2,233.43, 9 payments of \$2,240.32, 1 payment of \$2,251.08)

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 waived under 11 U.S.C. §1201(a) or §1301(a) as to Mary H.

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Teresa Ann Marquez Chapter 13

Marquez-Oliva fka Mary Helen Marquez); 7 (waiver of the 4001(a)(3) stay); and 13 (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#11.00 Motion for relief from stay

U.S. BANK N.A.

fr. 4/3/19

Docket 46

*** VACATED *** REASON: Withdrawal of motion filed - Doc. #49. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele

Represented By
Philomena N Nzegge

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-10382 John Edward Wilds and Lisa Irene Wilds

Chapter 13

#12.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 54

Tentative Ruling:

Petition Date: February 12, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 6767 Pheasant Lane, Oak Park, CA 91377

Property Value: \$ 632,040 (per debtor's schedules: value listed as "net realizable value after sale costs of 8%")

Amount Owed: \$ 66,902 (per RFS motion)

Senior lien: \$513,286

Equity Cushion: 8.9%

Equity: \$102,415

Post-Petition Delinquency: Unclear from motion, but possibly zero due to suspense account applications. Debtor has allegedly missed two payments post-petition. The accounting attached to the motion indicated that the delinquency is \$896.

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 (termination of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion, asserting that all postpetition payments have been made and attaching evidence to that effect. The parties need to resolve the accounting issues.

APPEARANCE REQUIRED

Party Information

Debtor(s):

John Edward Wilds

Represented By
Randall V Sutter

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... John Edward Wilds and Lisa Irene Wilds

Chapter 13

Joint Debtor(s):

Lisa Irene Wilds

Represented By
Randall V Sutter

Movant(s):

U.S. BANK NATIONAL

Represented By
John Rafferty
Kelsey X Luu
Jason A Cottrill
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

#13.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

fr. MB cal, 2/27/19, 4/3/19, 5/1/19

Docket 32

Tentative Ruling:

This hearing was continued from 5/1/19, as the parties stated that they had circulated a draft of an APO that week. Nothing further has been filed since that last hearing. What is the status of this Motion?

5-1-19 TENTATIVE BELOW

At the last hearing, the parties indicated that Debtor was 6 months in arrears. What is the status of a cure or APO?

APPEARANCE REQUIRED

4/3/19 Tentative

This hearing was continued from February 27, 2019 at the request of the parties so that they could negotiate an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

David Wolfe Amper

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11265 Stephanie Joyce Moore

Chapter 13

#14.00 Motion for relief from stay

BANK OF AMERICA, N.A.

fr. 4/3/19

Docket 45

*** VACATED *** REASON: Resolved by APO -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephanie Joyce Moore

Represented By
Michael E Clark

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
Alexander G Meissner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11806 Maria Heredia

Chapter 13

#15.00 Motion for relief from stay

FIRSTBANK

Docket 46

Tentative Ruling:

Petition Date: July 19, 2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 10381 Vena Ave, Arleta, CA 91331
Property Value: \$525,709 (per debtor's schedules)
Amount Owed: \$ 474,128 (per RFS motion)
Equity Cushion: 2.0%
Equity: \$51,581
Post-Petition Delinquency: \$15,034 (5 payments)

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor disputes the accounting and asserts that more payments have been made than First Bank accounts for. Debtor further asserts that there is an equity cushion of \$75,000, or 15%. Debtor wishes to pursue an APO in the event that there is any delinquency.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Maria Heredia

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Maria Heredia

Chapter 13

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-12068 Thelma Yoosephiance

Chapter 13

#16.00 Motion for relief from stay

U.S. BANK NATIONAL ASSO.

Docket 44

Tentative Ruling:

Petition Date: August 15, 2018
Chapter:13
Service: Proper. Opposition filed.
Property: 19825 Halsted St., Chatsworth Area, CA 91311
Property Value: \$ 698,110 (per debtor's schedules)
Amount Owed: \$ 557,960 (per RFS motion)
Junior Mortgage: \$34,000 (per schedules)
Equity Cushion: 12.0% (assuming 8% cost of sale)
Equity: \$106,150
Post-Petition Delinquency: \$13,328 (3 payments)

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 opposes the motion, indicating that she will cure the arrearage by the hearing date and arguing that the property is necessary for an effective reorganization.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Thelma Yoosephiance

Represented By
Matthew D. Resnik

Movant(s):

U.S. Bank National Association

Represented By

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Thelma Yoosephiance

Darlene C Vigil

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10352 Irina Seyranyan

Chapter 13

#17.00 Motion for relie from stay

TOYOTA MOTOR CREDIT CORP

Docket 21

Tentative Ruling:

Petition Date: February 15, 2019

Chapter: 13

Service: Proper. No opposition filed.

Property: 2015 Lexus IS250

Property Value: N/A, lease

Amount Owed: \$33,917

Equity Cushion: N/A, lease

Equity: N/A, lease

Post-Petition Delinquency: \$1,296

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 (termination of 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):

Irina Seyranyan

Represented By
Elena Steers

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Irina Seyranyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#17.01 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(second deed of trust)

fr. 4/17/19; 5/15/19

Docket 19

Tentative Ruling:

APPEARANCE REQUIRED

5-15-19 TENTATIVE BELOW

Having reviewed the opposition and the reply, it appears that cause exists to grant relief from stay under 362(d)(1). Debtor requests an APO, but movant indicates that Debtor's income will not support adequate protection payments. The first position note for \$800,000, which is not held by movant, was apparently a short term note and has matured and is due in full. Debtor is allegedly \$17,857 in post-petition arrears on the second note and \$1,873 in arrears on the third note.

According to the payoff amounts attached to movant's reply, the equity cushion shrinks from the original calculation. Assuming 8% cost of sale, there is no equity cushion on the third position mortgage and a 7% equity cushion for the second position mortgage. This is not sufficient to adequately protect movant's interest in the second position deed of trust.

Adequate protection can come in forms other than an equity cushion, but any such result seems unlikely where debtor is so delinquent on post-petition payments. The Court is inclined to grant the motion as to both the second and third position liens.

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... **John Joseph Strand**

Chapter 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$818,878 (2nd DoT)

Equity Cushion: 14.3%

Equity: <\$85,156> (FMV - (total debt [1st DoT per Debtor's Sch. D; 2nd; 3rd DoT] + 8% CoS)

Post-Petition Delinquency (2nd DoT): \$5,949.19

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

While the equity cushion is less than 20%, the delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5066 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#17.02 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(3rd deed of trust)

fr. 4/17/19; 5/15/19

Docket 20

Tentative Ruling:

See tentative for #17.02

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$211,368.86 (3rd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency (3rd DoT): \$624.46 (1 payment of \$624.46)

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

The post-petition delinquency here is not so large that it cannot be cured in

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... John Joseph Strand

Chapter 13

an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10914 Trivia Young

Chapter 13

#18.00 Motion fo relief from stay

RUDY MEJIA ARGUETA

Docket 14

Tentative Ruling:

This case was dismissed on May 7, 2019 due to Debtor's failure to appear at a chapter 13 status conference. Therefore, the automatic stay is no longer in effect under 11 U.S.C. 362(c)(2)(B). Because the movant did not request any extraordinary relief, the motion is DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS.

Party Information

Debtor(s):

Trivia Young

Pro Se

Movant(s):

Rudy Mejia Argueta

Represented By
Paul E Gold

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10518 Nick Gritsonis

Chapter 13

#18.01 Motion in Individual Case for Order Confirming Termination of Stay Under 11 U.S.C. Sec. 362(c)(3) or that No Stay is in Effect.

Docket 28

Tentative Ruling:

Petition Date: March 6, 2019
Chapter: 13
Property: 19303 Citronia St., Northridge, CA 91324

Movant requests an Order under § 362(j) that there is no automatic stay in effect under § 362(c)(4)(A)(ii). Movant contends that Debtor has had two cases that were pending but dismissed within the year preceding the petition date in this case: (A) 1:19-bk-10002-MB, filed 1/2/19, dismissed on 2/5/19; 2:19-bk-11458-VZ, filed 2/12/19, dismissed on 3/14/19.

Service proper on shortened time. Oral opposition permitted at the hearing. Having reviewed Debtor's filing history and finding cause, Movant's Motion for Order Confirming No Stay is in Effect under § 362(j) is GRANTED.

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Nick Gritsonis Pro Se

Movant(s):

EASY FINANCIAL LLC, a Nevada Represented By
Benjamin Donel

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10996 Aida Asturias

Chapter 13

#19.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 11

Tentative Ruling:

On April 24, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy cases that were dismissed a short time ago. The dismissed case, 19-10587-VK, was a chapter 13 filed on March 13, 2019, and dismissed on April 17, 2019 upon Debtor's request for voluntary dismissal. Debtor's motion for voluntary dismissal, filed on April 16, stated "The Debtor is not ready to have this case heard for confirmation at this time. She will refile when her household income is sufficient." This case was filed eight days later.

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 that her "household income has stabilized such that she can make the mortgage and plan payments" and that her daughter now has employment and can contribute to a plan payment.

No opposition filed. The motion is GRANTED.
APPEARANCE REQUIRED due to shortened time.

Party Information

Debtor(s):

Aida Asturias

Represented By
Anerio V Altman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-11159 Craig Huxley

Chapter 13

#19.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 8

Tentative Ruling:

On May 9, 2019, Debtor filed this Chapter 13 case. Debtor has two previous bankruptcy cases that were dismissed a short time ago. The first dismissed case, 18-10950-VK, was a chapter 13 filed on April 18, 2018 and dismissed on June 25, 2018 upon Debtor's motion for voluntary dismissal. No RFS was filed. Debtor filed another, given case number 18-11858, pro se on July 25, 2018. That case was dismissed on March 31, 2019 for failure to file information. Additionally, Debtor reopened a 2017 chapter 7 case last year, 17-12011-MT, to filed avoid liens under § 522(f).

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 that he has higher income than he did in the previous cases and he has obtained the aid of counsel. While Debtor is not eligible for a discharge, he intends to come up with a plan to pay creditors 100% and possibly sell the property.

No opposition filed. The motion is GRANTED.
APPEARANCE REQUIRED due to shortened time.

Party Information

Debtor(s):

Craig Huxley

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-11115 Melvin Gomez and Mirilian Elizabeth Marroquin

Chapter 13

#19.02 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 13

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Melvin Gomez

Represented By
Donald E Iwuchuku

Joint Debtor(s):

Mirilian Elizabeth Marroquin

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:14-14219 Carmine Antonello

Chapter 13

#20.00 Opposition to declaraton re: Default under adequate protecton order; request for entry of order granting relief from stay

U.S. BANK TRUST N.A.

fr. 5/1/19

Docket 95

Tentative Ruling:

On February 17, 2016, U.S. Bank ("Movant") filed a Motion for Relief from the Automatic Stay with respect to Debtor's property located at 5500 N. Owensmouth Ave., # 316, Woodland Hills, CA 91367. The Motion claimed that Debtor was nearly \$11,000 in arrears post-petition. Debtor responded to the motion, then the parties entered into a stipulated adequate protection order. The Adequate protection order stated that Debtor must cure the postpetition default of \$13,152.62 in equal monthly payments of \$1,096.05 from April, 2016 to March 2017, and stay current thereafter. The Declaration re: Default states that Debtor has not made monthly payments for January 2019 to March 2019. Movant filed a Declaration re: Default Under Adequate Protection Order on March 29, 2019.

Debtor filed an opposition to declaration re: default, stating that Debtor made payments that Movant did not account for. Movant then filed a Supplemental Declaration re: Default, indicating that it had received a payment for at least January and February. The accounting attached to the supplemental declaration indicates that payments are due for March 2019.

Do the parties intend to continue to work this matter out?

APPEARANCE REQUIRED

Party Information

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Carmine Antonello

Chapter 13

Debtor(s):

Carmine 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:16-11814 Paul Allen Smith

Chapter 7

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

#21.00 Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17, 6/13/18, 12/19/18

Docket 1

Tentative Ruling:

At the 12/19/18 hearing, Mr. Brownstein indicated that the case had been settled. The Joint status report also indicates that a stipulated judgment was reached and that a copy of that judgment would be attached, but no document was attached. What date was that judgment entered?

The JSR indicates that Debtor/Defendant may enter into a stipulated nondischargeable judgment, resolving this action. What is the status of those discussions, and how long will it take for the parties to enter into that agreement?

APPEARANCE REQUIRED

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

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... **Paul Allen Smith**

Chapter 7

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
William Harold Brownstein

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-10527 Sharique Ahmed Shaikh

Chapter 7

Adv#: 1:19-01016 Weil, Chapter 7 Trustee v. Shaikh

#22.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

fr. 5/15/19

Docket 4

Tentative Ruling:

Discovery cut-off (all discovery to be completed): 9/30/19
Expert witness designation deadline (if necessary):per FRCP
Case dispositive motion filing deadline (MSJ; 12(c)):10/30/19
Pretrial conference: 112/18/19
Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial
conference):
PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Ishraque Shaikh

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Sharique Ahmed Shaikh

David Seror
Jessica L Bagdanov

Chapter 7

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-10527 Sharique Ahmed Shaikh

Chapter 7

Adv#: 1:19-01017 Weil, Chapter 7 Trustee v. Tanveer

#23.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

fr/ 5/15/19

Docket 4

Tentative Ruling:

Discovery cut-off (all discovery to be completed): 9/30/19
Expert witness designation deadline (if necessary):per FRCP
Case dispositive motion filing deadline (MSJ; 12(c)):10/9/19
Pretrial conference: 12/4/19 11 am
Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial
conference):
PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Sameena Tanveer

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Sharique Ahmed Shaikh

David Seror
Jessica L Bagdanov

Chapter 7

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-11535 Claudia Maria Ragsdale

Chapter 7

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

#24.00 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,
12/19/18

Docket 1

***** VACATED *** REASON: Nondischargeable judgment entered 3/10/19
by stipulation. -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:17-13125 Yanna Aleksandrovich

Chapter 7

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

#25.00 Pre-Trial conference re complaint for:
seeking damages in core adversary proceedings

fr. 5/2/18; 10/10/18, 11/14/18, 2/27/19, 3/27/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Is the date on line 15, page 3 correct or a typo in the pretrial stip?

Please advise if the following trial dates are available for all counsel: Either June 13, 24,
August 9 or October 29.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11732 Susan Fines Caldera

Chapter 7

Adv#: 1:18-01090 American Contractors Indemnity Company v. Caldera

#26.00 Status conference re: complaint to determine
dischargeability of debt [11 u.s.c. section 523(a)(4)

fr. 10/10/2018, 1/23/19; 4/17/19

Docket 1

Tentative Ruling:

Debtor/Defendant has not appeared in this case. Plaintiffs SR indicates that Plaintiff intends to take Debtor's default soon. This matter will be continued to July 17, 2019 to allow Plaintiff time to file a motion for Default Judgment.

NO APPEARANCE REQUIRED

1/23/19 Tentative

Having considered Plaintiff's Unilateral status report and finding good cause, this status conference is continued to May 22, 2019 at 10:00 am. Plaintiff should give notice

APPEARANCES WAIVED ON 1/23/19

Party Information

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.

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Susan Fines Caldera

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#27.00 Status Conference Re:
Complaint to Determine Dischargeability
of Debt

fr. 12/19/18, 4/1/19; 4/3/19

Docket 1

***** VACATED *** REASON: Cont'd to June 12 by Court order, Doc. 35 -
CT**

Tentative Ruling:

- NONE LISTED -

Party Information

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

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

CONT... Nelson Osmin Alvarenga

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-13019 David Herrera

Chapter 7

Adv#: 1:19-01035 Beck v. Herrera

#28.00 Status Conference Re: Complaint for
Determination of Nondischargeability of
Debt

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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

David Herrera

Represented By
Michael E Clark

Defendant(s):

David Herrera

Pro Se

Plaintiff(s):

Dwayne S Beck

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:19-10228 Gudelia Basilisa Juarez

Chapter 7

Adv#: 1:19-01012 Juarez v. Asset Acceptance LLC

#29.00 Status conference re complaint to set aside preference

fr. 4/17/19

Docket 1

***** VACATED *** REASON: Stip and order entered - Case Dismissed
5/9/19 (eg)**

Tentative Ruling:

Settled - Plaintiffs must lodge appropriate judgment order so case can be closed

Party Information

Debtor(s):

Gudelia Basilisa Juarez

Represented By
Steven L. Kimmel

Defendant(s):

Asset Acceptance LLC

Pro Se

Plaintiff(s):

Gudelia Basilisa Juarez

Represented By
Steven L. Kimmel

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:18-11460 Josef John Dolezal

Chapter 7

#30.00 Motion for Further Extension of Time Within Which the Trustee, the United States Trustee or DCA Drilling & Construction, Inc. (Subject to Standing) May File an Objection to Discharge or a Complaint to Determine an Obligation to be Non-Dischargeable

Docket 45

Tentative Ruling:

On September 11, 2018, Josef Dolezal ("Debtor") and chapter 7 trustee Diane Weil ("Trustee") filed a Stipulation to Extend Deadline to Object to Discharge. The Court entered an order approving that stipulation, thereby extending the deadline through November 30, 2018. Four of such stipulations were entered into, ultimately extending the date to file an action under §727 or § 523 until April 5, 2019.

On April 4, Trustee filed this Motion For Further Extension, seeking to extend time to file a discharge or dischargeability action until June 14, 2019. Trustee and creditor DCA Drilling & Construction, Inc. ("DCA") have been investigating the actions of Debtor and Momentum Development LLC ("Momentum"). Momentum is owned partially or wholly by Debtor and filed its own bankruptcy case, 1:18-bk-11538-VK, eleven days after this Debtor's case was filed. Because Trustee's motion was filed before the expiration of the deadline, it is timely filed. Fed. R. Bankr. P. 4007(c). The Court may extend the deadline "for cause." Id.

Debtor opposes the motion, arguing that Trustee has been dilatory in reviewing Debtor's case and has not presented any reason for extending the deadline to file a discharge action.

While Debtor argues that the Trustee has been dilatory, the delay has been attributable at least in part to the acts of Debtor and Momentum. Momentum opposed a 2004 examination in September 2018, though it ultimately agreed, two months later, to participate the 2004 examination. ECF 1:18-bk-11538-VK Doc. 24. Debtor's opposition would allow the Trustee to continue to search for assets and potential fraud, but allow Debtor to obtain a discharge even if evidence of misconduct was discovered.

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CONT... Josef John Dolezal

Chapter 7

Debtor's schedules reveal no assets. Trustee is not getting paid by the hour, so the only explanation of her continued pursuit of Debtor is that she suspects that Debtor may not have adequately disclosed all relevant information in connection with this bankruptcy. Trustee requires additional time to review documents produced by Momentum and potentially subpoena additional documents. Trustee has established cause to continue the deadline for bringing an action under §§ 727 or 523.

The Motion is GRANTED. The deadline to file an action under §§ 727 and/or 523 is extended to June 14, 2019.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Josef John Dolezal

Represented By
Michael H Raichelson

Movant(s):

Diane C Weil (TR)

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 22, 2019

Hearing Room 302

10:00 AM

1:16-11968 Paul Vincent Wojdak
Adv#: 1:16-01139 Olsen v. Wojdak

Chapter 11

#30.01 Order for Appearance and Examination for Paul Wojdak

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Vincent Wojdak	Pro Se
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Defendant(s):

Paul Vincent Wojdak	Pro Se
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Plaintiff(s):

Peggy Olsen	Represented By
	Ronald P Slates
	Jesse Yanco
	Ronald P Slates

**United States Bankruptcy Court
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Wednesday, May 22, 2019

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10:00 AM

1:19-10367 Enid J Perla

Chapter 7

#31.00 Motion to Disgorge Compensation Pursuant
to 11 U.S.C. § 329.

Docket 15

*** VACATED *** REASON: Withdrawal filed by trustee - doc #19. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enid J Perla

Represented By
Raymond Perez

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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Central District of California
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Wednesday, May 22, 2019

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10:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#32.00 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; 12/12/18, 2/27/19

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

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1:10-19870 Melissa Mosich Miller

Chapter 11

#33.00 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, 2/12/18, 2/27/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L Rodriguez

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Wednesday, May 22, 2019

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10:00 AM

1:18-12070 Bagrat Ogannes

Chapter 11

#34.00 U.S. Trustee Motion to dismiss or convert
case under 11 U.S.C. § 1112(b) and notice of motion

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bagrat Ogannes

Represented By
Crystle Jane Lindsey

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10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#35.00 Scheduling and case management conference
and filing of monthly report

fr. 12/12/18

Docket 28

Tentative Ruling:

The December 19, 2018 Scheduling Order set a deadline of March 15, 2019 to file a disclosure statement. On March 16, Debtor filed a motion to extend time to file a disclosure statement. No order was lodged on that motion, and no order was entered. Two days later, the motion was withdrawn. Debtor filed her disclosure statement and plan on May 1, then an amended disclosure statement and plan on May 14. A hearing on the amended disclosure statement is scheduled for June 26, 2019.

Debtor failed to timely file a disclosure statement. This hearing was intended to be a holding date for a disclosure statement hearing. a motion to extend time should have been filed. If the late filed disclosure is not deemed adequate on June 26, the Court reserves the right to dismiss the case for undue delay and failure to follow orders.

This status conference is not vacated in case there are any issues from the U.S. Trustee or any other parties.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#36.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18

Docket 16

Tentative Ruling:

Disclosure statement deadline was extended to June 14, 2019. No SR filed.
APPEARANCE REQUIRED

12/12/18 Tentative

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

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Wednesday, May 22, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#37.00 Defendants' motion for summary judgment.

fr. 12/19/18, 2/6/19; 2/27/19; 4/3/19, 5/15/19

Docket 28

Tentative Ruling:

On November 28, 2006, Judgment against Plaintiff was obtained by L&J Assets, LLC in Los Angeles Superior Court (the "Judgment"). An Abstract of the Judgment was properly recorded in Los Angeles County on January 7, 2007. At the time the Judgment was entered and recorded, Plaintiff owned property located at 6024 Coldwater Canyon Avenue, North Hollywood, California 91606 (the "Property"). Thus, under C.C.P. § 697.310, a judgment lien (the "Lien") was created on the Property when the Judgment was recorded. The Judgment was then assigned from L&J Assets, LLC to Defendant BAG Fund on November 5, 2007.

Plaintiff filed a petition for Bankruptcy relief on August 26, 2009 and obtained a discharge order (the "Discharge") on December 1, 2009. Plaintiff disclosed her ownership of the Property in her Schedules. On March 4, 2016, Defendant renewed the Judgment. An Abstract of Judgment was obtained on June 20, 2016 and properly recorded on July 13, 2016.

The Order for Assignment of Rents (the "Assignment Order") was entered on July 5, 2017. Despite the entry of the Assignment Order, Plaintiff failed to turn over the rents she collected for at least two (2) months. On August 12, 2017, Defendant Quigg sent a letter to Plaintiff's former counsel, containing terms for an offer of settlement. Complaint, Exh. 3. On August 25, 2017, Bag Fund filed a Motion for Issuance of OSC re Contempt for Plaintiff's failure to comply with the Assignment Order. Thereafter, on September 19, 2017, Plaintiff made a payment to Bag Fund in the amount of \$15,000, which it claims was applied to reduce the *in rem* claim against the Property.

On September 25, 2017, Defendant Quigg sent a letter to Plaintiff's former counsel, containing terms that he characterized as "one last effort" to try to resolve the matter, within which he acknowledged the \$15,000 payment. On October 5, 2017, Plaintiff's new counsel, Lloyd Dix, sent a letter asserting violations of the

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Discharge Order. A Complaint for Damages, Declaratory and Injunctive Relief for Violation of 11 U.S.C. § 524 was filed on November 22, 2017. Plaintiff named BAG Fund, LLC as a defendant ("BAG Fund" or "Defendant"), along with its attorneys Leo Fasen, Vincent Quigg, and Michael Waldren, each named individually (referred to together with BAG Fund as "Defendants"). Plaintiff contends that Defendants used the State Court system to "illegally obtain an Order Assigning Rents belonging to Nazaryan to the Defendants." Plaintiff complains that Defendants actions caused her emotional distress by forcing her to pay \$15,000 and seeks compensatory and punitive damages.

On November 6, 2018, Defendants filed a Motion for Summary Judgment (the "MSJ"). In the MSJ, Defendants argue that obtaining and enforcing the Assignment Order was an exercise of their *in rem* rights against the Property and not a violation of the discharge injunction. The hearing on the Motion was continued, on occasion, to April 3, 2019. At the April 3, 2019 hearing, Plaintiff cited orally on the record Cal. Code of Civ. Proc. § 697.340 to support her Opposition. Defendant's counsel acknowledged that he also was aware of § 697.340 and its applicability here. The parties did not explain why this statute, which appeared to be on point, was not cited in *any* of the numerous briefs filed in this matter. The Court again continued the hearing to allow the parties file supplemental briefs on the applicability of § 697.340.

Standard for Summary Judgment under FRCP 56

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). 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, 866

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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).

Under FRCP 56(c), the moving party bears the initial burden to establish that there are no genuine issues of material fact to be decided at trial. Celotex, 477 U.S. at 322–23. Where the nonmoving party will bear the burden of proof on a specific claim or defense at trial, the moving party may move for summary judgment based solely on the "pleadings, depositions, answers to interrogatories, and admissions on file." Id. at 324. There is no requirement "that the moving party support its motion with affidavits or other similar materials *negating* the opponent's claim." Id. at 323 (emphasis in original).

The burden then shifts to the nonmoving party to produce "significantly probative evidence" of specific facts showing that there is a genuine issue of material fact requiring a trial. T.W. Elec. Serv. Inc. v. Pacific Elec. Contractors Ass'n, 809 F.2d 626, 630 (9th Cir. 1987)(citing Fed.R.Civ.P. 56(e)). The nonmoving party cannot "withstand a motion for summary judgment merely by making allegations; rather, the party opposing the motion must go beyond its pleadings and designate specific facts by use of affidavits, depositions, admissions, or answers to interrogatories showing there is a genuine issue for trial." In re Wellman, 378 B.R. 416 (B.A.P. 9th Cir. 2007)(citing In re Ikon Office Solutions, Inc., 277 F.3d 658, 666 (3d Cir.2002)). If the nonmoving party fails to establish a triable issue on an essential element of its case and upon which it will bear the burden of proof at trial, the moving party is entitled to judgment as a matter of law. Celotex Corp., 477 U.S. at 322–23.

Standard for Violation of Discharge Injunction

Section 524 of the Bankruptcy Code recites the effect of a discharge:

- (a) A discharge in a case under this title—
- (1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under [§ 727], 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[.]

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A party injured by a violation of the discharge injunction has no private cause of action for damages under § 524 or § 105. Walls v. Wells Fargo Bank, 276 F.3d 502, 504 (9th Cir.2002). Rather, a violation under § 524(a) is enforced through the bankruptcy court's contempt authority under § 105(a). Renwick v. Bennett (In re Bennett), 298 F.3d 1059, 1069 (9th Cir.2002); Walls, 276 F.3d at 507.

The court's contempt authority under § 105(a) is only a civil contempt authority and allows only for civil sanctions as the appropriate remedy. In re Moreno, 479 B.R. 553, 569 (Bankr.E.D.Cal. 2012) (citing Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1192 (9th Cir.2003) (considering contempt sanctions in context of stay violation)). Civil sanctions must either be compensatory or designed to coerce compliance. Id. (internal citation omitted). For a discharge violation, "compensatory civil contempt allows an aggrieved debtor to obtain compensatory damages, attorney's fees, and the offending creditor's compliance with the discharge injunction." Walls, 276 F.3d at 507.

Analysis

Defendants Violated the Discharge Injunction by Obtaining and Attempting to Enforce the Assignment Order

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). 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). Here, Defendants properly recorded the Judgment on or about January 7, 2006, giving rise to a lien on the Property securing the Judgment. See California Code of Civil Procedure ("C.C.P.") § 697.310. Creditors properly renewed the Judgment and recorded it in 2016. See 4 Collier on Bankruptcy at ¶ 524.02 (16th Ed. 2018)(a creditor whose debt is discharged is not permitted to obtain a lien, even by operation of law, *if it did not hold a lien when the petition was filed.*)(emphasis added).

A secured creditor is permitted to proceed with postdischarge foreclosure proceedings without any prior application to the bankruptcy court, as it is an *in rem* action. 4 Collier on Bankruptcy ¶ 524.02 (16th Ed. 2018)(internal citations omitted). Because the secured creditor's *in rem* rights survive the discharge, courts have held

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that it is not *per se* improper for a secured creditor to contact a debtor 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. Garske v. Arcadia Fin., Ltd. (In re Garske), 287 B.R. 537, 544-545 (B.A.P. 9th Cir. 2002)(secured creditor's written and oral contact with a discharged debtor about ongoing payments for a secured debt were not *per se* improper collection activities under § 524(e)); see also Ramirez v. General Motors Acceptance Corp. (In re Ramirez), 280 B.R. 252, 256 (C.D. Cal. 2002).

An exception to the Rooker–Feldman doctrine applies when the state proceeding is a legal nullity and void *ab initio*. In re Pavelich, 229 B.R. 777, 783 (B.A.P. 9th Cir. 1999)(citing Kalb v. Feuerstein, 308 U.S. at 438–40 (1940)(judgment in violation of automatic stay is void). Enforcing a bankruptcy court's discharge order in the face of a final state court judgment is permitted. Local Loan Co. v. Hunt, 292 U.S. 234 (1934). The rationale for the exception is that because "a void judgment is null and without effect, the vacating of such a judgment is merely a formality and does not intrude upon the notion of mutual respect in federal-state interests." In re Pavelich, 229 B.R. at 783 (internal citations omitted).

Defendants move for summary judgment, arguing that BAG Fund acquiring the Assignment Order and its subsequent enforcement of it is an *in rem* action and thus does not implicate Plaintiff's discharge injunction. Defendants note that Plaintiff was represented by counsel at the time (who Defendants contend was specialized in Bankruptcy) and that she did not raise any objection based on the Plaintiff's previous discharge.

Plaintiff argues in opposition that the Assignment Order is based on her personal liability, not an *in rem* action, and thus Defendants violated her discharge injunction in obtaining and enforcing it. After three rounds of briefing, Plaintiff now cites to C.C.P. § 697.340, *Interests in Real Property Subject to Attachment*, which provides:

Except as provided in Section 704.950 [applicable to homestead exemptions]:

(a) A judgment lien on real property attaches to all interests in real property in the county where the lien is created (whether present or future, vested or contingent, legal or equitable) that are subject to enforcement of the money judgment against the judgment debtor pursuant to Article 1 (commencing with

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Section 695.010) of Chapter 1 at the time the lien was created, *but does not reach rental payments*, a leasehold estate with an unexpired term of less than two years, the interest of a beneficiary under a trust, or real property that is subject to an attachment lien in favor of the creditor and was transferred before judgment.

(b) If any interest in real property in the county on which a judgment lien could be created under subdivision (a) is acquired after the judgment lien was created, the judgment lien attaches to such interest at the time it is acquired.

Cal. Civ. Proc. Code § 697.340 (West)(emphasis added).

Because the statute specifically exempts rental payments the scope of a recorded judgment, the pre-petition Lien did not extend to the rent payments generated from the Property. After Plaintiff's discharge, Defendants rights to enforce the Lien *as against the Property* remained unaffected. Where a secured claim "rides through" a bankruptcy, the debtor is not personally liable on any deficiency that may arise because the underlying debt creating the personal liability has been discharged. See Garske v. Arcadia Fin., Ltd. (In re Garske), 287 B.R. 537, at 542. If the debtor fails to make the required payments on the secured claim, the creditor's sole recourse is to repossess or foreclose on the property. Id., *quoting Johnson v. Home State Bank*, 501 U.S. 78, 83 (1991).

Defendants maintain that § 697.340 can be read to "simply indicate that a creditor cannot directly collect the rents from a property unless an order for assignment of rents in favor of that creditor has been recorded. The statute has no effect on Bag Fund, LLC's attempt to collect on its *pre-bankruptcy lien that attached to the Plaintiff's real property.*" Defendants' Supplemental Reply, 9:25-10:2 (emphasis in original). That is a correct general statement of the law. It is not before this Court to decide, however, whether a pre-petition assignment of rents order to collect on a pre-petition lien is enforceable post-discharge – the facts here are different because the Assignment Order was obtained post-discharge. Bag Fund's attempt to expand the scope of their permitted post-discharge remedy of foreclosure by obtaining the Assignment Order to reach funds that the California statutory scheme has specifically exempted is a violation of Plaintiff's discharge injunction.

Whether Sanctions are Warranted

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Once a violation of § 524 has been found, "the [aggrieved debtor] seeking contempt sanctions has the burden of proving, by clear and convincing evidence, that the sanctions are justified." ZiLOG, Inc. v. Corning (In re ZiLOG, Inc.), 450 F.3d 996, 1007 (9th Cir.2006). And to justify sanctions, the debtor must prove (1) that the offending creditor knew the discharge injunction was applicable and (2) that the creditor intended the actions which violated the injunction. Bennett, 298 F.3d at 1069 (citation omitted). After the debtor meets his/her burden, the burden then shifts to the creditor to demonstrate why it was unable to comply with the discharge injunction. See id. (citation omitted). Civil sanctions must either be compensatory or designed to coerce compliance. In re Moreno, 479 B.R. at 569

Movant maintains in its Supplemental Reply that sanctions are not appropriate on these facts because they believed that Bag Fund had the right to file a motion for and enforce the Assignment Order. The Ninth Circuit held that a creditor's good faith belief that the discharge injunction does not apply to the creditor's claim precludes a finding of contempt, even if the creditor's belief is unreasonable. In re Taggart, 888 F.3d 438, 444 (9th Cir. 2018)(internal citation omitted), cert. granted sub nom. Taggart v. Lorenzen, 139 S. Ct. 782, 202 L. Ed. 2d 511 (2019). Movant's point to the lack of objection from Debtor's previous attorneys who acted as if they believed Movant had a right to obtain and enforce the Assignment Order. Further, Movant asserts that their good faith belief that they were entitled to the Assignment Order is bolstered by Plaintiff's counsel's failure to raise § 697.340 during three hearings and multiple letters and contacts.

The record before the Court at this time does not support a finding of sanctions against Defendants. In the letter sent to Defendants on October 5, 2018 (the October 5 Letter"), Plaintiff's current counsel did not cite C.C.P. § 697.340 or argue that Defendant's pre-petition lien could not reach the rents generated by the Property. Complaint, Ex. 8. Instead, Plaintiff asserted in the October 5 Letter that all of Defendants' post-discharge actions were improper, including their legally proper renewal of the Judgment. There is no indication in the correspondence between Plaintiff's (former and current) counsel and Defendants that would have put Defendants on notice that the discharge injunction was implicated, which would trigger Bag Fund's duty to make reasonable inquiry about whether its actions in pursuing and attempting to enforce the Assignment Order would violate the discharge injunction and to determine if corrective action was required on his part.

As previously stated, in the Ninth Circuit, a good faith belief that the discharge injunction does not apply precludes a finding of contempt, even if the

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creditor's belief is unreasonable. See In re Taggart. Defendants argue that it was Plaintiff's inaction in the face of their rent collection efforts that led to their good faith, if unreasonable, belief that such actions were legally proper. At the April 3, 2019 hearing, Defendants' counsel acknowledged that he was aware of § 697.340 and its applicability here; in fact, Defendant's counsel inferred that it was he who brought the statute to Plaintiff's attention. It is unclear from the record precisely when Defendants had knowledge of an on-point statute. Knowledge of that statute would undermine Defendants' assertion of a good faith, even unreasonable, belief that the discharge injunction did not enjoin their actions. Plaintiff has not filed the Supplemental Surreply ordered by the Court at the April 3, 2019 hearing, so the Court does not have any countervailing authority or argument to support her claim for sanctions based on contempt. Nevertheless, without a declaration or testimony as to when Defendants knew about § 697.340 and its likely applicability here, the Court cannot make this finding on summary judgment.

Summary Judgment is GRANTED IN PART as there is no genuine issue of material fact as to whether Defendants violated the discharge injunction, and so Plaintiff is entitled to judgment as a matter of law under FRCP 56(f). The Assignment Order is VACATED as it is void *ab initio*.

Summary Judgment is DENIED IN PART as there are genuine issues of material fact as to whether Defendants had a good faith, if unreasonable, belief that the discharge injunction did not enjoin their actions. Parties should be prepared to discuss a date for a short trial on this discrete issue, or whether there is a chance the parties can negotiate a consensual resolution of this matter. While the assignment order is vacated, the question of whether any sanctions can be ordered is still an open question that needs to be determined.

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

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Vincent J Quigg

Represented By
Edith Walters

Chapter 7

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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1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#38.00 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, 8/15/18, 2/6/19,
2/27/19; 4/3/19, 5/15/19

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, May 22, 2019

Hearing Room 302

1:00 PM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#39.00 Motion to Dismiss First Amended Complaint

fr. 5/15/19

Docket 5

Tentative Ruling:

While neither party briefed the issue, it appears that the Court does not have jurisdiction to hear this matter while the lead case is on appeal to the Ninth Circuit. That parties should come prepared to discuss remand procedures.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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

Wednesday, May 22, 2019

Hearing Room 302

1:00 PM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#40.00 Status Conferece re: Notice of Removal of
action under 28 U.S.C. section 1452(a) and 1334(b)

fr. 5/15/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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

Thursday, May 30, 2019

Hearing Room 302

10:00 AM

1:16-11968 Paul Vincent Wojdak
Adv#: 1:16-01139 Olsen v. Wojdak

Chapter 11

#1.00 Order for Appearance and Examination for Paul Wojdak
fr. 5/22/19

Docket 36

Party Information

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
Ronald P Slates

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

Wednesday, June 5, 2019

Hearing Room 302

9:30 AM

1:19-11188 Cherryle Lee Seminario

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 -

Party Information

Debtor(s):

Cherryle Lee Seminario	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

9:30 AM

1:19-11216 Narciso Jimenez

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 -

Party Information

Debtor(s):

Narciso Jimenez

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

9:30 AM

1:19-11228 Barry Jenkins

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barry Jenkins

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:14-12802 Talmadge Johnson

Chapter 13

#1.00 Motion for relief from stay

JPMORGAN CHASE BANK, NATIONAL ASSOC.

Docket 42

Tentative Ruling:

Petition Date: June 3, 2014

Chapter: 13

Service: Proper. No opposition filed.

Property: 121 Navajo Lane, Topanga, CA 90290

Property Value: \$ 443,000 (per debtor's schedules)

Amount Owed to Movant: \$ 354,033.91 (per RFS motion)

Junior lienholder Top of Topanga: \$35,321

Equity Cushion: 12.0% (assuming 8% Cost of sale)

Equity: \$30,169.00.

Post-Petition Delinquency: \$9,254.28 (four payments of \$2,313.57)

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).

It appears that movant has an equity cushion and the property value has likely increased further since the petition date. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Talmadge Johnson

Represented By
Philomena N Nzegge

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#2.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 5/1/19

Docket 59

Tentative Ruling:

At the May 1 hearing, the parties indicated that they were in communication and that the bank had received funds. What is the status of this motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:14-15037 Brandi Kathleen Issac

Chapter 11

#3.00 Motion for relief from stay

MOSHE IZHAKPOR

Docket 146

Tentative Ruling:

Petition Date: November 5, 2014

Chapter: 11

Plan Confirmed: January, 2016

Service: Proper. Opposition filed.

Movant: Moshe Izhakpor

Relief Sought to: Pursue Pending Litigation X Commence Litigation ___ Pursue

Insurance X Other:

Litigation Information

Case Name: Moshe Izhakpor v. Brandi Kathleen Valdez

Court/Agency: Los Angeles County Superior Court

Date Filed: April 7, 2014

Judgment Entered: N/A

Trial Start Date: N/A, trial expected January 2020

Action Description: Negligence, product liability, and premises liability

Grounds

Bad Faith ___ Claim is Insured X Claim Against 3rd Parties

___ Nondischargeable ___

Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum X

Other:

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT...

Brandi Kathleen Issac

Chapter 11

enforcement against property of the estate); 3 (annulment of automatic stay retroactive to bankruptcy petition date); 5 (waiver of the 4001(a)(3) stay); and 6 (Order binding and effective in any bankruptcy case commenced by or against debtor within 180 days).

An opposition was filed by Viking Range, LLC ("Viking"), co-defendant in the state court action described above ("State Court Action"). According to the opposition, movant Moshe Izhakpor ("Movant") is debtor Brandi Issac's ("Debtor") father in law who sued Debtor for a slip-and-fall at her home. Movant allegedly slipped on water that leaked from Debtor's refrigerator, which was manufactured by Viking. Viking strongly implies that Movant is attempting to commit insurance fraud and that Debtor is complicit in that action. Viking asserts that Movant is not estranged from Debtor, but in fact visits her and her home regularly and uses her residence as a mailing address. Viking alleges that Movant and his family are serial litigators and argues that he did, contrary to his assertion in the motion, have knowledge of this bankruptcy. Movant did not file a proof of claim in this case and the time for doing so has passed.

The state Court action was filed in April 2014 and this bankruptcy was filed in November 2014. Viking asserts that Movant's failure to file a claim in this case was "strategic," despite the fact that it puts Movant in the position of violating the automatic stay under § 362(a). Movant therefore requests that automatic stay be annulled retroactively to the date of the petition in order to prevent five years of litigation from being deemed void. Viking opposes annulment of the stay based upon the alleged wrongful and abusive conduct. At minimum, Viking requests additional time "to conduct discovery into the relevant facts underlying the Motion."

Standard

"The law in [the Ninth Circuit] is that violations of the automatic stay are void." In re Schwartz, 954 F.2d 569, 572 (9th Cir. 1992). Bankruptcy courts have the power to annul the automatic stay for "cause" under 11 U.S.C. § 362(d)(1). Id. at 573. In determining "cause" exists to annul the stay, courts "examine the circumstances of the specific case and balance the equities of the parties' respective positions," taking into consideration "(1) whether the creditor was aware of the bankruptcy petition and automatic stay and (2) whether the debtor engaged in unreasonable or inequitable conduct." In re Cruz, 516 B.R. 594, 603 (B.A.P. 9th Cir. 2014). The following factors are considered in assessing the equities:

1. Number of [bankruptcy] filings;
2. Whether, in a repeat filing case, the circumstances indicate an intention to delay

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT...

Brandi Kathleen Issac

Chapter 11

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 [d]ebtor's overall good faith (totality of circumstances test) (citation omitted);

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 the 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.

In re Fjeldsted, 293 B.R. 12, 25 (B.A.P. 9th Cir. 2003). These factors are non-exclusive and should not be treated as a "scorecard," but rather as a framework for analysis. Id.

Movant's Knowledge of This Bankruptcy

Viking raises a strong implication that Movant knew about this bankruptcy. Attached as Exhibit B to the motion is a "Notice of Stay of Proceedings" filed by Debtor on June 21, 2018 in the State Court Action. The instant relief from stay motion was filed on May 14, 2019, so it appears that Movant had knowledge of the bankruptcy for, at minimum, eleven months before filing this motion. Viking has also alleged that Movant testified under oath that he continued to visit Debtor and her family on a regular basis after the fall in Debtor's kitchen (though Viking does not cite to any specific evidence in the record, such as where in the 222-page deposition attached as exhibit L to the opposition). The close personal relationship between the parties would seem to generally support Viking's theory that Movant had knowledge of the bankruptcy.

Balance of the Equities

Movant provides totally insufficient support for annulling a stay so long after the case was filed. If Movant's allegations are true, Debtor's "overall good faith" is called into question. Movant may have also compounded the problem by taking actions despite knowing of the stay; it appears from Exhibit A that all parties filed documents after Debtor filed the Notice

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Brandi Kathleen Issac

Chapter 11

of Stay of Proceedings in June, 2018.

The Notice of Stay of Proceedings indicates that Debtor waited nearly four years after filing this bankruptcy before filing a notice of stay in the State Court Action. Debtor did not list Movant in her schedules as a creditor nor was the ongoing lawsuit disclosed in the Statement of Financial Affairs. Debtor still has not amended her Statement of Financial Affairs to address this issue. Furthermore, the Notice of Stay of Proceedings indicates that Debtor is a "Defendant, Cross-Complainant, and Cross-Defendant." When did Debtor file a cross-complaint in this action? Exhibit A to the Motion is a list of documents filed in the State Court, and it appears that Debtor was actively litigating this case as far back as April 2016. Was Debtor being defended by the insurer, and did the insurer know that Debtor filed this bankruptcy case? Debtor did not file an opposition to this Motion. Debtor's declaration will be crucial in determining whether Movant had knowledge of the bankruptcy case. Furthermore, if Viking's allegations are true, the Court may enter and Order to Show Cause re: dismissal of this chapter 11 case, prohibiting any discharge. No one addresses the issue of whether the debt would be discharged and why the suit should continue if it is.

There is simply an insufficient showing of why the stay should be annulled years after the fact when the movant knew of the bankruptcy almost a year ago, at a minimum, and the case was closed in July 2016, almost 3 years ago. There is also no indication that this was a legitimate lawsuit where the debtor never scheduled it, and never included this in her plan. There are more questions raised by this motion than answered, so annulling the stay is out of the question while those questions are explored.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

Movant(s):

Moshe Izhakpor

Represented By

Frank J Alvarado

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#4.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19, 5/1/19

Docket 77

Tentative Ruling:

At the last hearing, the parties indicated that the creditor had the package to review. Nothing has been filed since the last hearing. What is the status of this matter? This has been continued several times without any clear progress.

APPEARANCE REQUIRED

5/1/19 Tentative

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Kristin A Zilberstein

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:15-13421 Brian J. Comer and Jeanette Y. Comer

Chapter 13

#5.00 Motion for relief from stay

WELLS FARGO BANK

Docket 43

Tentative Ruling:

Petition Date: October 13, 2015
Chapter: 13
Service: Proper. Opposition filed.
Property: 6910 Matilja Ave., Van Nuys, CA 91405
Property Value: \$ 449,000 (per debtor's schedules)
Amount Owed: \$ 204,857.20 (per RFS motion)
Equity Cushion: 46%
Equity: \$244,142.80
Post-Petition Delinquency: \$3,868.47

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).

Debtors oppose the motion, asserting that they have made additional payments and are now current. Has the delinquency been resolved? Additionally, it appears that movant has a substantial equity cushion. The parties can work out an APO for any remaining deficiency.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Brian J. Comer

Represented By
Michael Jay Berger

Joint Debtor(s):

Jeanette Y. Comer

Represented By
Michael Jay Berger

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Brian J. Comer and Jeanette Y. Comer

Chapter 13

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Gilbert R Yabes
Darshana Shah
Rosemary Allen
Kenya C Jones
Milton Williams
Josephine E Salmon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:16-10931 Victor Manuel Salazar

Chapter 13

#6.00 Motion for relief from stay

WELLS FARGO BANK, N.A.
TRUSTEE FOR WAMU

Docket 62

Tentative Ruling:

Petition Date: March 30, 2016
Chapter: 13
Service: Proper. Opposition filed.
Property: 8408 Hanna Ave, Los Angeles, CA 91304
Property Value: \$ 480,000 (per debtor's schedules)
Amount Owed: \$ 466,443.91 (per RFS motion)
Equity Cushion: 0.0% (assuming 8% cost of sale)
Equity: \$13,556
Post-Petition Delinquency: \$37,889.08

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 (relief from co-debtor stay); 7 (waiver of the 4001(a)(3) stay); and 12 (Debtor is borrower for purposes of § 2923.5).

Debtor opposes the motion, arguing that the property is necessary for an effective reorganization and that the Debtor will pay the delinquency and bring the account current. Debtor therefore requests a 45-day continuance of this hearing to allow time to cure the arrearage. The declaration attached to the opposition indicated that those payments will be made with a "lump sum of monies" his daughter will be receiving from her employer.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Victor Manuel Salazar

Represented By
Kevin T Simon

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Victor Manuel Salazar

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:16-11767 Angela V. Rojas

Chapter 13

#7.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 1/16/19, 3/27/19; 5/15/19

Docket 64

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela V. Rojas

Represented By
R Grace Rodriguez

Movant(s):

U.S. BANK NATIONAL

Represented By
Andrew Kussmaul
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:16-12898 Jose Ramon Mendoza and Norita Del Carmen Mendoza

Chapter 13

#8.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 59

Tentative Ruling:

Petition Date: October 6, 2016

Chapter: 13

Service: Proper. No opposition filed.

Property: 6728 Tyrone Ave. Van Nuys, CA 91405

Property Value: \$ 435,000 (per debtor's schedules)

Amount Owed: \$ 347,368.70 (per RFS motion)

Second Mortgage: \$70,897.70 (Nationstar)

Third position judgment lien: 9,677 (Grant and Weber)

Equity Cushion: 0.0% (assuming 8% Cost of Sale)

Equity: \$7,057.00.

Post-Petition Delinquency: \$2,239.99 (2 payments of \$2,114.77 minus suspense account balance)

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).

Debtors oppose the motion, indicating that they will come current by the hearing and/or will enter into an APO with Movant.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jose Ramon Mendoza

Represented By
Jaime A Cuevas Jr.

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Jose Ramon Mendoza and Norita Del Carmen Mendoza

Chapter 13

Joint Debtor(s):

Norita Del Carmen Mendoza

Represented By
Jaime A Cuevas Jr.

Movant(s):

THE BANK OF NEW YORK

Represented By
Jamie D Hanawalt
Alexander K Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#9.00 Motion for relief from stay

GREEN WILLOW HOMEOWNERS ASSOC.

fr. 5/1/19; 5/15/19

Docket 50

***** VACATED *** REASON: Cont'd per stipulation to 6/26/19 at 10:00
a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-10950 Adolfo Cortez Ruiz and Hilda Cortes

Chapter 13

#10.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

fr. 4/3/19, 5/1/19

Docket 55

***** VACATED *** REASON: Resolved per stipulation, Doc. 65 -CT**

Tentative Ruling:

Party Information

Debtor(s):

Adolfo Cortez Ruiz

Represented By
Guy R Bayley

Joint Debtor(s):

Hilda Cortes

Represented By
Guy R Bayley

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#11.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19

Docket 57

***** VACATED *** REASON: Cont'd per stipulation to 7/31/19 at 10:00
a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-12668 Demonica E M Santiago-Plummer

Chapter 13

#12.00 Moiton for relief from stay

WELLS FARGO BANK

Docket 67

Tentative Ruling:

Petition Date: October 4, 2017

Chapter:13

Service: Proper. Opposition filed.

Property: 7501 Jumilla Ave., Winnetka, CA 91306

Property Value: \$ 581,473 (per debtor's schedules)

Amount Owed: \$ 325,968.56 (per RFS motion)

Equity Cushion: 36% (assuming 8% cost of sale)

Equity: \$255,504.44

Post-Petition Delinquency: \$8,263.38 (4 payments of \$1,741.50)

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, arguing that more payments have been made than movant accounts for and requesting that any remaining default be paid through an APO. Movant also appears to have a large equity cushion.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Demonica E M Santiago-Plummer

Represented By
Kevin T Simon

Movant(s):

Wells Fargo Bank, National

Represented By
Sean C Ferry

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Demonica E M Santiago-Plummer

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-12676 Igor Krakovsky

Chapter 13

#13.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 47

Tentative Ruling:

Petition Date: October 5, 2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 19531 Hemmingway St., Reseda, CA 91335

Property Value: \$ 570,000 (per debtor's schedules)

Amount Owed: \$ 352,983.01 (per RFS motion)

Equity Cushion: 30.0% (assuming 8% cost of sale)

Equity: \$217,016.99

Post-Petition Delinquency: \$8,088.91 (3 payments of \$2,712)

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).

It appears that movant's interest is protected by a significant equity cushion. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Igor Krakovsky

Represented By
Andrew Nguyen

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee
Angela M Fowler

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Igor Krakovsky

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-12801 Jeresa Wheeler Liddell

Chapter 13

#14.00 Motion for relief from stay

CITIBANK, N.A.

fr. 4/3/19, 5/1/19

Docket 79

***** VACATED *** REASON: Resolved per APO -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeresa Wheeler Liddell

Represented By
Alon Darvish

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-10018 Betty D Frey

Chapter 13

#15.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 68

Tentative Ruling:

Petition Date: January 4, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 18245 San Jose St., Northridge, CA 91326

Property Value: \$900,000 (per debtor's schedules)

Amount Owed: \$ 1,135,421.39 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$36,519.35 (1 payment of \$4408, 4 payments of \$5229.18, 2 payments of \$5278.69)

Relief requested 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 filed an opposition, indicating that she had paid \$19,000 of the delinquency to movant, and would pay the remaining amount by the hearing date.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Betty D Frey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-10075 Cesar Quinonez

Chapter 13

#16.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOCIATION

Docket 34

Tentative Ruling:

Petition Date: January 10, 2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 13107 Ottoman St, Pacoima, CA 91331

Property Value: \$ 419,282 (per debtor's schedules)

Amount Owed: \$ 403,430.44 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$15,851.56.

Post-Petition Delinquency: \$6,285.96 (3 payments of \$2095.32)

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).

DENIED as to paragraph 6 (relief from co-debtor stay of § 1301). Co-debtor Bessy Quinonez was not served per the proof of service.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Cesar Quinonez

Represented By
William G Cort

Movant(s):

U.S. BANK TRUST NATIONAL

Represented By
Michelle R Ghidotti

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Cesar Quinonez

Kristin A Zilberstein

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-10351 Guillermo Tapia and Isabel Tapia

Chapter 13

#17.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 60

Tentative Ruling:

Petition Date: February 8, 2018

Chapter:13

Service: Proper. No opposition filed.

Property: 9070 Cranford Ave, Arleta, CA 91331

Property Value: \$ 450,000 (per debtor's schedules)

Amount Owed: \$ 343,989.25 (per RFS motion)

Junior Lien: \$38,000 (CalFHA)

Equity Cushion: 16%

Equity: \$68,010.

Post-Petition Delinquency: \$18,229.36 (6 payments of \$2,722.73, 1 payment of \$2,734.54)

GRANT 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).

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Guillermo Tapia

Represented By
LeRoy Roberson

Joint Debtor(s):

Isabel Tapia

Represented By
LeRoy Roberson

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Guillermo Tapia and Isabel Tapia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-10718 Doriana Sanchez

Chapter 13

#18.00 Motion for relief from stay

US BANK NATIONAL ASSO.

fr. 5/1/19

Docket 39

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doriana Sanchez

Represented By
Andrew Moher

Movant(s):

U.S. Bank National Association, not

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-10754 Douglas Owen Chadwick and Jean Alice Chadwick

Chapter 13

#19.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 39

Tentative Ruling:

Petition Date: March 23, 2018
Chapter: 13
Service: Proper. No opposition filed.

Movant: Ford Motor Credit LLC, Lienholder and named loss payee

Relief Sought to:

Pursue Pending Litigation ____

Commence Litigation X

Pursue Insurance ____

Other

Litigation Information

Case Name: N/A, case not yet filed

Court/Agency: N/A, case not yet filed

Date Filed: N/A, case not yet filed

Judgment Entered: N/A, case not yet filed

Trial Start Date: N/A, case not yet filed

Action Description: Movant was informed that the vehicle was involved in a collision and declared a total loss on March 13, 2019. Movant seeks relief from the automatic stay to recover as a loss payee under debtor's insurance policy.

Grounds

Bad Faith ____ Claim is Insured ____ Claim Against 3rd Parties

X 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
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Chief Judge Maureen Tighe, Presiding
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Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Douglas Owen Chadwick and Jean Alice Chadwick Chapter 13

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):

Douglas Owen Chadwick

Represented By
Raj T Wadhvani

Joint Debtor(s):

Jean Alice Chadwick

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12225 Cheryl Lynne Tuch

Chapter 13

#20.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 4/10/19

Docket 26

Tentative Ruling:

The parties indicated at the April 10 hearing that this house was listed for sale. What is the status of this motion?

APPEARANCE REQUIRED

Continued From 4/10/19

Petition Date: August 31, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 5826 Saloma Ave, Van Nuys, CA 91411

Property Value: \$789,000 (per debtor's schedules)

Amount Owed: \$414,099 (per RFS motion)

Equity Cushion: 44.0% (assuming 8% cost of sale)

Equity: \$374,901

Post-Petition Delinquency: \$7,961.90

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 (waiver of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion. Debtor states that she will be listing the property for sale shortly, and that Movant is adequately protected by the large equity cushion on the property. Here, it appears that there is a sufficient equity cushion to protect the creditor, notwithstanding the missing post-petition payments. Can the parties work out an APO?

APPEARANCE REQUIRED

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Cheryl Lynne Tuch

Chapter 13

Party Information

Debtor(s):

Cheryl Lynne Tuch

Represented By
Steven A Alpert

Movant(s):

Wilmington Savings Fund Society,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12473 Stephen Anthony Cook

Chapter 13

#21.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

Docket 39

***** VACATED *** REASON: Resolved per stip, doc 42**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Anthony Cook

Represented By
Lauren Rode

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12961 Fernando C Cordero and Dora Senaida Cordero

Chapter 13

#22.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 36

*** VACATED *** REASON: Resolved per stip, Doc 40 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando C Cordero

Represented By
Kevin T Simon

Joint Debtor(s):

Dora Senaida Cordero

Represented By
Kevin T Simon

Movant(s):

Financial Services Vehicle Trust

Represented By
Cheryl A Skigin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10125 Debra Jean Beach and Andrew Goodman

Chapter 13

#23.00 Motion for relief from stay

CAB WEST LLC

Docket 32

Tentative Ruling:

Petition Date: January 18, 2019

Chapter: 13

Service: Proper. No opposition filed.

Property: 2016 Ford Fusion

Property Value: \$ N/A, LEASE (per debtor's schedules)

Amount Owed: \$ 16,623

Equity Cushion: N/A, Lease

Equity: N/A, Lease

Post-Petition Delinquency: N/A, lease matured

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):

Debra Jean Beach

Represented By
Larry D Simons

Joint Debtor(s):

Andrew Goodman

Represented By
Larry D Simons

Movant(s):

Cab West LLC

Represented By

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Debra Jean Beach and Andrew Goodman

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10395 Lawrence Mark Gotlieb

Chapter 13

#24.00 Motion for relief from stay

U.S. BANK TRUST, N.A.
TRUSTEE FOR LSF8

Docket 24

Tentative Ruling:

This case was dismissed on May 28, 2019 due to Debtor's request for voluntary dismissal. Therefore, the automatic stay is no longer in effect under 11 U.S.C. 362(c)(2)(B). Because the movant did not request any extraordinary relief, the motion is DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Lawrence Mark Gotlieb

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10614 Jose Manuel Salazar and Carol Anahi Cruz

Chapter 7

#25.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 10

Tentative Ruling:

Petition Date: 3/15/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2018 Honda Civic

Property Value: \$ N/A (per debtor's schedules)

Amount Owed: \$ 20,377.87

Equity Cushion: N/A, Lease

Equity: N/A, Lease

Delinquency: \$830.02

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 Manuel Salazar

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Carol Anahi Cruz

Represented By
Gregory M Shanfeld

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Jose Manuel Salazar and Carol Anahi Cruz

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10817 Zachary T. Elamir

Chapter 7

#26.00 Motion for relief from stay

ADRIAN THOMAS

Docket 14

Tentative Ruling:

Petition Date: April 5, 2019

Chapter: 7

Service: Proper. Opposition filed.

Movant: Adrian Thomas on behalf of Estate of Adriana Thomas AND Adriana Thomas,
Professional Dental Corporation

Relief Sought to:

Pursue Pending Litigation X

Commence Litigation ____

Pursue Insurance ____

Other

Litigation Information

Case Name: Adrian Thomas, Et Al v. Zachary Elamir, D.D.S., et al

Court/Agency: Superior Court of Los Angeles--Stanley Mosk

Date Filed: April 16, 2018

Judgment Entered: N/A

Trial Start Date: December 17, 2019

Action Description: Breach of Contract, Financial Elder Abuse, Breach of Fiduciary Duty,
etc.

Grounds

Bad Faith ____ Claim is Insured ____ Claim Against 3rd Parties

X Nondischargeable ____

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Zachary T. Elamir

Chapter 7

Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum X
Other: Claims will involve jury trial

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate). Debtor Zachary Elamir opposes the motion, arguing that there is no cause for relief shown and that because the First Amended Complaint was filed post-petition, he contends that there is no operative complaint in the state court.

The bankruptcy code does not define cause, outside of lack of adequate protection. Instead, cause is defined on a case-by-case basis. In re Tucson Estates, Inc., 912 F.2d 1162, (9th Cir. 1990). Bankruptcy courts have discretion in determining whether cause exists to modify the stay. In re MacDonald, 755, F.2d 715 (9th Cir. 1985). Cause may exist where a bankruptcy court may abstain from deciding issues in favor of an imminent state court trial involving the same issues. *Id.* "Courts have identified various factors relevant to determining whether the stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum. These factors are closely related to those that a bankruptcy court must consider in deciding whether to exercise abstention under 28 U.S.C. 1334(c)(1)." In re Plumberex, 311 B.R. 551, 558 (Bankr. C.D. Cal. 2004). Under section 362(d)(1), and on request of a party in interest, "the court shall grant relief from stay. . .for cause." A number of factors are commonly analyzed to determine whether cause exists to grant relief from stay. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). Both Debtor's Opposition and Movant's Reply, in assessing the Curtis factors, focus on the impending deadline by which to file a 523 and/or 727 complaint. While Movant contends that it would be prejudiced if required to continue litigate these issues twice (in state and bankruptcy court), Debtor correctly notes that whether relief from stay to continue the non-bankruptcy litigation can be better assessed after the expiration of the 727/523 deadline. Movant indicates in reply the intention to file a complaint to determine dischargeability by the July 9, 2019 deadline. The Court finds cause to continue this matter until July 17, 2019, at 10:00 a.m. Movant will have the opportunity to file the adversary complaint so that a full review of the Curtis can be done. As Debtor points out, a request for annulment of stay was not properly noticed in the Motion so this continuance will also allow for additional briefing to address whether there are grounds here to annul the stay. Parties should be prepared to discuss a briefing schedule on the limited issue of annulment of the stay.

APPEARANCE REQUIRED

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Zachary T. Elamir

Chapter 7

Party Information

Debtor(s):

Zachary T. Elamir

Represented By
Raymond H. Aver

Movant(s):

Adriana Nicolescu Thomas,

Represented By
Eric V Anderton

Adrian Thomas, as Special

Represented By
Eric V Anderton

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10904 Francisco Fernandez and Michelle Fernandez

Chapter 13

#27.00 Motion for relief from stay

AMUR EQUIPMENT FINANCE INC.

Docket 21

***** VACATED *** REASON: Resolved per stip, Doc. 23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Fernandez

Represented By
Matthew D. Resnik

Joint Debtor(s):

Michelle Fernandez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-10944 Eduardo Tremillo

Chapter 7

#28.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 7

Tentative Ruling:

Petition Date: 4/18/19
Chapter: 7
Service: Proper. No opposition filed.
Property: 2014 Lexus IS 350
Property Value: \$ 30,740 (per debtor's schedules)
Amount Owed: \$ 30,847.05
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: 0

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):

Eduardo Tremillo

Represented By
Alla Tenina

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:14-14656 Angelica Marie Potucek

Chapter 13

#28.01 Motion for relief from stay

BANK OF AMERICA N.A.

fr. 4/3/19; 5/22/19

Docket 71

*** VACATED *** REASON: Resolved per stip Doc 77 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angelica Marie Potucek

Represented By
Ali R Nader

Movant(s):

Bank of America, N.A.

Represented By
Brandy N Foreman
Elizabeth Noble
Bonni S Mantovani
Melissa A Vermillion
Diana Torres-Brito

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:19-11165 Mercedes R. Morales

Chapter 13

#28.02 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 9

Tentative Ruling:

On May 10, 2019, Debtor filed this Chapter 13 case. Debtor has one previous chapter 13 bankruptcy case that was dismissed a short time ago. The dismissed case, 18-11561-MT, was filed on June 20, 2018 and dismissed on March 29, 2019 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. No opposition was filed. 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 relied on her daughter to mail the payments to the chapter 13 trustee and apparently her daughter filled out the money order incorrectly and mailed several to the wrong address. Debtor asserts that she will not maintain control of her own plan payments, and that she is now receiving additional family contributions of \$400 per month.

No opposition filed. The motion is GRANTED.

APPEARANCE REQUIRED due to shortened notice.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#29.00 Status conference re complaint for dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18, 8/15/18, 1/16/19, 2/27/19

Docket 1

Tentative Ruling:

Having reviewed Plaintiff's status report, this status conference will be continued to September 18, 2019 at 10:00 a.m. to allow Plaintiff time to file a summary judgment motion in light of the recent resolution of the State Court Action.

NO APPEARANCE REQUIRED ON JUNE 5, 2019

2/27/19 Tentative

Having reviewed Plaintiff's status report, this status conference is continued to June 5, 2019 at 10:00 a.m.

NO APPEARANCES REQUIRED ON 2/27/19

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

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... **David Brown Levy**
Gene Salkind

Chapter 7

Represented By
Bernard J Kornberg

The Workshop LLC

Represented By
Bernard J Kornberg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

- #30.00** Status Conference Re: Complaint for
1 - Violation of Real Estate Settlement
Procedures Act, 12 C.F.R Sec. 1024 et seq
2 - Violations of the Fair Debt Collection
Practices Act (FDCPA), 15 USC Sec.
1692, et seq
3 - Negligence, California Civil Code Sec.
1714
4 - Quiet Title, California Code of Civil
Procedure Sec. 760.020
5 - Objection to Cliam

Docket 1

Tentative Ruling:

The lead chapter 13 case will likely be either dismissed or completed within 90 days pursuant to the Order Granting Motion to Transfer Shares of Interest in Real Property for Benefit of the Estate. Would this be better resolved in District Court?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Pro Se

Statebridge Company LLC

Pro Se

Cascade Funding Mortgage Trust

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Salomon Llanos

Chapter 13

Plaintiff(s):

Salomon Llanos

Represented By
John Habashy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 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 for
dischargeability of student loan

fr. 11/14/18; 12/12/18

Docket 7

***** VACATED *** REASON: Case dismissed per Doc. 22 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

Adv#: 1:18-01132 Bautista v. Johnson et al

#32.00 Status conference re complaint for:
(1) false pretenses, false representation
(2) actual fraud

fr. 2/27/19, 4/17/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bruce DeWayne Johnson Pro Se

Defendant(s):

Bruce Johnson Pro Se

Mainstream Media Partners Inc. a Pro Se

Plaintiff(s):

Lynn Bautista Represented By
Ali Hosseini

Trustee(s):

Diane C Weil (TR) Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:18-12429 Salvador German Helleon

Chapter 7

Adv#: 1:19-01001 Amaya v. Helleon

#33.00 Status Conference Re: Complaint
of Katherine Amaya for Determination
of Non-Dischargeability of Debt Pursuant
to 11 USC Sec. 523(a)

fr. 3/13/19, 5/1/19

Docket 1

***** VACATED *** REASON: Case dismissed, Doc. 9 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador German Helleon

Represented By
Blake J Lindemann

Defendant(s):

Salvador German Helleon

Pro Se

Joint Debtor(s):

Daniel Roy Farrell

Represented By
Blake J Lindemann

Plaintiff(s):

Katherine Amaya

Represented By
Paul M Yi
Edward W Choi

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

#34.00 Motion for Clarification or Amendment of Order Granting
Partial Summary Judgment

Docket 220

***** VACATED *** REASON: Matter continued to September 20, 2019 at
9:30 a.m.**

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 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

**#34.01 Motion For Authority To Use Cash Collateral
On A Final Basis**

Docket 648

***** VACATED *** REASON: Resolved per stipulation (doc. 659) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L James
Lindsey L Smith
Jeffrey S Kwong
Juliet Y Oh

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:12-20324 Gary Lee Hewitt

Chapter 7

#35.00 Joint Motion by Chapter 7 Trustee for the Estates of Gary Lee Hewitt and Doug Edwin Gravink to: (1) Approve Sale of HG Investments, LLC, 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. Sec. 363(b) and (f); (2) Approve Overbid Procedures; and (3) Determine that Purchaser is Entitled to Protection Pursuant to 11 U.S.C. Sec. 363(m)

Docket 326

Tentative Ruling:

This motion is a joint Motion to Sell brought by David Seror ("Seror") as Trustee for the chapter 7 estate of Gary Lee Hewitt (1:12-bk-20324-MT) and Nancy Zamora ("Zamora") as Trustee for the chapter 7 estate of Doug Edwin Gravink (1:12-bk-20325-MT) (together, the "Trustees"). A largely identical motion was filed in each of these cases (the "Joint Motions").

Trustees filed these Joint Motions to sell each estates' respective 50% interest (for a combined 100% interest) in HG Investments, LLC, a California limited liability company ("HG Investments"), free and clear of any liens, interests, claims, and encumbrances under §§ 363(b)(1) and (f). HG Investments owns "fractional interests in various LLCs and limited partnerships, which, in turn, appear to be commercial real estate ventures. Through its fractional ownership interests in these ventures, HG is entitled to distributions when the limited partnership or LLC sells real property."

The proposed sale price is \$50,000, with each estate receiving an equal amount of the proceeds (\$25,000 subject to overbid). The initial overbid is proposed to be \$51,000, with \$500 increments thereafter.

Notice proper in both cases. No oppositions have been filed. The Joint Motions are Granted.

APPEARANCE REQUIRED

Party Information

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT... Gary Lee Hewitt

Chapter 7

Debtor(s):

Gary Lee Hewitt

Represented By
Louis J Esbin
Gary E Klausner
Jeffrey S Kwong

Movant(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Robyn B Sokol
David Seror
Ezra Brutzkus Gubner LLP
Robert K Sall
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Steven T Gubner

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Robyn B Sokol
David Seror
Ezra Brutzkus Gubner LLP
Robert K Sall
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Steven T Gubner

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:12-20325 Doug Edwin Gravink

Chapter 7

#36.00 Joint Motion by Chapter 7 Trustee for the Estates of Gary Lee Hewitt and Doug Edwin Gravink to:
(1) Approve Sale of HG Investments, LLC, 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. Sec. 363(b) and (f); (2) Approve Overbid Procedures; and (3) Determine that Purchaser is Entitled to Protection Pursuant to 11 U.S.C. Sec. 363(m)

Docket 449

Tentative Ruling:

See number 35

Party Information

Debtor(s):

Doug Edwin Gravink

Represented By
Louis J Esbin
Richard Burstein
Gary E Klausner
Jeffrey S Kwong

Trustee(s):

Nancy J Zamora (TR)

Represented By
Reagan E Boyce
Robyn B Sokol
David Seror
Ezra Brutzkus Gubner LLP
Robert K Sall
Richard Burstein
Brandon N Krueger
Jessica L Bagdanov
Reed Bernet

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT...

Doug Edwin Gravink

Steven T Gubner

Chapter 7

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-11888 ALLIANCE FUNDING GROUP INC.

Chapter 7

#37.00 Motion For Sale of Property of the Estate under Section 363(b)

Docket 66

Tentative Ruling:

Chapter 7 trustee David Seror ("Seror") filed this motion to sell the property located at 1020 Providencia Ave., Burbank, CA (the "Property") free and clear of any liens, interests, claims, and encumbrances under §§ 363(b)(1) and (f). The proposed sale price is \$1,345,000, subject to initial overbid in the minimum amount of \$50,000, with subsequent overbids in the minimum amount of \$20,000. Trustee estimates that the sale will yield approximately \$1,171,199.89 for the benefit of the estate. The final amount will be determined once the adversary proceeding is resolved.

Trustee seeks to sale the property free and clear of the interests of a number of individuals and entities against whom Trustee is currently litigating a quiet title action. See Seror v. Aslanjan et al., 1:18-ap-01076-MT. The Bankruptcy Code permits a sale free and clear of an interest that is subject to a "bona fide dispute." 11 U.S.C. § 363(f)(4). "Bona fide dispute" has been defined as the existence of "an objective basis for either a factual or a legal dispute as to the validity of the debt." In re Vortex Fishing Sys., Inc., 277 F.3d 1057, 1064 (9th Cir. 2002)(addressing the meaning of "bona fide dispute" under 11 U.S.C. § 303(b)(1)); In re GGW Brands, LLC, No. 2:13-BK-15130-SK, 2013 WL 6906375, at *24 (Bankr. C.D. Cal. Nov. 15, 2013)(applying the definition of "bona fide dispute" from Vortex Fishing to sales under 11 U.S.C. 363(f)(4)).

APPEARANCE REQUIRED

Party Information

Debtor(s):

ALLIANCE FUNDING GROUP

Represented By
Stephen F Biegenzahn

Trustee(s):

David Seror (TR)

Represented By
Reagan E Boyce
Richard Burstein

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

CONT...

ALLIANCE FUNDING GROUP INC.

Jorge A Gaitan

Chapter 7

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

Wednesday, June 5, 2019

Hearing Room 302

10:00 AM

1:17-12102 Arman Tombakian

Chapter 13

**#38.00 Debtor's Objection to Declaration re Default
under Adequate Protection Order**

fr. 5/15/19

Docket 45

Tentative Ruling:

At the hearing on May 15, the parties indicated that a \$15,500 payment was made on May 14, and that another payment would be made on May 15. Nothing new has been filed since that hearing. What is the status of the payments?

APPEARANCE REQUIRED

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 5, 2019

Hearing Room 302

1:00 PM

1:16-11598 Farideh Warda

Chapter 11

#39.00 Motion For Order Closing Case on Interim Basis.

Docket 251

Tentative Ruling:

Debtor's former bankruptcy attorneys, Resnik Hayes Moradi LLP ("RHM"), filed a Notice of Opposition and Request for a Hearing on Debtor's Motion Closing Case on Interim Basis. RHM indicates that Debtor has not paid the administrative claim held by RHM and that it would have to pursue the default provision in the Debtor's Plan if payment was not made. Subsequently, RHM obtained an Abstract of Judgment (Doc. 256 and 259) and a Writ of Execution (Docs. 258 and 261). It is unclear why there are two copies of each on the docket.

Local Bankruptcy Rule 3022-1(b) allows Debtor to file a motion for an order closing the case on an interim bases where a chapter 11 estate that is substantially consummated, but not fully administered.

"Substantial consummation" is defined in the Bankruptcy Code as:

- (A) transfer of all or substantially all of the property proposed by the plan to be transferred;
- (B) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) commencement of distribution under the plan.

11 U.S.C.A. § 1101(2). Here, though distribution under the plan has commenced, all or substantially all of the property the plan proposes to transfer has not been transferred because the Debtor has not paid all professional fees as required by Article I, Section A of the plan. See In re Thorpe Insulation Co., 677 F.3d 869, 882 (9th Cir. 2012). The Motion is DENIED.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Farideh Warda

Pro Se

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

Wednesday, June 5, 2019

Hearing Room 302

1:00 PM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#40.00 Motion to Dismiss Adversary Proceeding

Docket 7

*** VACATED *** REASON: Amended complaint filed. Doc. 9. -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, June 5, 2019

Hearing Room 302

1:00 PM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 Benzeen Inc. a California corporation v. JP Morgan Chase Bank, National

#41.00 Motion to Dismiss Adversary Proceeding

Docket 9

*** VACATED *** REASON: Order continued to 6/13/19 @10am (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

JP Morgan Chase Bank, National

Represented By
Mary H Haas

McCarthy & Holthus, LLP

Represented By
Matthew B Learned

Plaintiff(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

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

Thursday, June 6, 2019

Hearing Room 302

10:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#1.00 Motion for Secured Creditor for an Award of Attorneys'
Fees Against Chapter 11 Debtor Pursuant to Court Order

Docket 440

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, June 6, 2019

Hearing Room 302

10:00 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; 11/7/18; 12/18/18,
2/20/19

Docket 0

Tentative Ruling:

Questions so far for 6/6 S/C:

Why have statements of completion not been obtained on finished jobs from NASA and the notices served on subcontractors? We need to know if there are unknown claims still.

Is the U.S. Navy Ballfield job completed as projected? No order was submitted to end Syberus funds control arrangement.

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

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

Wednesday, June 12, 2019

Hearing Room 302

9:30 AM

1:19-11277 Kathy Rivera

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):

Kathya Rivera

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

9:30 AM

1:19-11320 Trivia Young

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 -

Party Information

Debtor(s):

Trivia Young

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:16-10937 Humberto Rangel and Leticia Alba Rangel

Chapter 13

#1.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP.

Docket 26

Tentative Ruling:

Petition Date: 03/30/2016

Chapter: 13

Service: Proper. No opposition filed.

Property: 2012 Nissan Sentra

Property Value: \$ 8,967 (per debtor's schedules)

Amount Owed: \$ 13,754.94 (per Proof of Claim)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$8,486.63 (29 payments of \$405.62)

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):

Humberto Rangel

Represented By
Daniel F Jimenez

Joint Debtor(s):

Leticia Alba Rangel

Represented By
Daniel F Jimenez

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Humberto Rangel and Leticia Alba Rangel

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:16-13568 Shakiba Bahari-Mehr

Chapter 13

#2.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 57

Tentative Ruling:

Petition Date: 12/20/2016

Chapter: 13

Service: Proper. Opposition filed.

Property: 4647 Willis Avenue Unit 318, Sherman Oaks CA, 91403

Property Value: \$445,000 (per debtor's schedules)

Amount Owed: \$261,936.45 (per RFS motion)

Equity Cushion: 33%

Equity: \$183,063.55

Post-Petition Delinquency: \$3,938.77

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); 7 (waiver of the 4001(a)(3) stay); 12 (Debtor is borrower for purposes of § 2923.5); and 13 (if RFS not granted, adequate protections).

Debtor opposes the motion, arguing that more payments have been paid to the movant to bring the account current.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Shakiba Bahari-Mehr

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Erica T Loftis Pacheco

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Shakiba Bahari-Mehr

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:17-10317 James Patrick Sweet

Chapter 13

#3.00 Motion for relief from stay

CITIBANK N.A.

Docket 32

*** VACATED *** REASON: Resolved per APO - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Patrick Sweet

Represented By
Stephen S Smyth
William J Smyth

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK TRUST N.A.

4/3/19, 5/1/19; 5/22/19

Docket 28

Tentative Ruling:

Debtor has commenced the LMM program. What is the status of payments and an APO?
APPEARANCE REQUIRED

5/1/19 Tentative

At the last hearing, Debtor filed an untimely opposition seeking an adequate protection order. Debtor has a significant amount of equity in the property and the Debtor has allegedly been ill. According to the motion, Debtor has not made a single post-petition payment. Has Debtor's attorney been in contact with the movant about resolving this matter via APO?

APPEARANCE REQUIRED

4/3/19 Tentative

Petition Date: 03/06/2017

Chapter 13 Plan confirmed: 06/14/2017

Service: Proper. Original borrower served. No opposition filed.

Property: 14838 Mission Glen Ln, Sylmar, CA 91342

Property Value: \$ 450,000.00 (per Debtor's schedules)

Amount Owed: \$ 322,486.64 (per RFS motion)

Equity Cushion: 20.34% (assuming 8% cost of sale)

Equity: \$91,513.36

Post-Petition Delinquency: \$51,448.55 (pre-confirmation--3 payments of \$2,233.43, post-confirmation--10 payments of \$2,233.43, 9 payments of \$2,240.32, 1 payment of \$2,251.08)

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 waived under 11 U.S.C. §1201(a) or §1301(a) as to Mary H.

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Teresa Ann Marquez Chapter 13

Marquez-Oliva fka Mary Helen Marquez); 7 (waiver of the 4001(a)(3) stay); and 13 (if RFS not granted, adequate protection).

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

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-10737 Dana Stone Goldberg and Barry David Goldberg

Chapter 13

#5.00 Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 48

Tentative Ruling:

Petition Date: 03/22/2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 7045 Woodley Avenue #113, Lake Balboa, CA 91406

Property Value: \$ 220,000 (per debtor's schedules)

Amount Owed: \$89,677.55 (per RFS motion)

Junior Lien: \$9,200.03

Equity Cushion: 51%

Equity: \$121,122.42

Post-Petition Delinquency: \$1,861.27

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); 7 (waiver of the 4001(a)(3) stay); and 13 (if RFS not granted, adequate protections).

Debtors oppose the motion, arguing that they recently had a medical emergency, but are requesting a repayment agreement to cure any alleged post-petition delinquency. The Debtors would like to enter into an APO with the Movant to cure any arrearages.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Dana Stone Goldberg

Represented By
Kevin T Simon

Joint Debtor(s):

Barry David Goldberg

Represented By

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

**CONT... Dana Stone Goldberg and Barry David Goldberg
Kevin T Simon**

Chapter 13

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Josephine E Salmon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-11806 Maria Heredia

Chapter 13

#6.00 Motion for relief from stay

FIRSTBANK

fr. 5/22/19

Docket 46

Tentative Ruling:

At the last hearing the parties indicated that they were working on an APO. What is the status of the APO?

APPEARANCE REQUIRED.

5/22/19 Tentative

Petition Date: July 19, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 10381 Vena Ave, Arleta, CA 91331

Property Value: \$525,709 (per debtor's schedules)

Amount Owed: \$ 474,128 (per RFS motion)

Equity Cushion: 2.0%

Equity: \$51,581

Post-Petition Delinquency: \$15,034 (5 payments)

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor disputes the accounting and asserts that more payments have been made than First Bank accounts for. Debtor further asserts that there is an equity cushion of \$75,000, or 15%. Debtor wishes to pursue an APO in the event that there is any delinquency.

APPEARANCE REQUIRED

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Maria Heredia

Chapter 13

Party Information

Debtor(s):

Maria Heredia

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-12534 David Wayne Thompson

Chapter 13

#7.00 Motion for relief from stay

CARMAX BUSINESS SERVICES LLC

Docket 37

Tentative Ruling:

Petition Date: 10/15/2018
Chapter: 13
Service: Proper. No opposition filed.
Property: 2007 Chevrolet Tahoe
Property Value: \$9,625.00 (per debtor's schedules)
Amount Owed: \$ 8,767.98
Equity Cushion: 1%
Equity: \$1,315.08
Post-Petition Delinquency: \$1,075.24

GRANT relief under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law) and 6 (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):

David Wayne Thompson

Represented By
Kevin T Simon

Movant(s):

CarMax Business Services 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#8.00 Motion for relief from stay

LANTERN FINANCIAL CORPORATION

Docket 60

Tentative Ruling:

Petition Date: 10/17/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 7340 Ethel Avenue, North Hollywood, CA 91605

Property Value: \$1,700,000 (per debtor's schedules)

Amount Owed: \$622,101.55 (per RFS motion)

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: \$58,937.34

Debtor owned 50% of property, then transferred it to son pursuant to court order, Document 66. The transfer was made after this motion was filed. This will be granted as a comfort order.

Disposition: GRANTED 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):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Movant(s):

Lantern Financial Corporation

Represented By

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Salomon Llanos

Shalom Rubanowitz

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-12586 Kenneth Melvin Hunt

Chapter 13

#9.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 4/10/19

Docket 34

***** VACATED *** REASON: Resolved per stip, Doc 44 -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Melvin Hunt

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

#10.00 Motion for relief from stay

U.S.BANK NATIONAL ASSOC.

fr. 5/15/19

Docket 61

Tentative Ruling:

At the 05/15/2019 hearing, the parties indicated that they were negotiating an APO. What is the status of that APO?

Cont. fr 5/15/19

Petition Date: 10/24/18

Chapter 13 plan confirmed: 3/11/19

Service: Proper. Opposition filed.

Property: 16840 Donmetz St., Granada Hills, CA 91344

Property Value: \$603,000 (per debtor's schedules)

Amount Owed: \$547,323

Equity Cushion: 9.2%

Equity: \$7,437

Post-Petition Delinquency: \$10,132.34 (5 payments of \$2,367.62; less suspense balance of \$1,705.76)

Movant requests relief 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). Movant states that the last payment received for this claim was on or about 2/1/19.

Debtors oppose the Motion, explaining that they have not received statements from Movant to make payments and that their income declined temporarily from their Amazon business. Debtors state that their Amazon account is now reinstated and they would like to cure the deficiency in an APO and continue to make regular mortgage payments.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

Is Movant amenable to discussing an APO with Debtors?

APPEARANCE REQUIRED

Party Information

Debtor(s):

George Daniel Hernandez

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11080 Amarpal Singh Gharial and Amrita Gharial

Chapter 7

#11.00 Motion for relief from stay

KENNETH K LEE AND
CATHERINE C LEE

Docket 7

Tentative Ruling:

Petition Date: 05/01/2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Kenneth K. Lee and Catherine C. Lee, as Trustees of the Lee Family Trust

Property Address: 19231 Ventura Blvd., Tarzana, CA 91356

Type of Property: Nonresidential

Occupancy: Month to Month

Foreclosure Sale: N/A

UD case filed: N/A

UD Judgment: N/A

Movant requests annulment of the automatic stay.

"The law in [the Ninth Circuit] is that violations of the automatic stay are void." In re Schwartz, 954 F.2d 569, 572 (9th Cir. 1992). Bankruptcy courts have the power to annul the automatic stay for "cause" under 11 U.S.C. § 362(d)(1). Id. at 573. In determining "cause" exists to annul the stay, courts "examine the circumstances of the specific case and balance the equities of the parties' respective positions," taking into consideration "(1) whether the creditor was aware of the bankruptcy petition and automatic stay and (2) whether the debtor engaged in unreasonable or inequitable conduct." In re Cruz, 516 B.R. 594, 603 (B.A.P. 9th Cir. 2014).

Movant was unaware the Debtor filed a bankruptcy petition on 05/01/2019 when the notice to quit was served on 05/06/2019. The Debtor was in default on rent from 03/1/2019 through 05/31/2019. Debtor is not reorganizing in the bankruptcy case. The Court finds that annulment is proper in this case.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief as

**United States Bankruptcy Court
Central District of California
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Amarpal Singh Gharial and Amrita Gharial Chapter 7

requested in paragraphs 2 (proceed under non-bankruptcy law); 6 (waiver of 14 day stay); and paragraph 7 (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law).

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

Party Information

Debtor(s):

Amarpal Singh Gharial

Represented By
Raj T Wadhvani

Joint Debtor(s):

Amrita Gharial

Represented By
Raj T Wadhvani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11166 Juan R Nungaray

Chapter 7

#12.00 Motion for relief from stay

FEDERAL HOME LOAN MORTGAGE CORP

Docket 14

Tentative Ruling:

Petition Date: 05/10/2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Federal Home Loan Mortgage Corporation

Property Address: 14035 Astoria Street #130, Sylmar, CA 91342

Type of Property: Residential

Occupancy: Former Owner

Foreclosure Sale: 09/27/2018

UD case filed: 12/12/2018

UD Judgment: N/A

Movant acquired title to the Property by foreclosure sale on 09/27/2018 before the bankruptcy petition was filed. Trial was scheduled for May 13, 2019 in the underlying unlawful detainer action. The Debtor filed bankruptcy on May 10, 2019, and the trial in the unlawful detainer action was continued to July 08, 2019.

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.

Party Information

Debtor(s):

Juan R Nungaray

Pro Se

Movant(s):

Federal Home Loan Mortgage

Represented By
Agop G Arakelian

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Juan R Nungaray

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11228 Barry Jenkins

Chapter 13

#13.00 Motion for relief from stay

PALMER/BOSTON ST. PROPERTIES II

Docket 7

Tentative Ruling:

Petition Date: 05/17/2019

Chapter: 13

Service: Proper. No opposition filed.

Movant: Palmer/Boston St. Properties II

Property Address: 550 N. Figueroa Street #5072, Los Angeles, CA 90012

Type of Property: Residential

Occupancy: Lease in default

Foreclosure Sale: N/A

UD case filed: 2/13/19

UD Judgment: N/A

Movant asserts that this case was filed in bad faith because this was a skeletal filing and there have been another bankruptcy affecting the property. In re Ray Dozier, 2:19-bk-14480-WB (the "Dozier Case"). In the Dozier Case, the debtor similarly filed a skeletal bankruptcy listing this property as his address. Movant Palmer/Boston St. Properties II filed a relief from stay motion in that case, but it was dismissed before relief could be granted. The instant case was dismissed with a 180-day bar to refile on June 6, 2019 due to the apparent bad faith nature of this filing.

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 (order binding and effective in any bankruptcy case for a period of 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
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Barry Jenkins

Chapter 13

Debtor(s):

Barry Jenkins

Pro Se

Movant(s):

Palmer/Boston St. Properties II, A

Represented By
Joseph Cruz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11251 Glenn Alan Badgett

Chapter 13

#14.00 Amended Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 23

Tentative Ruling:

On May 20, 2019, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 17-10051-VK, was filed on January 07, 2017 and dismissed on March 12, 2019 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 his income decreased. Debtor is an independent contractor who works on a commission basis. As a result of a lateral company move, the debtor's income suffered. In the previous dismissed case, Debtor asserts that he previously paid \$52,457 into the confirmed Chapter 13 Plan. Debtor states he has a higher income and intends to remain post-petition current with Plan payments in the instant case.

Service proper on regular notice. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Glenn Alan Badgett

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11272 Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

#14.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

Docket 12

Tentative Ruling:

On May 21 2019, Debtors filed this Chapter 13 case. Debtors have 1 previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 17-12056-VK, was filed on August 02, 2017 and dismissed on May 13, 2019 for failure to make plan payments.

Debtors now move for an order continuing the automatic stay as to all creditors. Debtors asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtors contend the previous case was dismissed because they did not have sufficient income to make the monthly Chapter 13 plan payments due to health issues and financial hardship. Debtors asserts that they now has sufficient income to make all post-petition mortgage payments and plan payments.

Creditor Deutsche Bank National Trust Company, et al. opposes the motion, asserting the Debtor in the instant case has filed in bad faith in attempt to forestall foreclosure because the Debtors were unable to pay the Chapter 13 Plan in the last two bankruptcy filings. Creditor contends that the plan is unlikely to be successful as arrears have increased and Debtors' net disposable income has decreased.

The Court may extend the automatic stay beyond the 30th day where there has been a case pending within the year prior to filing if the Debtor demonstrates that the filing of the case "is in good faith as to the creditors to be stayed." 11 U.S.C. § 362(c)(3)(B). For purposes of a motion to continue the automatic stay under § 352(c)(3)(B), a case is presumptively not filed in good faith if the previous case was dismissed after the debtor failed to "perform the terms of a plan confirmed by the court." 11 U.S.C. § 362(c)(3)(C)(i)(II)(cc). Here, the presumption arises because debtor failed to perform under the terms of the plan in the previous case. Debtors have the burden to rebut the presumption of bad faith by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C).

**United States Bankruptcy Court
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10:00 AM

CONT... Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

Debtors have failed to demonstrate good faith by clear and convincing evidence. The motion states, without any explanation, that "Debtors had a financial difficulty" that led to the default under the previous plan. Similarly, the motion states "Debtor had a change in his financial circumstances," without any explanation or details about that change. Nor does the declaration of Nellie Pasag provide any further clarification as to Debtors' changed circumstances other than "I was delinquent with plan payments in my prior case due to a financial hardship.

Debtors have not produced clear and convincing evidence of good faith in filing this case. Such a showing would require, at minimum, a full description of the "financial hardship" that led to the default under the plan in the previous case. If Debtors have the ability to produce further evidence as to why the automatic stay should be extended, they should inform the Court at the hearing and request a continuance of this motion. Debtors may testify at the end of the calendar if there is further information that should be considered.

APPEARANCE REQUIRED.

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
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:14-14219 Carmine Antonello

Chapter 13

#15.00 Opposition to declaraton re: Default under
adequate protecton order; request for entry
of order granting relief from stay

U.S. BANK TRUST N.A.

fr. 5/1/19; 5/22/19

Docket 95

***** VACATED *** REASON: Creditor's Decl. of Default was withdrawn
5/28/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmine 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
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Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

- #16.00** Status Conference re: Complaint for
(1) Declaratory Relief that Post-Petition Part
of Malpractice Claim is not Barred by
Sale Order Based on Lack of Subject
Matter Jurisdiction;
(2) Declaratory Relief that the Sale
Order Only Transferred the Estate's
Interest, Not the Debtor's Interest in
Malpractice Claim;
(3) Declaratory Relief and Relief Pursuant
to Rule 60(b) that the Sale Order Does not
Preclude the Malpractice Claim because
Malpractice Claims are Not Assignable in
Bankruptcy Proceedings

Docket 1

***** VACATED *** REASON: Second amended complaint filed new hrg.
date 7/31/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Vadim A Lipel

Chapter 7

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:16-11814 Paul Allen Smith

Chapter 7

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

#17.00 Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17, 6/13/18, 12/19/18
5/22/19

Docket 1

Tentative Ruling:

At the May 22 hearing, the parties indicating that they would be stipulating to nondischargeability and that they would be submitting a judgment order. Nothing has been filed in this case since then. Why has no progress been made since the last hearing?

APPEARANCE REQUIRED

5/22/19 Tentative

At the 12/19/18 hearing, Mr. Brownstein indicated that the case had been settled. The Joint status report also indicates that a stipulated judgment was reached and that a copy of that judgment would be attached, but no document was attached. What date was that judgment entered?

The JSR indicates that Debtor/Defendant may enter into a stipulated nondischargeable judgment, resolving this action. What is the status of those discussions, and how long will it take for the parties to enter into that agreement?

APPEARANCE REQUIRED

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?

**United States Bankruptcy Court
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Paul Allen Smith
APPEARANCE REQUIRED

Chapter 7

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
William Harold Brownstein

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#18.00 Status conference re: complaint to determine dischargeability

fr. 1/23/19, 3/13/19, 4/17/19

Docket 1

***** VACATED *** REASON: Cont'd to 8/21/19 @ 10:00 per order #20. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

United States Department of

Pro Se

United States Department of

Pro Se

Defense Finance and Accounting

Pro Se

Plaintiff(s):

Len Teo Flores

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-11965 Ian Jacoby

Chapter 7

Adv#: 1:19-01006 Ventura County Credit Union v. Jacoby

#19.00 Status Conference re: Complaint objecting to
discharge of debt under 11 u.s.c. section 523(2)
and (a)(6)

fr. 4/3/19

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed): September 30, 2019

Expert witness designation deadline (if necessary):per FRCP

Case dispositive motion filing deadline (MSJ; 12(c)): to be heard at pretrial

Pretrial conference: 10/23/19 at 10 am

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

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Pro Se

Plaintiff(s):

Ventura County Credit Union

Represented By

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

CONT... Ian Jacoby

Stephen M Sanders

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:18-12070 Bagrat Ogannes

Chapter 11

Adv#: 1:18-01118 Kavoukjian et al v. Ogannes

#20.00 Status Conference re: Complaint for: Nondischargeability of debt pursuant to 11 u.s.c. 523(A)(2); 523 (A)(6) and 523(A)(19)

fr. 1/16/19

Docket 1

***** VACATED *** REASON: Dismissal filed by Plaintiff's atty on 4/26/19
Doc. #9. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bagrat Ogannes

Represented By
Crystle Jane Lindsey

Defendant(s):

Bagrat Ogannes

Pro Se

Plaintiff(s):

Armen Kavoukjian

Represented By
Stella A Havkin

Greeneden, LLC

Represented By
Stella A Havkin

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-11186 Keyhan Mohanna

Chapter 7

#20.01 Duke Partners II, LLC's Notice of Motion and Motion to Dismiss the Debtor's Chapter 7 Bankruptcy Case, With Prejudice, to Bar the Debtor from Re-Filing for Bankruptcy for 180 Days, and Request for In Rem and Prospective Relief.

Docket 12

***** VACATED *** REASON: Cont'd per Court order to 6/13/19 at 11:00 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keyhan Mohanna

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 Benzeen Inc. a California corporation v. JP Morgan Chase Bank, National

#21.00 Plaintiff's Motion for Remand.

Docket 19

Tentative Ruling:

This matter will be continued to June 13, 2019 at 10:00 a.m. to be heard with the other matters in this case. However, all matters (Motions to Dismiss and Motion for Remand) are likely to be continued to a later date in light of the dismissal of the appeal in the lead case.

NO APPEARANCE REQUIRED ON JUNE 12

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

JP Morgan Chase Bank, National

Represented By
Mary H Haas

McCarthy & Holthus, LLP

Represented By
Matthew B Learned

Movant(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

Plaintiff(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

Adv#: 1:19-01053 Muradyan v. KB HOLDINGS & INVESTMENTS, LLC

#22.00 Motion for a Temporary Restraining Order
and Order to Show Cause Re Preliminary
Injunction

Docket 4

Tentative Ruling:

This will be GRANTED as the confirmed plan controls. See my earlier ruling in In re Hileman, 451 B.R. 522, 523 (Bankr. C.D. Cal. June 13, 2011) (Confirmed plan paying mortgage arrearage and maintaining direct payment of ongoing monthly obligation was binding on creditor notwithstanding preconfirmation termination of stay under § 362(c)(3)(A). While confirmed plan did not "explicitly address the expiration of the automatic stay pre-confirmation," it did provide for payment of secured claims. OneWest Bank ceased accepting mortgage payments postconfirmation and proceeded with foreclosure. Debtor filed emergency motion for injunctive relief. "The automatic stay does not spring back into effect just because a plan was confirmed, but . . . [§] 1327(a) provides that the provisions of a confirmed plan bind the debtor and each creditor, whether or not such creditor has objected to, has accepted, or has rejected the plan.").

APPEARANCES REQUIRED

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Defendant(s):

KB HOLDINGS &

Pro Se

Plaintiff(s):

Gayane Muradyan

Represented By
Vahe Khojayan

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

Wednesday, June 12, 2019

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10:00 AM

CONT... Gayane Muradyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

#23.00 Motion for relief from stay

KB HOLDINGS & INVESTMENTS, LLC

fr. 5/15/19

Docket 33

Tentative Ruling:

Petition Date: January 8, 2019

Chapter: 13

Service: Improper. Opposition filed.

Previous filings: 18-12638-MB (dismissed 10/28/18)

Section 362(c)(3)(A) provides that when a debtor had another bankruptcy case pending within the previous year, the automatic stay under § 362(a) terminates on the 30th day after the current case was filed. A debtor may bring a motion under to continue the automatic stay, but only "after notice and a hearing completed before the expiration of the 30-day period" and only if the current case was filed in good faith with respect to the creditors to be stayed. 11 U.S.C. § 362(c)(3)(B).

This case was filed on January 8, 2019. Debtor had a previous case pending within the previous year. No motion to continue the automatic stay was brought within 30 days of filing, and the stay therefore terminated under § 362(c)(3)(A). A chapter 13 plan was confirmed on April 9, 2019.

Debtor raises several arguments in their defense. Debtor correctly argues that the proof of service does not indicate that they were not served with the motion as required by LBR 4001-1(c)(1)(C)(i). Debtor also correctly argues that the motion is not supported by competent evidence under LBR 4001-1(e)(1), as the declaration in support of the motion makes no mention of the Debtor's prior bankruptcy case. However, both of these technical arguments are ultimately unconvincing. Debtor's detailed response undermines any due process argument that might be raised from a failure to properly serve this motion upon the Debtor, especially in light of the stipulation to continue this matter entered into by Movant and Debtor. Furthermore, the Court can take judicial notice of Debtor's prior bankruptcy, which is referenced on the docket of this case by the Court's docket entry entitled "Notice of Debtor's Prior

**United States Bankruptcy Court
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CONT... **Gayane Muradyan**

Chapter 13

Filings." The Court will address this motion on its merits.

As detailed above, there is no automatic stay in effect due to § 362(c)(3)(A). Debtor filed a motion to impose the automatic stay in response to this motion, but that motion to impose must be denied under § 362(c)(3)(B) because such a motion required "notice and a hearing completed before the expiration of the 30-day period" beginning when the case was filed. This case was filed five months ago, so it falls outside of the 30 day window allowed to bring a motion to impose.

Debtor also argues that § 362(c)(3) only terminates the automatic stay "with respect to the debtor," and that a majority of cases hold that the stay remains in place with respect to property of the estate. In re Rinard, 451 B.R. 12, 17 (Bankr. C.D. Cal. 2011); In re Alvarez, 432 B.R. 839 (Bankr. S.D. Cal. 2010); In re Holcomb, 380 B.R. 813 (B.A.P. 10th Cir. 2008); In re Jumpp, 356 B.R. 789 (B.A.P. 1st Cir. 2006), abrogated by In re Smith, 910 F.3d 576 (1st Cir. 2018).

This Court, however, is bound by authority in the Ninth Circuit taking the minority position on this issue. In re Reswick, 446 B.R. 362, 368 (B.A.P. 9th Cir. 2011)(When a debtor commences a second bankruptcy case within a year of the earlier case's dismissal, the automatic stay terminates in its entirety, that is, as to the debtor, the debtor's property, and property of the estate, on the 30th day after the second petition date; the stay does not terminate only with respect to the debtor and the debtor's property). However, even assuming the Court were to agree with the split-stay theory, Debtor ignores the fact that confirmation of a chapter 13 plan vests all property of the estate back to the debtor, except as otherwise provided in the plan or plan confirmation order. 11 U.S.C. § 1327(b). There is on-point case law on this matter:

The court has interpreted 11 U.S.C. § 362(c)(3)(A) as drawing a distinction between actions against the debtor or property of the debtor, on the one hand, and actions against property of the estate, on the other. . . . This interpretation of § 362(c)(3)(A), however, does not help the Debtor in this case because, under the Plan, the Car is no longer property of the estate and therefore no longer protected by the automatic stay. See 11 U.S.C. § 362(c)(1) Because the Debtor did not timely move to extend the automatic stay in accordance with 11 U.S.C. § 362(c)(3)(B), the stay terminated with respect to the Debtor and property of the Debtor. . . . [A]t confirmation, in accordance with the vesting language of the Plan and 11 U.S.C. § 1327, the Car again became property of the Debtor, and lost the protection of the automatic stay under 11 U.S.C. § 362(c)(1)."

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CONT... Gayane Muradyan

Chapter 13

In re Robinson, 427 B.R. 412, 414 (Bankr. W.D. Mich. Apr. 16, 2010). The chapter 7 cases cited by Debtor, including Rinard, are factually and legally distinct because the estate does not re-vest in the debtor in a chapter 7. While the Alvarez and Holcomb cases were in fact a chapter 13, they did not involve a confirmed chapter 13 plan, so the property of the estate had not been re-vested in the debtor.

The Court also notes that while the 1st Circuit BAP in Jumpp adopted the split-stay theory, the First Circuit Court of Appeals recently abrogated that decision explicitly in In re Smith, 910 F.3d 576 (1st Cir. 2018)(holding that thirty days after order for relief in successive bankruptcy case filed by repeat filer within one year of entry of order dismissing a prior case, automatic stay terminates in its entirety, not only as to debtor and property of the debtor, but as to property of the estate, assuming that the stay has not been extended; abrogating In re Witkowski, 523 B.R. 291 (B.A.P. 1st Cir. 2014) and In re Jumpp, 356 B.R. 789.).

Debtor's attorney omitted the on-point binding authority of In re Reswick and misrepresented the status of the law in other circuits by failing to mention that In re Jumpp had been abrogated.

Debtor lastly argues that this motion is an impermissible collateral attack against Debtor's confirmed chapter 13 plan. This final argument is well founded, but need not be resolved in connection with this motion to confirm the non-existence of the automatic stay. The non-existence of a stay in this case does not necessarily mean that Movant may move forward with foreclosure. Debtor has also filed an adversary action and is currently seeking a temporary restraining order in that action to prevent the foreclosure of Debtor's home, on the theory that the terms of the confirmed plan preclude foreclosure even if there is no automatic stay in effect.

The Motion for and Order Confirming Termination of Stay is granted as detailed above. Debtor's motion to impose is denied as the Court lacks authority to impose or continue the automatic stay under § 362(c)(3)(B) outside of the first 30 days after the order for relief.

TO BE CLEAR, The fact that there is no stay does not mean that foreclosure can proceed because the confirmed plan still controls. In order to move forward with any foreclosure, the movant would first need to bring a motion to confirm a lack of compliance with the Chapter 13 plan, i.e., that the post-confirmation or plan payments were not being made.

APPEARANCE REQUIRED

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 12, 2019

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10:00 AM

CONT... Gayane Muradyan

Chapter 13

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

#24.00 Motion In Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

fr. 5/15/19

Docket 38

Tentative Ruling:

See Calender Number 23

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, June 12, 2019

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10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

#25.00 Emergency Motion for a Temporary Restraining Order and Order to Show Cause re Preliminary Injunction Pursuant to Rule 7065, Restraining KB Holdings & Investments, LLC from Conducting Foreclosure Sale of Property Located at 11446 Terra Vista Way, Sylmar, CA

fr. 5/15/19

Docket 43

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:17-12517 Fary Talei

Chapter 7

#26.00 Trustee's Final Report and Applications for
Compensation and Deadline to Objection

Docket 93

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):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:14-12002 Freedom Films, LLC

Chapter 11

#27.00 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,
11/14/18; 4/10/19

Docket 1

Tentative Ruling:

On May 31, Debtor filed a motion for final decree and order closing this bankruptcy case. That motion is set on negative notice, and cannot be granted until June 14, at the earliest. This hearing will therefore be continued to July 17, with the expectation that this matter will come off calendar.

NO APPEARANCE REQUIRED ON JUNE 12

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
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Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

10:00 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#28.00 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, 11/14/18, 1/23/19; 2/7/19; 3/13/19; 4/10/19

Docket 1

***** VACATED *** REASON: Order granting Motion for Final Decree
Entered 4/24/19 -CT**

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
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Wednesday, June 12, 2019

Hearing Room 302

11:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#29.00 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, 11/14/18; 1/23/19, 6/12/19

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 7/16/19 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

1:00 PM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#30.00 Motion For Summary Judgment

Docket 20

Tentative Ruling:

This motion for summary judgment (the "Motion") filed by plaintiffs Noe Del Transito Abarca ("Abarca") and Beatriz Adriana Pineda ("Pineda") (collectively, "Plaintiffs") will be denied due to a large number of deficiencies and the existence of material disputed facts. With that being said, the facts are detailed as far as possible while recognizing that some of these details, particularly those surrounding contractual terms and parties involved, are disputed by Defendants.

The Court also notes that the titling of exhibits in the Motion is confusing, as Plaintiffs use exhibits and sub-exhibits with similar titles. For example, Exhibit E is a Declaration of Pineda, and it contains as Exhibit A to the declaration a number of receipts and as Exhibit B a Business Ownership Agreement. For clarity, the Court will refer to these sub-exhibits as "Exhibit E-A," "Exhibit E-B," and so on.

Facts

This dispute arises from a sale of a restaurant business ("La Teclana") and subsequent actions taken relating to the California On-Sale Beer License ("Beer License") used by that business. Plaintiffs claim that Nelson Osmin Alvarenga ("Alvarenga") and Olga Marquez ("Marquez") (collectively, "Debtors" or "Defendants") sold La Teclana to Plaintiffs. Plaintiffs assert that they paid \$53,800 to purchase La Teclana, including the furnishings and the Beer License. Plaintiff's Statement of Uncontroverted Facts, ¶1. Defendant disputes this characterization based upon the language of a July 1, 2016 Sale Contract (the "Sale contract"). Motion, Ex. F-A.

The Sale Contract indicates that the "Property Being Sold" would be the property indicated in the attached bill of sale ("Bill of Sale"). The Bill of Sale lists various utensils, appliances, and furniture, but notably absent from the Bill of Sale is any mention of the Beer License. Additionally, the Court notes that there was no mention of any fictional business entity such as an LLC, which leads the Court to assume that this business was previously operated as a

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CONT... Nelson Osmin Alvarenga

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sole proprietorship or general partnership. It is apparent that the Sale Contract and Bill of Sale were not professionally drafted. No mention was made of any lease or ownership of the physical space the restaurant occupies.

On or around July 19, 2016, Debtors and Marquez signed a "Liability Release Form," releasing Debtors from liability in connection with the business (La Teclana), including sales of alcohol under the Beer License. Motion, Ex. F-C.

On December 6, 2016, the parties completed escrow in connection with the sale of the Beer License. Motion, Ex. F-D (the "Escrow Instructions Document"). The Escrow Instructions Document that evidences the sale indicates that the purchase price was \$1,500, and that it was the "buyer's responsibility to pay the license renewal fee" on or before April 30, 2017. Id. The parties further agreed that "the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer." Motion, Exhibit F-E. The "License Transfer Request," also signed on December 6, 2016, indicates that Debtors surrendered the Beer License so that a temporary permit could be issued to Abarca. Id.

On April 5, 2017, before the transfer of the license had been completed by the Alcoholic Beverage Control, Defendant Alvarenga voluntarily surrendered the Beer License. Ex. A-E. Plaintiffs claim that they were significantly harmed by the cancellation of the Beer License, which forms the keystone of their nondischargeability action.

Alvarenga alleges that the transfer of the Beer License was not part of the contemplated deal in connection with the July 1 Sale Contract. Opposition, Ex. 9 Alvarenga Declaration ¶ 9. Alvarenga claims that, after the Sale Contract was executed, Abarca requested that Alvarenga allow him to sell beer under Alvarenga's alcohol license pending approval of Abarca's application with the Alcoholic Beverage Control. Id. at ¶ 12. Abarca allegedly represented that he would file such application immediately. Id. Alvarenga claims that he agreed to Abarca's request as a good will gesture. Id. at ¶ 13. In November, Alvarenga states that he asked Abarca about the status of his application for his own liquor license. Id. at ¶ 14. Abarca allegedly responded that it would be easier to have Alvarenga's license transferred instead of filing a new application. Id. Alvarenga signed the escrow documents in December 2016 apparently without understanding what they were as he does not read, write, or speak English. Id. at ¶ 15.

Several months later, after hearing that Abarca was violating the terms of the Beer License

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CONT... Nelson Osmin Alvarenga

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by selling tequila and selling alcohol after 2:00 a.m., and believing that Abarca had waited an unreasonably long time to transfer the license, Alvarenga states that he cancelled the Beer License. *Id.* at 17-18. Alvarenga states that he was concerned that he would be prosecuted in connection with Abarca's alleged violations of the terms of the Beer License. *Id.* at 19.

Plaintiffs seek a nondischargeable judgment under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) against Alvarenga and Marquez in connection with the cancellation of the license before it could be fully transferred to Plaintiffs.

Standard

In order to succeed on a motion for summary judgment under Federal Rule of Civil Procedure 56, made applicable to adversary actions in bankruptcy by Federal Rule of Bankruptcy Procedure 7056, the movant 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. *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).

Analysis

The above recitation of the facts of this case should make it clear that there are disputed issues of material fact with respect to both claims for relief. Plaintiffs present a very different factual background than Alvarenga.

§ 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). The Ninth Circuit has held that a creditor's claim of nondischargeability based on Section 523(a)(2)(A) must satisfy

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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).

With respect to the first element under § 523(a)(2)(A), the motion does not clearly indicate a specific false statement. The motion argues that Debtor Alvarenga made a false statement with intent to deceive by "executing the License transfer documents and requiring that Plaintiff Abarca execute the Liability Release Form." To be blunt, this Motion cannot possibly be granted where this is the alleged false statement. The complaint is equally unclear. Without a specific statement alleged to be false, it is not clear what how the false statement element can be proven.

First, the phrase "License transfer documents" is ambiguous. It could refer to the Escrow Instructions Document. However, it could also refer to the Sale Contract because Plaintiffs have alleged that the Sales Contract was in fact a transfer of the entire business, including the beer sale license. Pineda Dec. Ex. E ¶¶ 2-6; Abarca Dec. Ex. F, ¶¶ 2-8.

Second, it is unclear exactly which statement in connection with those documents is alleged to be false. Debtors correctly argue that the parol evidence rule typically precludes evidence that would contradict or modify the terms of a written contract. If Plaintiffs want to assert that the Sale Contract includes any agreement whatsoever with respect to the Beer License, they would have to demonstrate that the contract was not fully integrated. Sussex Fin. Enterprises, Inc. v. Bayerische Hypo-Und Vereinsbank AG, 460 F. App'x 709, 711 (9th Cir. 2011). Plaintiffs have made no such showing, and therefore cannot rely on an alleged misstatement regarding the liquor license in the sale contract.

If the purported false statement was that Alvarenga entered into the December 6, 2016 agreement outlined in the Escrow Instructions Document with no intent to actually transfer the license to Plaintiffs, all of those facts are disputed by Alvarenga's declaration. Furthermore, Plaintiffs would have to show that Alvarenga knew the statement to be false and intended to defraud Plaintiffs at the time the statement was made. Such an allegation makes no intuitive sense: what incentive would Alvarenga have to claim that he would transfer the Beer License to Abarca, while secretly intending to cancel the Beer License five to nine months later?

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CONT... Nelson Osmin Alvarenga

Chapter 7

There is also no evidence to show the intent to defraud, as opposed to a misunderstanding or breach of contract. Without such evidence, the plaintiff cannot proceed, and certainly cannot be granted summary judgment.

The complaint is also silent as to Olga Marquez, and each defendant must be treated individually.

Plaintiffs have failed to show that there are no disputed issues of material fact. Plaintiffs have not met any elements of an action under § 523(a)(2)(A), as set forth in Slyman. This appears to be a simple breach of contract, at best.

§ 523(a)(6)

Section 523(a)(6) excepts from discharge any debt of the debtor "for willful or malicious injury to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). Under § 523(a)(6), Debtors' actions would need to equate with "willful and malicious" injury within the meaning of the Code. The first step of this inquiry is whether there is "willful" injury, which must entail a deliberate or intentional injury. Kawaauhau v. Geiger, 523 U.S. 57, 61-62 (1998). In the Ninth Circuit, the intent required to be considered "willful" is either the subjective intent of the actor to cause harm or the subjective knowledge of the actor that harm is substantially certain to occur. In re Su, 290 F.3d 1140, 1144-45 (9th Cir. 2002). The second step of the inquiry is whether Debtors' conduct was "malicious." The relevant test for such "malicious" conduct is: 1) a wrongful act; 2) done intentionally; 3) which necessarily causes injury; and 4) without just cause and excuse. In re Sicroff, 401 F.3d 1101, 1105-1106 (9th Cir. 2005). The Supreme Court has stated that when a wrongful act is voluntarily committed, with knowledge that the act is wrongful and will necessarily cause injury, constitutes a willful and malicious injury within the meaning of § 523(a)(6). In re Jerich, 238 F.3d 1202, 1207 (9th Cir. 2001).

The Ninth Circuit has repeatedly recognized that "a simple breach of contract is not the type of injury addressed by § 523(a)(6)" and held that "an intentional breach of contract is excepted from discharge under § 523(a)(6) only when it is accompanied by malicious and willful tortious conduct." In re Riso, 978 F.2d 1151, 1154 (9th Cir. 1992). "Where intent is at issue, summary judgment is seldom granted; however, summary judgment is appropriate if all reasonable inferences defeat the claims of one side, even where intent is at issue." In re Gertsch, 237 B.R. 160, 165 (9th Cir. BAP 1999).

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, June 12, 2019

Hearing Room 302

1:00 PM

CONT... Nelson Osmin Alvarenga

Chapter 7

Plaintiffs argue that Debtor "committed willful and malicious injury when he cancelled" the Beer License. Plaintiffs provide no analysis whatsoever. Plaintiffs have not demonstrated either willfulness or malice. On summary judgment, the evidence must be viewed in the light most favorable to the nonmoving party. In re Barboza, 545 F.3d 702, 707 (9th Cir. 2008). If Alvarenga's declaration is believed, the cancellation of the Beer License was not even "wrongful." Viewing the evidence in a light most favorable to Alvarenga, he was simply ceasing to do a favor for Abarca after learning that Abarca was putting him in legal jeopardy by violating the terms of the Beer License. The Motion is Denied as to the action under § 523(a)(6).

Conclusion

This motion was a waste of resources for all involved, including the Court. A cursory review of the factual allegations makes it clear that there remain material facts in dispute. The Court will not grant summary judgment in favor of Defendants as requested in the opposition. Defendants may file their own motion for summary judgment if they choose.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Nelson Osmin Alvarenga

Represented By
David Brian Lally

Olga Marquea

Represented By
David Brian Lally

Joint Debtor(s):

Olga Marquez

Represented By
Evangelina Malhotra

Plaintiff(s):

Noe Del Transito Abarca

Represented By
Katherine Warwick

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

Wednesday, June 12, 2019

Hearing Room 302

1:00 PM

CONT... Nelson Osmin Alvarenga

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 12, 2019

Hearing Room 302

1:00 PM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#31.00 Status Conference Re:
Complaint to Determine Dischargeability
of Debt

fr. 12/19/18, 4/1/19; 4/3/19, 5/22/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

4/3/19 Tentative

Having reviewed the SR and seeing that the parties are participating in a mediation on April 12, and that Plaintiffs already intend to calendar an MSJ for May 22 is mediation is unsuccessful, this matter will be continued to May 22 at 10:00.

NO APPEARANCE REQUIRED ON APRIL 3

Party Information

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

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

Wednesday, June 12, 2019

Hearing Room 302

1:00 PM

CONT... Nelson Osmin Alvarenga

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, June 13, 2019

Hearing Room 302

10:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#1.00 Motion to Dismiss First Amended Complaint

fr. 5/15/19; 5/22/19

Docket 5

***** VACATED *** REASON: Order cont. to 7/17/19 @11am (eg)**

Tentative Ruling:

In light of the dismissal of the appeal in the lead case, the Court will be entering an order continuing all matters in this adversary to be heard at the same time as an order to show cause re:dismissal of the lead case. No appearances will be required on June 13, 2019.

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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

Thursday, June 13, 2019

Hearing Room 302

10:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 Benzeen Inc. a California corporation v. JP Morgan Chase Bank, National

#2.00 Motion to Dismiss Adversary Proceeding

fr. 6/5/19

Docket 9

***** VACATED *** REASON: Order cont. to 7/17/19 @11am (eg)**

Tentative Ruling:

In light of the dismissal of the appeal in the lead case, the Court will be entering an order continuing all matters in this adversary to be heard at the same time as an order to show cause re:dismissal of the lead case. No appearances will be required on June 13, 2019.

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

JP Morgan Chase Bank, National

Represented By
Mary H Haas

McCarthy & Holthus, LLP

Represented By
Matthew B Learned

Plaintiff(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

**United States Bankruptcy Court
Central District of California
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Thursday, June 13, 2019

Hearing Room 302

10:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#3.00 Status Conferece re: Notice of Removal of
action under 28 U.S.C. section 1452(a) and 1334(b)

fr. 5/15/19; 5/22/19

Docket 1

***** VACATED *** REASON: Order cont. to 7/17/19 @11am (eg)**

Tentative Ruling:

In light of the dismissal of the appeal in the lead case, the Court will be entering an order continuing all matters in this adversary to be heard at the same time as an order to show cause re:dismissal of the lead case. No appearances will be required on June 13, 2019.

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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

Thursday, June 13, 2019

Hearing Room 302

11:00 AM

1:19-11186 Keyhan Mohanna

Chapter 7

#4.00 Duke Partners II, LLC's Notice of Motion and Motion to Dismiss the Debtor's Chapter 7 Bankruptcy Case, With Prejudice, to Bar the Debtor from Re-Filing for Bankruptcy for 180 Days, and Request for In Rem and Prospective Relief.

fr. 6/12/19

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keyhan Mohanna

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Friday, June 14, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#1.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18; 5/22/19

Docket 16

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama

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

Monday, June 17, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#1.00 Motion For Order Approving Debtor In Possession Construction Financing On A First Priority Basis Priming All Liens Except Real Property Taxes

fr. 4/3/19

Docket 40

Tentative Ruling:

This hearing will not go forward on June 17. The parties are to reach an agreed continued date from the list of dates provided by the Court to Debtor's counsel and submit a stipulation to continue.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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

Monday, June 17, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#2.00 Confirmation Hearing
RE: First Amended
Chapter 11 Plan

Docket 33

Tentative Ruling:

This hearing will not go forward on June 17. The parties are to reach an agreed continued date from the list of dates provided by the Court to Debtor's counsel and submit a stipulation to continue.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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

Monday, June 17, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#3.00 Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19

Docket 1

Tentative Ruling:

This hearing will not go forward on June 17. The parties are to reach an agreed continued date from the list of dates provided by the Court to Debtor's counsel and submit a stipulation to continue.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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

Tuesday, June 18, 2019

Hearing Room 302

8:30 AM

1:19-10796 Matthew Ray Holman

Chapter 7

#1.00 Reaffirmation Agreement with Daimler Trust

Docket 16

Tentative Ruling:

Petition date: 4/3/19

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 Mercedes Benz GLE 360W

Debtor's valuation of property (Sch. B): \$0 (**LEASE**)

Amount to be reaffirmed: \$26,276.70

APR: 0%

Contract terms: \$845.88 per month for 31 months

Monthly Income (Schedule I, amended): \$10,367.47

Monthly expenses: (Schedule J): \$10,554.50

Disposable income: <\$187.03>

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 has cut some of his expenses and is receiving support from his family. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until July 13, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

Party Information

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

Tuesday, June 18, 2019

Hearing Room 302

8:30 AM

CONT... Matthew Ray Holman

Chapter 7

Debtor(s):

Matthew Ray Holman

Represented By
Sanaz S Bereliani

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Tuesday, June 18, 2019

Hearing Room 302

8:30 AM

1:19-11007 Virginia Furman and Robert L. Furman

Chapter 7

**#2.00 Pro se Reaffirmation Agreement with
Toyota Motor Credit Corporation**

Docket 10

Tentative Ruling:

Petition date: 4/24/19

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 Toyota Highlander

Debtor's valuation of property (Sch. B): \$18,072

Amount to be reaffirmed: \$37,189

APR: 6.45% (fixed)

Contract terms: \$587.45 per month for 70 months

Monthly Income (Schedule I): \$9,340

Monthly expenses: (Schedule J): \$9,329.45

Disposable income: \$20.63

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. Payment listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until July 17, 2019, whichever is later.

Party Information

Debtor(s):

Virginia Furman

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, June 18, 2019

Hearing Room 302

8:30 AM

CONT... Virginia Furman and Robert L. Furman

Chapter 7

R Grace Rodriguez

Joint Debtor(s):

Robert L. Furman

Represented By

R Grace Rodriguez

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Monday, June 24, 2019

Hearing Room 302

10:30 AM

1:18-12855 PB-1, LLC

Chapter 11

#1.00 Motion For Order Approving Debtor In Possession Construction Financing On A First Priority Basis Priming All Liens Except Real Property Taxes

fr. 4/3/19; 6/17/19

Docket 40

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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

Monday, June 24, 2019

Hearing Room 302

10:30 AM

1:18-12855 PB-1, LLC

Chapter 11

#2.00 Confirmation Hearing
RE: First Amended
Chapter 11 Plan

fr. 6/17/19

Docket 33

Tentative Ruling:

I. Background

PB-1, LLC ("Debtor in Possession" or "Debtor") moves the Court for an order approving construction financing secured by a first position priming lien on Debtor's sole asset, the real property located at 11258 Laurie Drive, Studio City, CA ("Property"). That motion is being heard concurrently with the confirmation hearing on Debtor's proposed chapter 11 plan.

In early 2017, Debtor obtained a building permit to build a luxury home on the Property, which it intends to then resell for a profit. The construction on the property was financed by parties that the court will refer to as the "Construction Lenders" (though the motion generally refers to "Calpac," the party who brokered the loans) with a \$2,000,000 loan secured by a first position deed of trust and a \$450,000 loan secured by a second position deed of trust. Debtor's principals, Adam Goldman ("Goldman") and Brian Peters ("Peters"), are personally liable as guarantors on the two loans to Construction Lenders. Work began on the property around June 2017 and was estimated to take six to eight months, but by early 2018 only about 25% of the work had been completed. Following a dispute with the Construction Lenders, Debtor was unable to make further draws on the construction loan and the Construction Lenders moved to foreclose on the property. Debtor and the Construction Lenders disagree about the details of that dispute and which party was in the wrong--significant portions of their declarations in support of and in opposition to this motion are dedicated to explaining their side of the story. Debtor filed this case on November 27, 2018.

The property is encumbered by the following liens:

1. \$3,847.01 (Tax lien)

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CONT... PB-1, LLC

Chapter 11

2. \$1,541,000 (Construction Lenders 1st DoT)
 3. \$557,320.12 (Construction Lenders 2nd DoT)
 4. \$261,081.78 (Perfected mechanic's lien, Leon Krous Drilling)
 5. \$ 73,197 (Perfected mechanic's lien, Dakota Drilling & Concrete)
- TOTAL: \$ 2,436,446

DIP Financing Statement, Doc. 41. The total above omits three "unperfected mechanics liens," whose secured status Debtor disputes, in the total amount of \$76,947. Id.

Debtor estimates that the property will sell for between \$4,200,000 and \$5,000,000 when completed. The First Amended Plan indicates that the current value of the property is \$2,000,000, though the declaration of one of Debtor's principals Adam Goldberg states that it is virtually impossible to determine the current value of the property without marketing it. Goldberg Dec., Doc. 77 at ¶ 17. Construction Lenders dispute this valuation. The proper valuation of the Property, and whether to use the current value or the completed project value, are core disputed issues, and will be discussed further below.

II. Confirmation

The court will only confirm a plan if it satisfies the requirements identified in §1129(a)(1)-(16), unless §1129(b)(1) applies. The issues in this confirmation are the requirements of §§ 1123(a)(5) (adequate means of implementation), 1123(a)(11) (feasibility) and 1129(b) (cramdown over the objection of creditor).

11 U.S.C. §§ 1123(a)(5) and 1129(a)(11)

The court may only confirm a plan if it is feasible, meaning that confirmation 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." Acequia, Inc., v. Clinton, (In re Acequia, Inc.), 787 F.2d 1352, 1364 (9th Cir. 1986).

Closely related in this case is the requirement that the plan provide "adequate means for the plan's implementation" 11 U.S.C. §1123(a)(5). Whether the plan provides for adequate means and is feasible depends upon whether the Court approves the financing motion, discussed below.

11 U.S.C. §1129(b)

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CONT... PB-1, LLC

Chapter 11

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).

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 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). Additionally, the Plan must provide "for the realization by [secured claim] holders of the indubitable equivalent of such claims." § 1129(b)(2)(A)(iii).

Construction Lenders argue that the Plan is not fair and equitable because some junior classes are given the option to accept immediate payout of 50% of their claims before plan completion. Construction Lenders are concerned that this will allow those classes to "cash out" if it looks like the plan is failing. This concern is overstated. If the plan is already failing, it is unlikely that those classes will, in fact, receive their 50%. This provision does not discriminate unfairly and is fair and equitable with respect to each class.

With respect to the appropriate cramdown interest rate, the Court will not approve this plan with anything lower than the contract, non-default rate of interest being paid to the Construction Lenders on account of both loans. Not only are the proposed 4% and 6% interest rates insufficient for confirmation purposes under the present value "prime plus" standard of *Till v. SCS Credit Corp.*, 541 U.S. 465 (2003) and the market rate standard (as the evidence generally shows that a 10%-15% rate is common for this type of loan), but the proposed cramdown interest rates result in a significant and unjustifiable diminution of the value of Construction Lenders' interest in the Property for purposes of adequate protection under § 364(d)(1)(B).

Executory Contracts Under § 365

Construction Lenders further argue that Debtor has not satisfied the requirements of assuming its executory contracts--particularly, the insider, Petersberg Construction, Inc. Construction Lenders argue that debtor provides minimal information relating to the

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CONT... PB-1, LLC

Chapter 11

executory contracts, and has not demonstrated that the assumption of the contracts is in exercise of sound business judgment. In order to assume an executory contract, trustee (here, the Debtor) must:

- A) cure, or provides adequate assurance that the trustee will promptly cure, such default;
- B) compensate, or provide adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and
- C) provide adequate assurance of future performance under such contract or lease.

11 U.S.C. 362(b)(1). Is Debtor intending to cure the defaulted executory contract(s)?

III. The Financing Motion

The confirmation and financing motions hinge chiefly on whether the proposed financing is allowed secured by a first position lien against the Property (the "Motion"). Debtor has obtained an offer for financing from Agoura Hills Financial ("Agoura") for \$700,000 at 10% interest. This request is governed by section 364(d).

(d)(1) The court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property of the estate that is subject to a lien only if--

- (A)** the trustee is unable to obtain such credit otherwise; and
- (B)** there is adequate protection of the interest of the holder of the lien on the property of the estate on which such senior or equal lien is proposed to be granted.

(2) In any hearing under this subsection, the trustee has the burden of proof on the issue of adequate protection.

11 U.S.C.A. § 364(d). Construction Lenders filed an objection to the Motion, arguing that Debtor has not satisfied its burden with respect to either of the two requirements of section 364(d)(1)(A) and (B). This matter was initially heard on April 3 along with Debtor's Disclosure Statement. The Court approved the disclosure statement and continued this motion to be heard along with a confirmation hearing because the issues presented by this Motion are closely tied to the feasibility of the First Amended Plan.

A. Availability of other Financing

Construction Lenders argue that Debtor has failed to meet its burden of showing that it "is unable to obtain such credit otherwise" under section 364(d)(1)(A). Construction Lenders

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CONT... PB-1, LLC

Chapter 11

argue that while "there is no duty to seek credit from every possible lender, but debtor must make an effort to establish that debtor is unable to obtain credit otherwise." In re Reading Tube Indus., 72 B.R. 329, 332 (Bankr. E.D. Pa. 1987). The court in Reading Tube denied the debtor's motion under section 364(d) where debtor did not demonstrate that it "approached even one institution to request financing." Id.; see also In re Sky Valley, Inc., 100 B.R. 107 (Bankr. N.D. Ga. 1988), aff'd sub nom. Anchor Sav. Bank FSB v. Sky Valley, Inc., 99 B.R. 117 (N.D. Ga. 1989)("Debtor satisfied burden of showing that it could not obtain credit other than by granting a superpriority lien, though debtor approached a total of only four lenders.").

Debtor's motion itself does not detail any attempts to approach other lenders to obtain financing. In a declaration in support of Debtor's reply, Goldberg states that he has sought financing from other lenders since Calpac stopped lending funds. Goldberg states that he "contacted over 100 lenders including but not limited to Rodeo Capital, CalCap, Triumph Capital, Heartland, Steirs Lending, Arixa, [and] Aztec Financial." Construction lenders point to the lack of documented evidence as to these attempts to obtain financing. The Court shared this concern with Construction Lenders.

However, Debtor has now produced emails from four separate lenders dating from May to September 2018. Goldberg Supp. Dec., Doc. 90, Ex. 7. The Court first notes that the emails are especially credible because each lender candidly expresses its concerns about the risks associated with Debtor's project. One lender stated "this project is a bit too speculative for us as there are no comps in the area." Another lender echoed the lack of comparable sales and expressed further concerns about the buyer pool for this home, especially in light of increasing interest rates. Another expressed uncertainty that the "value will come in a 5 mil." One lender declined, but stated that it was open to lending if the loan could be cross-collateralized with another piece of property. The emails are not wholly skeptical of the success of the project, but reinforce the risks that have already been articulated by Construction Lenders. Goldberg states that the majority of rejections were made to him by telephone.

Goldberg and Peters are, as mentioned previously, personally liable on the loans to the Construction Lenders, but on an unsecured basis. They are contributing \$250,000 in new value to the Debtor under the Plan. They have indicated that they have significant assets that can be used to ensure that the Construction Lenders are adequately protected, which is discussed further below. However, Construction Lenders argue that, if Goldberg and Peters have sufficient assets to fund the plan, that Debtor has access to another source of

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CONT... PB-1, LLC

Chapter 11

financing and therefore has not satisfied its burden under § 364(d)(1)(A). Opposition, Doc. 83, 5:5-13. This argument is unconvincing. Construction Lenders are correct that § 364(d)(1)(A) requires a showing that Debtor in possession was unable to secure financing on any other basis, such as under § 364(c) in the form of unsecured credit, credit secured by an unencumbered asset, or credit secured by a junior lien. See In re Stanton, 248 B.R. 823, 829 (B.A.P. 9th Cir. 2000), *aff'd*, 285 F.3d 888 (9th Cir. 2002), opinion amended and superseded on denial of reh'g, 303 F.3d 939 (9th Cir. 2002), and *aff'd*, 303 F.3d 939 (9th Cir. 2002) ("If the trustee is unable to obtain credit under [§ 364(c)(1)-(3)], then § 364(d) allows the trustee to obtain credit or incur debt secured by a senior or equal lien on property of the estate that is subject to a lien. . ."). However, Debtor's principals are not the Debtor; they are not required to encumber property that they own personally in order to obtain DIP financing for the Debtor. Such a standard would make § 364(d)(1) unavailable to any Debtor whose principals own enough assets to provide collateral for post-petition financing. While § 364(d)(1) is demanding, Construction Lenders have not provided any authority that such a showing is required.

Goldberg indicates that Construction Lenders are correct that, "provided enough time, the principals could fund the completion of the Project," but that such a delay would create additional risks regarding the price of real estate. Goldberg Dec., Doc. 90, 2:22-28. In other words, the delay caused by Construction Lenders' proposed alternative source of credit would affect the feasibility of the chapter 11 plan. Goldberg and Peters collectively are, essentially, another example of a prospective DIP lender which was unwilling or unable to finance this construction.

As the Property is Debtor's only asset, obtaining credit under § 364(c)(2) was not possible. The Court is satisfied by the emails produced by Goldberg that Debtor was unable to obtain financing under § 364(c)(3). However, the Court does not see any evidence that Debtor would be unable to obtain financing as an administrative priority under § 364(b) and § 503(b)(1) or as an administrative "super-priority" under § 364(c)(1). Debtor should come prepared to discuss whether the Court is able to make the required finding under § 364(d)(1)(A) where the Debtor has not provided any evidence of its ability to obtain financing in exchange for priority or super-priority claims in the bankruptcy. Furthermore, Debtor should be prepared to discuss whether it is relevant that all of the attempts to obtain financing that Mr. Goldberg refers to occurred pre-petition.

A. Adequate Protection

The second requirement of § 364(d) is the primed senior lienholders are adequately

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protected. The Bankruptcy Code defines "Adequate Protection" to include 1) cash payments, 2) a replacement lien, or 3) other relief that will result in receiving the indubitable equivalent of any decrease in in the value of an entity's interest in such property. 11 U.S.C. § 361. Because Debtor's plan does not propose additional cash payments or a replacement lien to protect Construction Lenders' interest, it must satisfy that "catch-all" by showing that the protection offered will result in the "indubitable equivalent" of any decrease in the value of Construction Lenders' lien. Lastly, the Court notes that Debtor is attempting two prime two of Construction Lenders' liens. It is possible that Debtor could make a sufficient showing of adequate protection with respect to the second position lien, but not the first position.

i. Appropriate Interest Rate

As described above, the Court will not approve this plan with anything lower than the contract, non-default rate of interest being paid to the Construction Lenders on account of both loans. Not only are the proposed 4% and 6% interest rates insufficient for confirmation purposes under the "prime plus" standard of Till v. SCS Credit Corp., 541 U.S. 465 (2003) and the market rate standard (as the evidence generally shows that a 10%-15% rate is common for this type of loan), but the proposed cramdown interest rates result in a significant and unjustifiable diminution of the value of Construction Lenders' interest in the Property for purposes of adequate protection.

ii. Valuation

Debtor argues that Construction Lenders' interest is adequately protected within the meaning of § 364(d)(1)(B) "by the significant equity cushion" and that completion of the construction project will substantially increase the value of the collateral. "Although the existence of an equity cushion as a method of adequate protection is not specifically mentioned in § 361, it is the classic form of protection for a secured debt. . . ." In re Mellor, 734 F.2d 1396, 1400 (9th Cir. 1984). Construction Lenders argue that Debtor has failed meet its burden of demonstrating that existing lienholders are adequately protected.

Foremost, there is no evidence that there is currently any equity cushion in the property. Debtor seeks to use the \$4.2 million alleged completed value of the project as the value for purposes of calculating equity cushion. This argument has been rejected before. In re Chevy Devco, 78 B.R. 585, 587 (C.D. 1987). The Court declines Debtor's invitation to stretch the meaning of this familiar phrase. The only evidence that has been produced to the Court of the current value of the property is \$2,190,000 by an appraiser for the

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Construction Lenders. Tiv Declaration, Doc. 88 2:18. The first amended plan values the collateral at just \$2 million. The undisputed current liens on the property total at least \$2,436,446. DIP Financing Statement, Doc. 41. Therefore, there is no equity or equity cushion in the property.

However, as discussed in cases cited by Debtor, the future value of a construction project *may* constitute adequate protection under § 364(d), even if it is not properly described as an "equity cushion." Debtor cites Sky Valley for the proposition that "an increase in the value of collateral generated by the improvements resulting from the superpriority financing could constitute adequate protection." 100 B.R. at 114 (quoting In re First S. Sav. Ass'n, 820 F.2d 700, 711 (5th Cir. 1987)). However, in Sky Valley, the value of the property was established without the addition of proposed improvements, and the court indicated that "no danger exists that [the primed lienholder's] loan will become undersecured to any degree." 100 B.R. at 114. In First South Savings, the bankruptcy court found that there was no equity in the property currently, 820 F.2d 700 at FN 12, but used the value of the improvements as proof of adequate protection under section 364(d)(1)(B). The Fifth Circuit reversed the determination of the bankruptcy court, though on an evidentiary issue. It is unclear whether the Fifth Circuit believed, as the Sky Valley court states, that improvements from superpriority financing could provide the basis for a finding of adequate protection. Regardless, any such finding would also have to take into account the current value of the property, the risk that the improvements would not be completed, and the possibility of future drop in the market. See In re Tempe Land Co., LLC, No. 2:08-BK-17587JMM, 2009 WL 1211622, at *2 (Bankr. D. Ariz. May 1, 2009)(predictions of future success of unfinished construction project were uncertain and insufficient to provide adequate protection).

One case cited by Debtor warns against solely focusing on an equity cushion, and states that the court should take a "holistic approach" to determining adequate protection under section 364(d)(1)(B), with particular focus on the value of the collateral, the likelihood of appreciation or depreciation over time, and the prospects for successful reorganization. In re Aqua Assocs., 123 B.R. 192, 197 (Bankr. E.D. Pa. 1991). "We believe that such a "holistic approach" is particularly pertinent to consideration of a § 364(d) motion, where the potential of the advance of credit to allow the formulation of a successful plan and thereby benefit the debtor's estate, and the interests of all of its creditors, including secured creditors which it attempts to prime, is at issue." Id.

While the completed value of the project may be relevant to the holistic determination of adequate protection, it is inadequate on its own.

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iv. Guaranty of Principals

A guaranty, even unsecured guaranty, can be relevant to a determination that a prime lienholder is adequately protected. Far more compelling would be if Goldberg and Peters were willing to offer the Construction Lenders a security interest in property they own individually, thereby improving the Construction Lenders' position relative to their pre-bankruptcy position. See In re Swedeland Dev. Grp., Inc., 16 F.3d 552 (3d Cir. 1994)(Among ways that debtor may demonstrate existence of adequate protection for prepetition lienholder so as to permit superpriority postpetition financing is by supplying lienholder with new third-party guaranty or with substitute collateral; however, third-party guaranty will not be sufficient in all cases, since sufficiency of guaranty will depend, inter alia, on financial strength of guarantor); In re Carolina Utilities Supple Company, Inc., 118 B.R. 412 (Bankr. D.S.C. I 990)(finding that a guarantor's financial condition is irrelevant because an unsecured guaranty affords little or no protection to the bank as it "would hardly be the "indubitable equivalent" of the collateral).

A few cases have held that an unsecured guaranty can constitute as adequate protection, as long as it receives some other backing from a reputable guarantor. See Pennsylvania State Employee's Retirement Fund v. Roane, 14 B.R. 524, 546-47, (E.D. Pa. 1981)(a federal mortgage guarantee may constitute "adequate protection" because the federal government will reimburse the mortgage for the outstanding unpaid mortgage, principal, accrued interest and two-thirds of the foreclosure costs); See also In re Di Bona, 9 B.R. 21, (Bankr. E.D. Pa. 1981)(the federal mortgage is guaranteed by the United States through the Veteran's Administration, promising that any loss suffered by the lender will be reimbursed up to 60% of the mortgage). "When evaluating whether a third party guaranty is a suitable form of adequate protection, courts have focused on the strength of the guaranty." People's United Bank v. Lombardo Ravioli Kitchen, Inc., 2009 Bankr. LEXIS 550 (Bankr. D. Conn. 2009); In re Kenny Kar Leasing, Inc., 5 B.R. 304 (Bankr. C.D. Cal. 1980).

The Court is not currently convinced that the unsecured guaranties of Goldberg and Peters constitute the indubitable equivalent of Construction Lenders' interest in the Property. Testimony may be necessary to ascertain the financial strength of the principals.

Party Information

Debtor(s):

PB-1, LLC

Represented By

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1:18-12855 PB-1, LLC

Chapter 11

#3.00 Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#60.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 109

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pella Parker

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#61.00 Debtor's Motion for Determination of Final Cure and Payment of all Post-Petition Mortgage Payments.

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Federal Rule of Bankruptcy Procedure 3002.1(h) provides that "On motion of the debtor or trustee filed within 21 days after service of the statement under subdivision (g) of this rule, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts."

The Court determines that, as admitted by Debtor, he has not paid all required postpetition amounts. The issues with Ocwen/HSBC will have to be dealt with separately.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Movant(s):

Frank J. Merwald

Represented By
Elena Steers
Elena Steers
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#62.00 Motion for Determination of Final Cure and Mortgage Payment
re: Rule 3002.1 re HSBC Bank USA, NA

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

HSBC did not file an opposition. HSBC's proof of claim states that Notices should be sent to Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, PO Box 24605, West Palm Beach, FL 33416. The proof of service attached to the notice of motion (Doc 129) does not include service on Ocwen. This matter will be continued to allow time for Debtor to properly serve HSBC.

Ocwen, when it appears, can also file a declaration explaining what happened with respect to the Notice of Mortgage Payment Change filed May 10, 2017 that resulted in a sudden doubling of Debtor's required mortgage payments.

Further, when this plan became infeasible after the sudden and dramatic increase in Mortgage payments, why didn't Debtor's counsel bring a motion to modify the chapter 13 plan? This plan has been infeasible for years, but the Debtor continued making payments without any realistic hope of receiving a discharge.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:14-12591 Robert Troy Harriman and Dolores Villanueva

Chapter 13

**#63.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 5/21/19

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Troy Harriman

Represented By
David Samuel Shevitz

Joint Debtor(s):

Dolores Villanueva

Represented By
David Samuel Shevitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:15-10864 Luis Alberto Paz De La Vega-Mayandia and Margarita

Chapter 13

#64.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Paz De La Vega-

Represented By
Ali R Nader

Joint Debtor(s):

Margarita Mirtha Calle-Zanabria

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:15-11014 Sara Katrdzhyan

Chapter 13

#65.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Katrdzhyan

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:15-13357 Sergio Montes and Juana Yanira Montes

Chapter 13

**#66.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Montes

Represented By
Kevin T Simon

Joint Debtor(s):

Juana Yanira Montes

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-14033 Ismail Alia Oshana

Chapter 13

#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ismail Alia Oshana

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-14137 Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

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

fr. 5/21/19

Docket 78

***** VACATED *** REASON: Withdrawal filed 6/14/19 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
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11:00 AM

1:16-10839 Marcellus Francis

Chapter 13

#69.00 Application for Compensation for Richard Mark Garber,
debtor's Attorney, Period: 4/29/2018 to 5/7/2019,
Fee: \$5,880.00, Expenses: \$260.54.

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This tentative ruling may be changed up until 4:00 p.m. the day before the hearing. If no updated tentative ruling is posted, appearances are required.

Party Information

Debtor(s):

Marcellus Francis

Represented By
Richard Mark Garber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:16-11164 Bennie James Hildreth

Chapter 13

#70.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 5/21/19

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennie James Hildreth

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:16-12400 Daniel Robert Eaton and Linell Zuidema Eaton

Chapter 13

**#70.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Robert Eaton

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Linell Zuidema Eaton

Represented By
Rabin J Pournazarian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:16-12579 Nafees Memon

Chapter 13

#71.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 88

***** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #93. If**

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)

Represented By
Huy N Tran

**United States Bankruptcy Court
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11:00 AM

1:16-13055 Mark David Cave

Chapter 13

#72.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark David Cave

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-13161 Natalie Ebrahim

Chapter 13

#73.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 78

***** VACATED *** REASON: Motion withdrawn, Doc 82 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natalie Ebrahim

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#74.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Michael Martinez

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:17-10427 Charles Jenkins

Chapter 13

#75.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 79

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Jenkins

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:17-10437 Osnat Bentov

Chapter 13

#76.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 103

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Osnat Bentov

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-10702 Vicente Rafael Arteaga

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-11267 Irma Villalpando

Chapter 13

#78.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 105

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

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11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#79.00 Trustee's motion to dismiss case for failure to make
plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19
4/23/19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to modify on April 22. On April 24, Trustee filed an opposition to the motion to modify on several grounds. What is the status of that motion to modify? Are the parties trying to work out the issues on the motion to modify?

APPEARANCE REQUIRED

Ruling for February 7, 2019: Continued to 4/23/19 at 11:00.

Ruling for December 18, 2018:
Continued to February 7, 2019 at 11:30 a.m.

Ruling for November 1, 2018:
Cont. to 12/6/18 at 11:30.

Ruling for July 19, 2018
Continued to November 1, 2018 at 11:30 a.m.

Ruling for June 7, 2018
Continued to July 19, 2018, at 11:30 a.m.

Ruling for April 5, 2018:
Continued to June 7, 2018, at 11:30 a.m.

Party Information

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CONT... Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

**#80.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor disputes that they are in arrears under the plan in the amount of \$15,876.99, as asserted by the motion. Debtor argues that the Motion to Dismiss is "devoid of any competent evidence that purports to substantiate this contention." The Court agrees that Trustee has failed to submit any evidence in support of her contention that Debtor is delinquent on plan payments. Without evidence, the court cannot make a finding under § 1307(c)(6) that Debtor has materially defaulted with respect to a term of the confirmed plan. Trustee should provide such evidence or the motion will have to be denied.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#81.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19; 4/23/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

There has been no change since the last hearing. What is the status of the motion to modify?

Fr. 4/23/19

Debtor filed motion to modify. Trustee responded to the motion, arguing that it should be denied because Debtor failed to provide evidence of current income and no budget had been filed. Debtor subsequently filed an amended schedule I on March 27. No order has been lodged on that motion to modify, no hearing has been set, and Trustee has not supplied any new comments. What is the status of the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

#82.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 51

***** VACATED *** REASON: Ntc. w/drawal filed 5/31/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-12255 Susan Ott Nowell and David Uriel Ibarra

Chapter 13

#83.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 32

*** VACATED *** REASON: Withdrawal filed by Trustee - doc. #35. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Ott Nowell

Represented By
Lindsey B Green

Joint Debtor(s):

David Uriel Ibarra

Represented By
Lindsey B Green

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-12308 Allan Apan

Chapter 13

#84.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to modify and Trustee filed its comments thereto on April 30, 2019. Nothing new has been filed since then. What is the holdup with the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Allan Apan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-12943 Alireza Alex Mesrinejad and Mojgan Taghipour

Chapter 13

#85.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alireza Alex Mesrinejad

Represented By
Kevin T Simon

Joint Debtor(s):

Mojgan Taghipour

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-13031 Marilyn Rafanan Jones

Chapter 13

#86.00 Motion RE: Objection to Claim Number 4 by
Claimant US Bank Trust N.A., et al.

fr. 12/6/18, 12/18/18; 4/4/19(MB)
4/23/19

Docket 64

***** VACATED *** REASON: Ntc. of dismissal of motion filed 6/24/19 (e)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, the bank indicated that the loan modification was final and that it needed six weeks to process the paperwork. The bank further indicated that it would amend its proof of claim. US Bank has not amended its proof of claim as of June 19 and nothing new has been filed on the docket. What is the status of the loan modification?

Continued from April 23, 2019

At the previous hearing in December 18, 2018, Judge Barash continued this matter to April to allow Debtor time to see whether Debtor successfully reached the end of the trial stage of the loan modification. Nothing new has been filed on the docket. What is the status of the trial loan mod?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Marilyn Rafanan Jones

Represented By
Kevin T Simon

Movant(s):

Marilyn Rafanan Jones

Represented By
Kevin T Simon

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

CONT... Marilyn Rafanan Jones

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11077 Vincent Sunga Mallari and Loyola Lalic Mallari

Chapter 13

#87.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee submitted comments on Debtor's motion to modify on June 10. No order has been lodged.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11140 Dahlia J-nai Jones

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dahlia J-nai Jones

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#89.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11575 Roderick Bill Norseweather

Chapter 13

#90.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 53

***** VACATED *** REASON: Withdrawal filed by trustee - Doc. #57. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roderick Bill Norseweather

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11765 Sarah Ellen Tortorello

Chapter 13

#91.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sarah Ellen Tortorello

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-11776 Mary Lou Lee Magpantay

Chapter 13

#92.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Lou Lee Magpantay

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Daniel Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10269 Juan Manuel Pena and Tracy Roberta Pena

Chapter 13

#94.00 Motion for violation of FRBP 9037 against NCB Management services, inc. for failure to redact personal information and request Motion for protective order; request for attorneys fees in the amount of \$5,000.00 and punitive damages in the amount of \$10,000.00

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtors bring this motion for a protective order and for attorneys' fees and damages in connection with NCB Management Services, Inc.'s ("NCB") failure to redact personal information in a contract attached to NCB's proof of claim. The personal information included "Complete customer ID numbers for Debtors, Debtor email address, Debtor property rental/ownership information, Debtor home and mobile telephone numbers, Debtor income information including amount of last pay check, pay date, employer name and information, and Debtor's bank routing information."

Debtors assert that the failure to redact the above information constitutes a violation of Federal Rule of Bankruptcy Procedure 9037, and that, because it warned NCB multiple times of its alleged violation, that NCB's violation was willful and warrants attorney's fees of \$5,000 and punitive damages of \$10,000.

NCB argues that the initially filed proof of claim was properly redacted, and that it only agreed to further redact the proof of claim in order to avoid unnecessary motion practice. It states that the only communications it received were from Debtors' attorney's paralegal, which it characterizes as unlicensed practice of law. The communications were on April 18 and 25, by NCB's own account and by the copy of the email chain attached to the motion as exhibit B. NCB indicated to Simon's firm that it would file the motion to redact on April 25. This motion for protective order was filed on May 2 after NCB failed to file any motion to redact. NCB then filed its motion to redact on May 4. NCB describes the motion as "unnecessary" and "unwarranted" within the meaning of LBR 9011-3(c), and requests sanctions to pay for attorney's fees in the amount of \$1,732.50.

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

CONT... **Juan Manuel Pena and Tracy Roberta Pena**

Chapter 13

FRBP 9037 states as follows:

(a) Redacted Filings

Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

The underlined portion above indicates the extent of a filer's duty to redact. The originally filed proof of claim does not contain a 1) social security number, 2) taxpayer identification number, 3) birth date, 4) the name of a minor, or 5) a financial account number. The Court can require redaction beyond the items specifically listed, as recognized in FRBP 9037(d); however, the Court did not specifically order redaction of any additional items prior to the filing of the instant motion. Debtor relies on out of circuit, bankruptcy level decision--none of which are even published. Even among those cases, each involved the filing of documents that actually violated FRBP 9037(a). In Barnhart v. Union Bank, Inc. (In re Barnhart), the offending proof of claim contained "Debtor's full social security number, birth date, telephone number and loan account number at the Bank." 2010 Bankr. LEXIS 471, *3, 2010 WL 724703 (emphasis added). In In re Branch, "WakeMed submitted claims that included full social security numbers and dates of birth, which clearly is prohibited by Rule 9037." No. 14-02379-5-SWH, 2016 WL 4543770, at *9 (Bankr. E.D.N.C. Aug. 31, 2016). The court in Branch went on to further clarify the scope of Rule 9037:

Some of the debtors complained that WakeMed included their address on its claims. Rule 9037 does not prohibit the inclusion of the debtor's address; indeed, the debtor's address appears on the first page of the bankruptcy petition and is readily available to the public through numerous sources. Similarly, the inclusion of a telephone number does not violate Rule 9037.

Id. As in Branch, Some of the items that Debtors seek redaction of are publicly available in the bankruptcy petition filed by Debtors themselves. In fact, even if certain information such as employer name and home address were protected by FRBP 9037(a) (they are not), Debtors waived the protections by producing that

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

CONT... **Juan Manuel Pena and Tracy Roberta Pena**
information voluntarily under FRBP 9037(g).

Chapter 13

Debtor's motion for sanctions in the amount of \$15,000 is denied. Debtor certainly was permitted to request voluntary additional redaction or to seek a court order redacting additional information. The court agrees that redaction of the additional categories is a better practice, and notes that the creditor did agree to the redaction. Here, the debtor should have waited for the voluntary redaction to occur or to bring a motion seeking such. Without a willful violation of FRBP 9037, there is no basis for an award of fees. There is also no basis for an award of fees to creditor as it agreed to the redaction and did not point out to the debtor's paralegal that they had no basis to bring the motion. There is no basis for the unlicensed practice of law allegation as the paralegal was working under the direction of an attorney and communications between paralegals and parties directly keeps costs down.

As there does not seem to be a basis for sanctions or fees on either side, the parties may wish to submit on the papers and not run up fees further. If either side is planning on appearing to argue the motion, notify the other side by email by this Monday. If no one appears, the tentative will be adopted.

Party Information

Debtor(s):

Juan Manuel Pena

Represented By
Kevin T Simon

Joint Debtor(s):

Tracy Roberta Pena

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10479 Behzad Ranjbari Saisan

Chapter 13

#95.00 Objection to Homestead Exemption

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has claimed an exemption for \$150,000 in equity from a pending personal injury lawsuit and another personal injury claim. C.C.P. § 704.140 states that "an award of damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor." Trustee argues that the payments from the personal injury suit are not necessary for the support of debtor, debtor's spouse, or dependents.

An order was entered confirming Debtor's chapter 13 plan on June 5, 2019. Isn't this motion mooted by plan confirmation? Also, the confirmed plan provides for 100% to debtor's unsecured creditors, so additional equity would not appear to affect the liquidation analysis.

No opposition has been filed. The Court is inclined to deny the objection to homestead exemption as moot.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Behzad Ranjbari Saisan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10504 Rafael Sotelo Mendez

Chapter 13

#96.00 Motion for Order Compelling Attorney to File Disclosure of Compensations and Disgorgement of Fees Pursuant to 11 U.S.C. Sec. 329.

Docket 30

***** VACATED *** REASON: Ntc. of w/drawal filed 5/21/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Sotelo Mendez

Represented By
Thomas B Ure

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#97.00 Objection to Homestead Exemption

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee objects to Debtor's claim of a \$175,000 enhanced homestead exemption under C.C.P. 704.730(a)(3) on the grounds that Debtor has not provided evidence that she is entitled to the exemption.

A debtor is entitled to a homestead exemption of \$175,000 if they are A) 65 years old or older, B) physically or mentally disabled, or C) 55 years old with a gross annual income of not more than \$25,000 or, if married, not more than \$35,000. Debtor has 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).

Trustee asserts that Debtor was 64 years old at the time the case was filed, on March 11, 2019, and that Debtor's annual gross income per schedule I was \$27,780.

Debtor's schedule A/B shows that she is a 50% owner in the property located at 11052 Reseda Blvd, Northridge, CA 91326. The property value is listed in the schedules as \$582,000, with one lien in favor of Fay Servicing in the amount of \$355,637. The equity in the home is approximately \$226,363, though Debtor allegedly owns a 50% interest therein (\$113,181.50). It is unclear why Debtor's schedules A and C indicate that debtor owns a \$145,000 interest in the real property.

Debtor did not file an opposition to this motion. Debtor has failed to satisfy her burden of proof in claiming the enhanced \$175,000 homestead exemption.

Debtor's plan confirmation hearing is also scheduled for June 25. The Court would like to hear Debtor's explanation for this exemption issue. Debtor's proposed plan provides for 100% payment to unsecured creditors, so this may have no effect on debtor's best interest analysis.

APPEARANCE REQUIRED

Party Information

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

CONT... Pamela M. Sorenson

Chapter 13

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10580 Gina Marie Aubry

Chapter 13

#98.00 Objection to Homestead Exemption

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee objects to Debtor's claim of exemption for \$1,130 for the blank line at the top of schedule C referring to the property listed in schedule A/B in section 1.1. Debtor amended the schedule C to clarify that the exemption was for "Raw land - Kern County." This property is listed in schedule A/B in section 1.1 as "Raw Land - Kern County APN 228-182-25-00-0," as suggested by schedule C.

The motion is DENIED as moot.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Gina Marie Aubry

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10609 David Wayne Caldwell

Chapter 13

#99.00 Objection to Homestead Exemption

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee mistakenly attached schedule D to the motion, rather than schedule C. The Court will take judicial notice of schedule C. Trustee objects to Debtor's claim of exemption under C.C.P. § 704.070 in \$50 held in an account with Bank of America and \$15 in a savings account with Bank of America. Section 704.070 allows Debtor to exempt certain wages that were subject to a garnishment, levy, or domestic support withholding. Debtor has not provided any evidence to demonstrate that the \$65 in these two accounts fall within the ambit of § 704.070.

Trustee also objects to Debtor's claim of exemption under C.C.P. § 706.050 for \$20 in cash (see Schedule A, line 16). C.C.P. § 706.050 provides an exemption for "Health aids reasonably necessary to enable the judgment debtor or the spouse or a dependent of the judgment debtor to work or sustain health, and prosthetic and orthopedic appliances." Cash does not fall within the definition of a health aid.

No opposition was filed. Trustee's motion is granted.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

David Wayne Caldwell

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10800 Edgar Roberto Salazar

Chapter 13

#100.00 Motion for Order Determining Value of Collateral § 506(a),
BP 3012]: 2012 Mercedes-Benz CL 550

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service: Proper
Property: 2012 Mercedes-Benz CL550
First lien: \$56,648.01 (State Farm Bank, FSB)
Fair market value: \$22,297 per appraisal and declaration
910 Provision: Property was acquired on October 16, 2015 per the contract; more than 910 days have passed

The claim will be bifurcated into a secured portion of \$22,297 and an unsecured portion of \$34,351.

Disposition: GRANTED.

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued.

Party Information

Debtor(s):

Edgar Roberto Salazar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10843 Shigeko Dorothy Ann Tatsukawa

Chapter 13

#101.00 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: Ntc. of w/drawal filed 5/16/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shigeko Dorothy Ann Tatsukawa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:19-10854 Anthony Cesar Morta Montero

Chapter 13

#102.00 Motion to Dismiss Case Pursuant to 11 U.S.C. Sec. 1307(c) with a Two-Year Bar from Refiling Pursuant to 11 USC Sec. 349(a) and 105(a)

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The United States Trustee ("UST") brings this motion to dismiss with a two-year bar to refiling under §§ 1307(c), 349(a), and 105(a). Anthony Cesar Morta Montero ("Debtor") has filed thirteen bankruptcies in the past twelve years. Debtor successfully received a chapter 7 discharge in 2010, but each other case was a chapter 13 which was dismissed for debtor's failure to appear at § 341(a) meetings, failure to make plan payments, failure to file schedules, or was voluntarily dismissed. In the instant case, Debtor is pro se and has failed to make required payments to the chapter 13 trustee.

In Debtor's 2018 case, 1:18-bk-11325-VK, the Court *granted in rem* relief from the automatic stay under § 362(d)(4), finding that the filing of that case was part of a scheme to hinder, delay, or defraud creditors involving multiple bankruptcy filings and transfers of fractional interests in the real property located at 340 W. 15th St. #4, Escondido, CA 92025.

The UST has presented substantial evidence that this case was filed in bad faith. The Court finds that cause exists to restrict the Debtor from future filings for two years. Leavitt v. Soto (In re Leavitt), 171 F.3d 1219, 1223-24 (9th Cir. 1999); 11 U.S.C. § 349(a).

The motion is GRANTED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Anthony Cesar Morta Montero

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

CONT... Anthony Cesar Morta Montero

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:00 AM

1:17-11634 Eloy Perez Rios

Chapter 13

#102.01 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 57

***** VACATED *** REASON: Ntc. of w/drawal filed 6/19/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eloy Perez Rios

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:14-13718 Nina L. Novak

Chapter 13

**#103.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 97

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This plan is in its 58th month. Any modification necessary should be brought immediately. In re Mrdutt, 600 B.R. 72, 78 (B.A.P. 9th Cir. 2019).

Party Information

Debtor(s):

Nina L. Novak

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:15-11926 Jacquelyn McQueen David

Chapter 13

#104.00 Notice of Motion of United States Trustee Objecting to Notices of Mortgage Payment Change Filed In Connection with Proof of Claim 6.

fr. 4/23/19

Docket 34

***** VACATED *** REASON: Cont'd per stip to 8/20/19 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn McQueen David

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:15-14171 Albert Hakakha

Chapter 13

#105.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19

Docket 225

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, Debtor indicated that he would file a motion to modify. No such motion has been filed. The Trustee's website indicates that Debtor has fallen even further behind on payments, with a current delinquency of \$30,015. Is the Debtor going to bring a Motion to Modify here?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:16-11417 Farshid Tebyani

Chapter 13

#106.00 Trustee's Motion to Dismiss Case
fr. 4/23/19

Docket 77

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#107.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:17-10297 Felix Ray Wright

Chapter 13

#108.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19; 4/23/19

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion for authority to refinance, which was granted on March 25, 2019. Debtor also filed a motion to modify on March 24. Debtor then filed a "Motion to Amend" the motion to modify, and then a "supplement amendment" to the motion to modify. The Trustee has not responded to the Motion to Modify. What is the status of this motion to modify? Debtor does not need to move the Court for permission to modify Debtor's own motion; these amendments are only creating confusion on the docket.

APPEARANCE REQUIRED

Ruling for February 7, 2019: Continued to 4/23.

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#109.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:17-12226 Stephen Haskell Powers

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 42

***** VACATED *** REASON: Withdrawal filed by Trustee - Doc. 49. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Haskell Powers

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:18-11203 Barjinder Singh

Chapter 13

#111.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#112.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

1:18-12253 Sonia Figueroa

Chapter 13

#113.00 Debtor's objection to claim number 7

fr/ 2/26/19, 3/26/19; 4/23/19

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the April 23 hearing, the parties indicated that they were working on a loan modification and would complete it soon. Since that hearing, the Debtor has filed a third amended chapter 13 plan. Does this indicate that the claim objection has been resolved?

APPEARANCE REQUIRED

4/23/19 Tentative

At the previous hearing, Parties represented that they may be able to resolve both 1) the confirmation issues and 2) the objection to claim issues. Nothing new has been filed. What is the status of this claim objection?

APPEARANCE REQUIRED

3/26/19 Tentative

At the previous hearing, it was represented to the court that the parties were working together to resolve potential issues with the previous loan modification and a future loan modification. Nothing new has been filed on the docket. Do the parties intend to seek a further continuance?

2/26/19 Tentative

Sonia Figueroa ("Debtor") files this objection to the claim of Wilmington Savings Fund Society, FSB, dba Christiana Trust ("Wilmington"), arguing that the amount claimed is incorrect due to a prior loan modification agreement and that the issues surrounding this claim were litigated and a final order on the claim was entered in Debtor's previous bankruptcy case.

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

Tuesday, June 25, 2019

Hearing Room 302

11:30 AM

CONT... Sonia Figueroa

Chapter 13

Wilmington's response simply states that it is in the process of obtaining information from prior servicers regarding the loan modification agreement. The Court is willing to grant Wilmington a short continuance to March 26 if necessary; however, the Court is wary of allowing lenders' habitual transferring of distressed mortgages inure to a creditor's benefit while prejudicing debtor's ability to secure the protections of the bankruptcy code in a timely manner. Any further continuance will require the agreement of the Debtor.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#114.00 Order to Show Cause why Noushin Laaly, Kourosh Laaly and their counsel should not be held in contempt of court for violation of court's order and for sanctions

fr. 3/26/19; 4/23/19

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the April 23 hearing, the Court found that the Laalys and their counsel violated the automatic stay. The Court's findings were made on the record. The matter was continued to this date solely to determine the amount of damages. Debtor Mary Dadyan has submitted a declaration in support of the motion for contempt, detailing attorney's fees incurred in connection with this automatic stay violation, including the fees of 1) Jeffrey Schuller in the amount of \$9,387 and 2) Havkin & Shrago in the amount of \$5,610.63.

The Laalys filed an opposition to Ms. Dadyan's declaration regarding attorney's fees. The Laalys argue that the Court stated that it would only consider the attorney's fees of Ms. Dadyan, not Mr. Farkhondeh, and that the billing statements do not differentiate between services provided for Ms. Dadyan's benefit and those provided for Mr. Farkhondeh's benefit. Ms. Rafiei made a similar argument at the April 23 hearing, where she argued that debtors were failing to distinguish between attorney work related to the motion for terminating sanctions and work related to opposing the motion for a pre-judgment writ of attachment.

The Laalys further argue that the hourly billing rate of Mr. Schuller and his associate are unreasonable and unsupported by information on educational background, credentials, and experience.

Section 362(k) states "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages." The Court has discretion to review the reasonableness of fees requested under § 362(k). In re

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

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

CONT... **Hamid Farkhondeh and Mary Dadyan**

Chapter 13

Schwartz-Tallard, 803 F.3d 1095, 1101 (9th Cir. 2015) ("Only an award of fees reasonably incurred is mandated by the statute; courts awarding fees under § 362(k) thus retain the discretion to eliminate unnecessary or plainly excessive fees.").

Havkin and Shrago's fees

Ms. Havkin's fees appear to be reasonable and necessary and, according to Ms. Havkin's declaration (ECF Doc. No. 93), performed solely for the benefit of Ms. Dadyan, not Mr. Farkhondeh.

Schuller's Fees

The opposition points out facial errors in Mr. Schuller's billing statements, such as billing on 9/13/18 an amount for a full hour (\$570) despite the time entry indicating .2 hours of work. This is an egregious error and casts doubt on the remaining time billed by Mr. Schuller and his unnamed "associate." It is unclear from this record. The Laalys further point out that the entry date 9/4/2018 states "Service: Review file for facts. Pleadings, CSLB complaint, CSLB history, and LAS docket prepare summary memorandum: Time Spent: 1.60; Amount Billed: \$576.00." The Court agrees with the Laalys that this appears to be related solely to Schuller's defense of Mr. Farkhondeh against the California State Licensing Board, and not properly recoverable in this proceeding.

Schuller has not substantiated sufficiently all of his fees. For example, he has not provided basis for hourly rates of him and associate or shown clearly how all are tied in to their representation of Dadyan. A reasonable review of the record provided and the need for the work as to Dadyan demonstrates that he should be awarded solely 50% of the fees charged. This amount has been reasonably shown. Further rounds of briefing and submissions will only run up more fees.

All of these fees may function as set offs to claims, so actual payment dates will be reserved until all claims between these parties are resolved

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hamid Farkhondeh

Represented By
Stella A Havkin

Joint Debtor(s):

Mary Dadyan

Represented By

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

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

CONT... Hamid Farkhondeh and Mary Dadyan

Chapter 13

Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#115.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18; 4/23/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Appearance Required

4/23/19 Tentative

This matter will be heard at 1:00 p.m. at the same time as the OSC and adversary status conference.

NO APPEARANCE REQUIRED AT 11:00 A.M.

10/23/18 Tentative

There is no need to rule on this claim until the state court litigation is completed.
This can be continued a few months to see what the Superior Court rules

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#116.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19; 4/23/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The state court trial was continued to July 22. Will July 30 or 31 work for a continued SC?

APPEARANCE REQUIRED

4/10/19 Tentative

The Joint Status Report submitted by the parties indicates that the state court trial begins on May 10. Plaintiffs request that this matter be continued to April 23, 2019 to coincide with the Order to Show cause scheduled for that day. Defendants request that the hearing be continued to May 10, 2019.

This matter will be continued to April 23, 2019 at 1:00 p.m.

NO APPEARANCE REQUIRED on 4-10-19.

Party Information

Debtor(s):

Hamid Farkhondeh Pro Se

Defendant(s):

Hamid Farkhondeh Pro Se

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

Tuesday, June 25, 2019

Hearing Room 302

12:00 PM

CONT... Hamid Farkhondeh

Chapter 13

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

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

Wednesday, June 26, 2019

Hearing Room 302

9:30 AM

1:19-11395 Moses Vahan Sahakian

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moses Vahan Sahakian	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

9:30 AM

1:19-11414 Romulo Padre

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romulo Padre

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#1.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr. 10/24/18; 12/19/18, 4/17/19

Docket 2149

*** VACATED *** REASON: Cont'd per stipulation to 10/2/19 at 10:00
a.m. - hm

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#2.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19, 5/1/19, 6/5/19

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the 06/5/19 hearing, the parties indicated they will seek the assistance of the Court's LMM program. On June 16, 2019, Debtor filed a Motion to Commence LMM Program. The time for objection under LBR 9013-1(o) runs on or about July 1, 2019. Given the status of the LMM Motion, the Court finds cause to continue this hearing to July 17, 2019, to allow for the LMM Motion to be resolved.

NO APPEARANCE REQUIRED ON 6/26/19

6/5/19 TENTATIVE BELOW

At the last hearing, the parties indicated that the creditor had the package to review. Nothing has been filed since the last hearing. What is the status of this matter? This has been continued several times without any clear progress.

APPEARANCE REQUIRED

5/1/19 Tentative

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Chapter 13

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#3.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 09/02/2015
Chapter: 13
Service: Proper. Opposition filed.
Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335
Property Value: \$336,788.84 (per debtor's schedules)
Amount Owed: \$319,819.55 (per RFS motion)
Equity Cushion: 0.0% (assuming 8% cost of sale)
Equity: \$7,426
Post-Petition Delinquency: \$30,343.53

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Seth Eric Simon

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-10125 Ben Diep

Chapter 13

#4.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

fr. 4/3/19; 5/22/19

Docket 64

***** VACATED *** REASON: Resolved per APO - HM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ben Diep

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-10931 Victor Manuel Salazar

Chapter 13

#5.00 Motion for relief from stay

WELLS FARGO BANK, N.A.
TRUSTEE FOR WAMU

fr. 6/5/19

Docket 62

***** VACATED *** REASON: Ntc. of dismissal of motion filed 6/24/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Salazar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-13161 Natalie Ebrahim

Chapter 13

#6.00 Motion for relief from stay

Kinetic Capital, LLC

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/02/2016

Chapter 13 plan confirmed: 4/17/17

Service: Proper. No opposition filed.

Property: 9701 Paso Robles Ave., Northridge, CA 91325

Property Value: \$650,000 (per debtor's schedules)

Amount Owed to Movant: \$73,339.02 (per RFS motion)

First position DoT: \$62,000(per schedules)

Second position DoT: \$402,530.95(per schedules)

Equity Cushion: 19%

Equity: \$185,469.05

Post-Petition Delinquency: \$25,261.49 (13 payments of \$1,587.36; 23 payments of \$79.37; attorneys' fees and costs \$3,500).

Last payment was received on 11/05/2018

Disposition: Grant 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); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

It appears that Movant is protected by an equity cushion in the property. Have the parties discussed whether this can be resolved with an APO?

APPEARANCE REQUIRED

Party Information

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Natalie Ebrahim

Chapter 13

Debtor(s):

Natalie Ebrahim

Represented By
Stephen S Smyth
William J Smyth

Movant(s):

Kinetic Capital, LLC

Represented By
Coby Halavais

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#7.00 Motion for relief from stay

GREEN WILLOW HOMEOWNERS ASSOC.

fr. 5/1/19; 5/15/19, 6/5/19

Docket 50

***** VACATED *** REASON: Continued per stipulation to July 17, 2019,
at 10:00 a.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#8.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 10/31/18; 11/7/18, 12/12/18; 1/16/19

fr. MB cal, 2/27/19, 4/3/19; 5/22/19

Docket 32

***** VACATED *** REASON: Resolved per APO - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:17-11646 Elizabeth S. Silva

Chapter 13

#9.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 06/22/17
Chapter 13 plan confirmed: 8/31/17
Service: Proper. Opposition filed.
Property: 1305 East 100th Street, Los Angeles, CA 90002
Property Value: \$486,000 (per debtor's schedules)
Amount Owed: \$268,979.14 (per RFS motion)
Equity Cushion: 37%
Equity: \$210,534.49
Post-Petition Delinquency: \$3,460.87

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).

Debtors opposes the motion, arguing that the she would like to enter an APO with the Movant to resolve any post-petition delinquency. Given the size of the equity cushion here, have the parties had an opportunity to negotiate an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Elizabeth S. Silva

Represented By
Ali R Nader

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Elizabeth S. Silva

Chapter 13

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:17-12668 Demonica E M Santiago-Plummer

Chapter 13

#10.00 Moiton for relief from stay

WELLS FARGO BANK

fr.6/5/19

Docket 67

***** VACATED *** REASON: Resolved per APO - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Demonica E M Santiago-Plummer

Represented By
Kevin T Simon

Movant(s):

Wells Fargo 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10018 Betty D Frey

Chapter 13

#11.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 6/5/19

Docket 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the 06/5/19 hearing, the Debtor indicated that she only owes the Movant for the June payment to remain current. Has the Movant received the June payment and, if so, does the payment resolve the delinquency?

APPEARANCE REQUIRED

6-5-19 TENTATIVE BELOW

Petition Date: January 4, 2018

Chapter 13 plan confirmed: 11/27/18

Service: Proper. Opposition filed.

Property: 18245 San Jose St., Northridge, CA 91326

Property Value: \$900,000 (per debtor's schedules)

Amount Owed: \$ 1,135,421.39 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$36,519.35 (1 payment of \$4408, 4 payments of \$5229.18, 2 payments of \$5278.69)

Relief requested 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 filed an opposition, indicating that she had paid \$19,000 of the delinquency to movant, and would pay the remaining amount by the hearing date.

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Betty D Frey

Chapter 13

APPEARANCE REQUIRED

Party Information

Debtor(s):

Betty D Frey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10075 Cesar Quinonez

Chapter 13

#12.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOCIATION

fr.6/5/19

Docket 34

***** VACATED *** REASON: Resolved per APO (doc. 36) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cesar Quinonez

Represented By
William G Cort

Movant(s):

U.S. BANK TRUST NATIONAL

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10286 Shirley Ann Ruff

Chapter 13

#13.00 Motion for relief from stay

REVERSE MORTGAGE SOLUTIONS INC

Docket 40

***** VACATED *** REASON: Ntc. of dismissal of motion filed 6/25/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 01/31/2018
Chapter 13 plan confirmed: 1/18/19
Service: Proper. No opposition filed.
Property: 8930 Wheatland Ave., Sun Valley, CA 91352
Property Value: \$ 800,000 (per debtor's schedules)
Amount Owed: \$512,660.21 (per RFS motion)
Equity Cushion: 28%
Equity: \$330,000
Post-Petition Delinquency: \$1,440.06

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); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Relief is denied under paragraph 6 (termination of co-debtor stay). The motion does not indicate the existence of a co-debtor with respect to this property, nor does the loan documents show any borrower other than the Debtor. If there was a co-debtor, the co-codebtor has not been properly served.

It appears that Movant is protected by an equity cushion in the property. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Shirley Ann Ruff

Chapter 13

Debtor(s):

Shirley Ann Ruff

Represented By
David R Hagen

Movant(s):

Reverse Mortgage Solutions Inc

Represented By
Madison C Wilson
Francis Laryea
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10475 Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz

Chapter 13

#14.00 Motion for relief from stay

US BANK

Docket 58

*** VACATED *** REASON: Resolved per APO - hm

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lavinia Lilian Ortiz

Represented By
Grace White

Joint Debtor(s):

Jorge Osvaldo Ortiz

Represented By
Grace White

Movant(s):

U.S. Bank National Association as

Represented By
Ashish R Rawat
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-11051 Victor Kosogon and Elaine Kosogon

Chapter 13

#15.00 Motion for relief from stay

TOYOTA LEASE TRUST

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/25/2018
Chapter 13 plan confirmed: 1/16/19
Service: Proper. No opposition filed.
Property: 2016 Lexus NX200T
Property Value: \$5,753.64 (per debtor's schedules)
Amount Owed: \$ 30,799.75
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$30,7999.75

Movant alleges that the lease on this vehicle matured on 4/14/19 and that the lease was not listed on the bankruptcy schedules filed in this case.

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):

Victor Kosogon

Represented By
Rabin J Pournazarian

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Victor Kosogon and Elaine Kosogon

Chapter 13

Joint Debtor(s):

Elaine Kosogon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-11203 Barjinder Singh

Chapter 13

#16.00 Motion for relief from stay

BANK OF AMERICA N.A.

fr. 5/15/19

Docket 42

***** VACATED *** REASON: Resolved per APO (doc. 50) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-11366 Irene Franklin

Chapter 13

#17.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18, 1/16/19, 3/6/19; 4/10/19, 5/15/19

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 5/15/19 at the request of the parties who stated they were still working an APO. No APO has been filed so far. What is the status of the APO?

APPEARANCE REQUIRED

5-15-19 TENTATIVE BELOW

This hearing was continued from 4/10/19 at the request of the parties who stated they were still working on an APO. But no APO has been filed so far. What is the status of this Motion?

APPEARANCE REQUIRED

12-12-18 TENTATIVE

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Irene Franklin

Chapter 13

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#18.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 4/3/19, 5/1/19

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the 5/1/19 hearing, the parties stated that they are working on terms for a loan modification. What is the status of the loan modification efforts?

APPEARANCE REQUIRED

5/1/19 TENTATIVE BELOW

At the previous hearing, the parties indicated that Debtor was still two payments behind. What is the status of this motion?

APPEARANCE REQUIRED

April 3, 2019 Tentative

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

Movant alleges cause for 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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Sonia Figueroa

Chapter 13

permitted to engage in loss mitigation activities); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12534 David Wayne Thompson

Chapter 13

#19.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.

fr. 5/15/19

Docket 28

***** VACATED *** REASON: Resolved per APO - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Thompson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12534 David Wayne Thompson

Chapter 13

#19.01 Motion for relief from stay

CARMAX BUSINESS SERVICES LLC

fr. 6/12/19

Docket 37

***** VACATED *** REASON: resolved per APO Doc. 39 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Thompson

Represented By
Kevin T Simon

Movant(s):

CarMax Business Services 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12656 David Kapshanyan and Tina Sarkisyan

Chapter 13

#20.00 Motion for relief from stay

DAIMLER TRUST

Docket 28

*** VACATED *** REASON: Resolved per APO - hm

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Kapshanyan

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Tina Sarkisyan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#21.00 Motion for relief from stay

RIDEC, LLC

fr. 5/15/19

Docket 111

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: November 2, 2018

Chapter: 11

Service: Service was not made upon the original borrower, Power Vision Investment.

Motions requesting relief applicable in future cases, such as relief under 11 U.S.C. 362(d)(4), require service upon the original borrower of the property. LBR 4001-1(c)(1)(B). Service is therefore IMPROPER.

No opposition filed.

Property: 15336 Archwood St., Van Nuys, CA 91406

Property Value: \$ 325,000 (current value, per Appraisal attached to Motion)

Amount Owed: \$ 447,774.82 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$5,787.14 (postpetition advances and attorney's fees)

This matter was continued from May 15 by stipulation between Debtor and the Chapter 11 Trustee. Movant requests in rem relief under § 362(d)(4) on the grounds that this property was transferred from borrower, Power Vision Investment, to James Vasquez on November 29, 2017; the property was then transferred to Alejandra Velasquez and NRG Investment as 50%/50% owners on March 16, 2018; NRG Investment subsequently transferred its 50% interest in the property to Debtor on December 14, 2018. It appears that David Acosta is the president of the borrower, Power Vision Investments, Inc. David Acosta is alleged to have perpetrated a scheme to induce homeowners to enter into PACE loans by making

**United States Bankruptcy Court
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San Fernando Valley
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Green Nation Direct, Corporation Chapter 11

misrepresentations to lenders. What is happening with N.R.G. Investments, and why is it flipping properties to Debtor that do not have any equity?

Because this motion was not properly served, this matter will be continued to allow time for Movant to properly serve the original borrower. The continued hearing should be noticed for July 17.

NO APPEARANCE REQUIRED ON JUNE 26

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Movant(s):

Ridec, LLC a California Limited	Represented By Alla Tenina
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#22.00 Evidentiary Hr.g re: Motion for relief from stay

WILMINGTON TRUST, NA

fr. MB cal, 2/27/19; 3/13/19, 3/27/19

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the March 27, 2019 hearing, the relief from motion stay was continued for cause to allow the Debtor to resolve his Motion to Commence the LMM program. On April 12, 2019, an Order Granting Motion to Commence Loan Modification Program was entered (doc. 37). What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10011 Joann Ortiz Diaz

Chapter 13

#23.00 Motion for relief from stay

TOYOTA LEASE TRUST

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 01/02/2019
Chapter 13 plan confirmed: 5/21/19
Service: Proper. No opposition filed.
Property: 2016 LEXUS IS200
Property Value: \$0 (per debtor's schedules)
Amount Owed: \$32,963.43
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$2,216.52

Movant contends that Debtor's confirmed plan provides for surrender of this vehicle.
Motion, Ex. 5.

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):

Joann Ortiz Diaz

Represented By
Matthew D. Resnik

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Joann Ortiz Diaz

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10103 Wilfredo Mateo Joaquin

Chapter 13

#24.00 Motion for relief from stay

FORD MOTOR CREDIT CO., LLC

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 01/15/19
Chapter 13 plan confirmed: 6/5/19
Service: Proper. No opposition filed.
Property: 2016 Ford Edge
Property Value: \$15,000 (per debtor's schedules)
Amount Owed: \$ 25,804.41
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$1,171.60

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

Wilfredo Mateo Joaquin

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#25.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(second deed of trust)

fr. 4/17/19; 5/15/19; 5/22/19

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

5-15-19 TENTATIVE BELOW

Having reviewed the opposition and the reply, it appears that cause exists to grant relief from stay under 362(d)(1). Debtor requests an APO, but movant indicates that Debtor's income will not support adequate protection payments. The first position note for \$800,000, which is not held by movant, was apparently a short term note and has matured and is due in full. Debtor is allegedly \$17,857 in post-petition arrears on the second note and \$1,873 in arrears on the third note.

According to the payoff amounts attached to movant's reply, the equity cushion shrinks from the original calculation. Assuming 8% cost of sale, there is no equity cushion on the third position mortgage and a 7% equity cushion for the second position mortgage. This is not sufficient to adequately protect movant's interest in the second position deed of trust.

Adequate protection can come in forms other than an equity cushion, but any such result seems unlikely where debtor is so delinquent on post-petition payments. The Court is inclined to grant the motion as to both the second and third position liens.

APPEARANCE REQUIRED

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... John Joseph Strand

Chapter 13

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$818,878 (2nd DoT)

Equity Cushion: 14.3%

Equity: <\$85,156> (FMV - (total debt [1st DoT per Debtor's Sch. D; 2nd; 3rd DoT] + 8% CoS)

Post-Petition Delinquency (2nd DoT): \$5,949.19

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

While the equity cushion is less than 20%, the delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5066 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

CONT... John Joseph Strand

Chapter 13

**United States Bankruptcy Court
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10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#26.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(3rd deed of trust)

fr. 4/17/19; 5/15/19; 5/22/19

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$211,368.86 (3rd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency (3rd DoT): \$624.46 (1 payment of \$624.46)

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

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10:00 AM

CONT... John Joseph Strand

Chapter 13

The post-petition delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

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, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10758 Erika Rice

Chapter 13

#27.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/01/2019

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 718 Howard Ave., Carson, CA 90746

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: \$ 519,782.59 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,827.98

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant also requests annulment of the stay because it noticed a Trustee's Sale post-petition but did so without notice or knowledge of the bankruptcy filing.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (annulment of the stay); **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).

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.

**United States Bankruptcy Court
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10:00 AM

CONT... Erika Rice

Chapter 13

Party Information

Debtor(s):

Erika Rice

Represented By
Ali R Nader

Movant(s):

PennyMac Loan Services, LLC as

Represented By
Robert P Zahradka

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-10784 David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

#28.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/02/2019

Chapter: 13

Service: Proper. Notice of non-opposition filed 6/19/19 (doc. 17)

Property: 2019 LEXUS IS300

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

Amount Owed: \$49,414.23

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$1,768.20

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):

David Thomas Djolakian

Represented By
Elena Steers

Joint Debtor(s):

Olivia Lucille Djolakian

Represented By
Elena Steers

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CONT... David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10818 Jose Jasinto Zelaya and Josefa Ayala

Chapter 7

#29.00 Motion for relief from stay

TOYOTA MOTOR CREDIT

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/05/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2010 Toyota Matrix

Property Value: \$6,025 (per debtor's schedules)

Amount Owed: \$7,455.33

Equity Cushion: 0.0%

Equity: \$0.00.

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 Jasinto Zelaya

Represented By
Francis Guilardi

Joint Debtor(s):

Josefa Ayala

Represented By
Francis Guilardi

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

CONT... Jose Jasinto Zelaya and Josefa Ayala

Chapter 7

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-10826 Ivonne Ortiz

Chapter 7

#30.00 Motion for relief from stay

TD AUTO FINANCE LLC

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/06/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 Chevy Camaro

Property Value: \$ 12,349(per debtor's schedules)

Amount Owed: \$ 11,692.63

Equity Cushion: 0.0%

Equity: \$0.00.

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):

Ivonne Ortiz

Represented By
Navid Kohan

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
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Wednesday, June 26, 2019

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10:00 AM

CONT... Ivonne Ortiz

Jennifer H Wang

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-11186 Keyhan Mohanna

Chapter 7

#31.00 Motion for relief from stay

WILMINGTON SAVINGS FUND

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/13/2019

Chapter 7 case dismissed w/ 180-day bar to refile: 6/13/19

Service: Proper. No opposition filed.

Movant: Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not individually but as Trustee for Hilldale Trust

Property Address: 1405 Greenwich Street Unit 2, San Francisco, CA 94109

Type of Property: residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 01/03/2018

UD case filed: 05/02/2019

UD Judgment: 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) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (waiver of the 4001(a)(3) stay); **7** (law enforcement may evict); **9** (relief binding & effective for 180 days against any debtor); **9** (relief binding & effective for 180 days against any debtor); and **10** (binding and effective relief for in any case for two years from date of order).

DENY relief requested in paragraph **8** (relief under 362(d)(4) because Movant is not a secured creditor entitled to *in rem* relief

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10:00 AM

CONT... Keyhan Mohanna

Chapter 7

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

Party Information

Debtor(s):

Keyhan Mohanna

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-11080 Amarpal Singh Gharial and Amrita Gharial

Chapter 7

#31.01 Motion for relief from stay

BVK COURTYARD COMMONS, LLC

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/01/2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: BVK Courtyard Commons, LLC

Property Address: 23669 Calabasas Road, Calabasas, CA 91302

Type of Property: nonresidential

Occupancy: Debtor asserted a sublease from Subway, Inc., in default

Foreclosure Sale: N/A

UD case filed: 05/13/2019

UD Judgment: N/A

Movant requests annulment of the automatic stay, arguing that they were unaware that the Debtor filed a bankruptcy on May 1, 2019 when it served the pay/quit notice terminating the Master Lease with Subway, Inc. on April 25, 2019. Movant asserts that it was not aware of the Debtors' interests in the property and did not name Debtors in the unlawful detainer against Subway Inc. filed on May 13, 2019.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (annulment of automatic stay); **6** (waiver of 4001(a)(3) stay); paragraph **7** (designated law enforcement officer may evict any occupant).

DENY relief requested in paragraph **9** (Order binding and effective in any bankruptcy case commenced by or against debtor within 180 days); and **11** (Order binding and effective in

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CONT... Amarpal Singh Gharial and Amrita Gharial Chapter 7

any case against the Debtor for 180 days, so that no further automatic stay shall arise with respect to the property) because there are no facts alleged in the Motion that support a request for extraordinary relief.

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

Party Information

Debtor(s):

Amarpal Singh Gharial

Represented By
Raj T Wadhvani

Joint Debtor(s):

Amrita Gharial

Represented By
Raj T Wadhvani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-11309 John Cooper

Chapter 13

#31.02 Motion for relief from stay

MOSS AND COMPANY AND MERRIDY LLC

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/24/2019

Chapter: 13

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Moss and Company and Merridy, LLC

Property Address: 17810 Merridy St. #101, Northridge CA 91325

Type of Property: residential

Occupancy: lease in default

Foreclosure Sale: N/A

UD case filed: 05/24/2019

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).

DENY relief requested in paragraph **9** (Order binding and effective in any bankruptcy case commenced by or against debtor within 180 days); **10** (binding & effective for two years); and **11** (Order binding and effective in any case against the Debtor for 180 days, so that no further automatic stay shall arise with respect to the property) because there are no facts alleged in the Motion that support a request for extraordinary relief.

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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10:00 AM

CONT... John Cooper

Chapter 13

Debtor(s):

John Cooper

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-11284 Kenneth Larkin

Chapter 7

#32.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/22/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Honda Civic

Property Value: \$16,500 (per debtor's schedules)

Amount Owed: \$ 17,242.07

Equity Cushion: 0.0%

Equity: \$0.00.

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):

Kenneth Larkin

Represented By
James Geoffrey Beirne

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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10:00 AM

1:19-11322 Fortune Gail Smith

Chapter 7

#33.00 Motion for relief from stay

DONALD JUSTICE

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/28/2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Donald Justice

Property Address: 16159 1/2 Sherman Way, Van Nuys, CA 91406

Type of Property: nonresidential

Occupancy: lease in default

Foreclosure Sale: N/A

UD case filed: 05/17/2019

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.

Party Information

Debtor(s):

Fortune Gail Smith

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-11248 Fabricio Navarro

Chapter 13

#33.01 Motion for relief from stay

AMERICAN BEAUTY VILLAGE HOA

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/20/2019

Chapter: 13

Service: Proper. Opposition filed.

Property: 26873 Claudette Street #116, Canyon Country, CA 91351

Property Value: \$347,822 (per debtor's schedules)

Amount Owed: \$12,057 (per RFS motion)

Equity Cushion: 9%

Equity: \$61,863.96

Post-Petition Delinquency: \$1,500

Movant requests relief under 11 U.S.C. 362(d)(1) for bad faith. Specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 6 (relief from co-debtor stay) and 7 (waiver of the 4001(a)(3) stay); and 9 (relief under 362(d)(4)).

Movant argues that this case was filed in bad faith with intent to hinder, delay, or defraud creditors under § 362(d)(4). Movants argue that Heliodoro Navarro filed a Chapter 13 bankruptcy in 2016 under a previous case, 1:16-10194-MT. Heliodoro Navarro defaulted on payment obligations for property under an APO with the Movant. Before the Movant was preparing to publish and record a Notice of Sale during the week of May 20, 2019, the current bankruptcy was filed. Movant asserts that the partial interest transfer to the Debtor on May 6, 2019 was done to "hinder, harass, and delay creditors" to prevent foreclosure.

Debtor opposes the motion. Debtor argues that the property is necessary for an effective reorganization, and that the case was not filed in bad faith. Debtor argues that he has

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CONT... Fabricio Navarro

Chapter 13

always maintained an equitable interest in the property since the property is his father and was added to the title, not in bad faith, but to protect their interest in the property from potential fraud by his father's girlfriend. Debtor further argues that the property at issue is a rental property provides for rental income needed to fund the current Chapter 13 Plan.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Fabricio Navarro

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-11427 Lecia Kay Westerman

Chapter 13

#33.02 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On June 07, 2019, Debtor filed this Chapter 13 case. Debtor has 1 previous bankruptcy case that was dismissed a short time ago. The first dismissed Chapter 13 case, 1:17-bk-10866-MT, was filed on April 3, 2017 and dismissed on June, 2019 for failure to make required planned 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 fell behind on payments. Debtor states that she as was self-employed as a consultant and income was unstable. She also had a sale scheduled to close but it fell through at the last minute. Debtor fell behind on payments, and her case was subsequently dismissed. Now, the Debtor asserts that she will be able to make planned payments because her income is more stable. Debtor states she collects monthly rental income from a renter and is now working with a real estate team to help with work.

No opposition filed. Motion GRANTED.
APPEARANCE REQUIRED DUE TO SHORTENED TIME.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Lecia Kay Westerman

Represented By
Kevin T Simon

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10:00 AM

CONT... Lecia Kay Westerman

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-11477 Shirley Lange

Chapter 13

#33.03 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On June 14, 2019, Debtor filed this Chapter 13 case. Debtor has 1 previous bankruptcy case that was dismissed. The dismissed Chapter 13 case, 1:15-11426, was filed on April 24, 2015 and dismissed on August, 17 2018 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor contends the previous was dismissed because she did not have sufficient income to make the plan payments because she was living in a board and care home for Alzheimer's patients and had a fixed income for two properties she rented out. She lost tenants in one home and could not make the planned payments. Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3) because Creditors will be repaid at 100% under the proposed Chapter 13 Plan, and the plan will be funded with approximately 50% of proceeds from the sale of one of the Debtor's properties. Debtor asserts that under the new plan, the payments would be less and she does not have to rely on rental income.

No opposition filed. Motion GRANTED.
APPEARANCE REQUIRED DUE TO SHORTENED TIME.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Shirley Lange

Represented By
Phillip Myer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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CONT... Shirley Lange

Chapter 13

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-12900 Richard Moury Jacoby

Chapter 7

#34.00 Motion For Sanctions for Violation of the Automatic Stay Against Registrar of Contractors for the Contractors' State License Board, Department of Consumer Affairs

Docket 65

***** VACATED *** REASON: Ntc. of w/drawal filed 6/5/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Moury Jacoby

Represented By
Dheeraj K Singhal

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#35.00 Status conference re: Notice of removal to the United States Bankruptcy Court of Litigation pending in Los Angeles County Superior Court

fr. 1/16/19; 2/6/19, 4/3/19; 5/15/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The motion to vacate remand was denied on April 22, 2019. The court explained the basis for its jurisdiction at that time. No appeal was filed. The trustee's status report filed May 1, 2019 then notified all parties that the trustee was likely to seek a dismissal with prejudice. The issue was discussed at the May 15 status conference. All objections were taken into consideration at that time. The order was entered on May 24, 2019 dismissing the case with prejudice. No appeal was taken. The order is final. The June 12 filing by debtors appears to be a motion for reconsideration. The motion is too late and raises no additional issues that were not already considered. There is simply no basis for reconsideration. While it is a sad situation for the debtors that they did not have their funds in a protected retirement account, the funds were property of the estate and any cause of action the debtors had against others about the account were also assets of the estate. It was the trustee's duty to determine how to resolve both issues. The debtors, understandably, want to still pursue the funds they believed they should have. They forfeited that right when they filed bankruptcy. The motion presents no new evidence or legal argument that changes that conclusion. It will be denied.

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

**United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

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10:00 AM

CONT... Akhoian Enterprises, Inc.

Chapter 7

Defendant(s):

First-Citizens Bank & Trust	Pro Se
KI, LLC, a California limited	Pro Se
Kravitz, LLC, a Delaware limited	Pro Se
Louis Kravitz & Associates, Inc., a	Pro Se
Kravitz, Inc., a California	Pro Se
Ascensus, Inc., a Delaware	Pro Se
DOES 1 through 10, inclusive	Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.	Represented By Richard Burstein
John Akhoian	Represented By Richard Burstein
Tamar Akhoian	Represented By Richard Burstein

Trustee(s):

David Seror (TR)	Represented By Steven T Gubner Richard Burstein Talin Keshishian
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10094 Donald A Hilland

Chapter 7

Adv#: 1:18-01120 Zamora v. Ottosi et al

#36.00 Pre-trial conference re: removal of state court action
to federal bankruptcy court (Los Angeles County
Superior Court Case No BC621482)

fr. 1/2/19, 1/9/19

Docket 1

***** VACATED *** REASON: Cont. to 8/21/19 @10am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald A Hilland	Pro Se
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Defendant(s):

Linda Ottosi	Pro Se
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Paul H Ottosi	Pro Se
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Estate of Paul H. Ottosi	Pro Se
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Paul H. Ottosi and Linda Ottosi	Pro Se
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Does 1-25, Inclusive	Pro Se
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Plaintiff(s):

Nancy J. Zamora	Represented By Toan B Chung
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Trustee(s):

Nancy J Zamora (TR)	Represented By
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT...

Donald A Hilland

Toan B Chung

Chapter 7

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#36.01 Pre-Trial Status Conference re: Complaint

fr. 8/29/18, 2/20/19,

Docket 1

***** VACATED *** REASON: continued to 9/11/19 at 10:00 a.m.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-11814 Paul Allen Smith

Chapter 7

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

#36.02 Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17, 6/13/18, 12/19/18
5/22/19, 6/12/19

Docket 1

***** VACATED *** REASON: Continued to July 31, 2019 at 10 am**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

There appears to be a stipulation but there are no signatures to the stipulation in this court agreeing to the dismissal of this action. The Clerk has instructed the filer to fix the signature issue. The matter will be continued to July 31 at 10 am to give the parties a chance to file holographic signatures making it clear both sides agree to dismissal and closing of this cases based on the settlement discussed in the partial stipulation that was filed.

NO APPEARANCE on June 25

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
William Harold Brownstein

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:19-10429 Gabriel Blanc

Chapter 7

#37.00 Debtor's Motion to vacate Order Dismissing Case
with 365-day Bar to Refiling

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Gabriel Blanc

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:11-13493 Jack Piandaryan

Chapter 11

#38.00 Motion for Order Reopening Chapter 11 Case
Pursuant to 11 USC 350

Docket 167

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor argues that despite repeated calls and correspondence, his mortgage company Mr. Cooper has failed and refused to provide a corrected statement of his account ("Statement"). In addition, Debtor states that Mr. Cooper has failed and refused to apply the payments that the Debtor made to the account in excess of \$170,000 which appear to be held in suspense and that these inaccurate records have been reflected in the Debtor's Mortgage Interest Statement reported by Mr. Cooper to the Internal Revenue Service. Debtor contends that Mr. Cooper's failure to apply the funds currently held in suspense and provide the Debtor with a correct 1098 appears to be a willful violation of the Debtor's confirmed chapter 11 plan of reorganization and he seeks to reopen this case to compel Mr. Cooper to correct its records and to impose sanctions against Mr. Cooper for its repeated failure to respond.

Service proper. No opposition filed.

Motion GRANTED. NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Jack Piandaryan

Represented By
Vahe Khojayan
Jeffrey I Golden

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

Wednesday, June 26, 2019

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

#39.00 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, 10/31/18; 12/12/18, 2/27/19; 3/13/19

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

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

CONT... Process America, Inc. Chapter 11

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#40.00 Application Of Levene, Neale, Bender, Yoo &
Brill L.L.P. For Approval Of Fees And Reimbursement
Of Expenses

Period: 11/12/2012 to 4/8/2019,
Fee: \$1,267,158.50,
Expenses: \$71,392.93.

Docket 657

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Having reviewed the Final Application of Levene, Neale, Bender, Yoo & Brill L.L.P. for Approval of Fees and Reimbursement of Expenses, the Court finds that the fees and costs are reasonable and are approved as requested.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#40.01 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,
1/23/19; 3/13/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

It does not appear that there is much to discuss that is not in the status report, but I'll leave on since the related adversary status conference may still affect the estate. If no party appears to raise any issues, this will be continued to December 11, 2019 at 10 am to allow payments to be made and the case wrapped up.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#41.00 Confirmation Hearing
Re: Chapter 11 Plan
of Reorganization

fr. 3/13/19

Docket 592

***** VACATED *** REASON: Order Confirming Debtor's Chapter 11
Liquidation Plan entered on 3/25/19 (doc. 646) - hm**

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
Lindsey L Smith

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:14-14747 Tony Servera Company, Inc.

Chapter 11

#42.00 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, 9/26/18, 2/6/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Based on the status report, I am inclined to just continue this to October 23 at 10 am as requested so that no further attorney fees are incurred. While the plan is not progressing as expected, it appears payments are continuing and counsel is willing to wait a bit longer. If counsel wishes to appear, he may do so to explain any additional issues. If creditors unexpectedly appear, I will continue the hearing to August 21 at 10 am so that debtor may address any concerns raised. Appearance waived per above procedure.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-11598 Farideh Warda

Chapter 11

#43.00 Post confirmation status conference

fr. 4/4/18, 7/18/18, 9/12/18; 10/10/18

Docket 1

***** VACATED *** REASON: Duplicate of hearing matter continued to
8/21/19 at 11 a.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Farideh Warda

Represented By
Todd L Turoci

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#44.00 Post Confirmation status 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

***** VACATED *** REASON: Continued to September 18, 2019 at 10 am**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE WAIVED

In light of the debtor's very detailed status report, there is no need for a status conference. In order to save fees, this matter will be continued to September 18, 2019 at 10 am. If a motion to close case and grant discharge is received by that time, the matter may go off calendar.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#45.00 Amended Disclosure Statement in Support of Plan
of Reorganization

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Debtor's Disclosure Statement is APPROVED.
Dates for plan solicitation and confirmation to be discussed at status conference.

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron
Crystle Jane Lindsey

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

Wednesday, June 26, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#46.00 Scheduling and case management conference
and filing of monthly report

fr. 12/12/18; 5/22/19

Docket 28

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):

Ofelia Margarita Macias

Represented By
Lionel E Giron

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

Wednesday, June 26, 2019

Hearing Room 302

11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#47.00 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,
1/23/19; 3/13/19

Docket 1

*** VACATED *** REASON: Moved to 10:00 a.m. - hm

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, June 26, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#48.00 Plaintiff's motion to compel deposition of defendant,
request for sanctions in the amount of \$3,218.60

fr. 4/3/19; 4/24/19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This is the tentative for all items on the calendar in this case:

According to the allegations in the complaint, John Levin ("Plaintiff") loaned John Gordon Jones ("Debtor" or "Defendant") \$400,000 in or around 2005 after Debtor showed Plaintiff financial statements indicating that Debtor had an annual income of nearly \$2,000,000 and owned substantial assets. Plaintiff obtained a judgment against Debtor in Los Angeles Superior Court in March 2010 for an unstated cause of action. Debtor filed bankruptcy on March 21, 2018. Plaintiff filed this adversary alleging that Debtor fraudulently induced Plaintiff to make the loan by presenting Plaintiff with false financial statements. Additionally, Plaintiff alleges that Debtor should not receive a discharge under § 727(a)(2)(A), (a)(4)(A), and (a)(5) due to various alleged misrepresentations and omissions in connection with this bankruptcy case. Issues surrounding production of documents, responses to interrogatories, and appearances at depositions led to the seven discovery motions currently before the Court.

The seven motions (listed by calendar number) and their tentative rulings are:

#48: P's Motion to Compel Deposition (Doc. No 28) - GRANTED

#49 D's Motion for Protective order re: Deposition (Doc No. 31) - DENIED

#50: P's Motion to Compel amendment of responses to interrogatories (Doc. No 34).-
GRANTED IN PART

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

Hearing Room 302

11:00 AM

CONT...

John Gordon Jones

Chapter 7

#51: P's Motion to Compel amendment of responses to document requests (Doc. No. 36)-GRANTED IN PART

#52: P's Motion to Compel amended of responses to requests for admissions (Doc. No. 38)- DENIED

#53: D's Motion to quash subpoena duces tecum to U.S. Bank (Doc. 40). -DENIED

#54: D's Cross-Motion for Protective Order re: responded to interrogatories Doc. No 58)- GRANTED IN PART, DENIED IN PART

#55 is a status conference regarding the discovery dispute. NO Status report filed

At the last hearing, the Court continued the discovery motions to allow the parties time to file oppositions, work on joint stipulations, and continue with discovery.

Protective Order Standard

Rule 26(b) of the Federal Rules of Civil Procedure provides that litigants may obtain discovery regarding "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case. . . ." FRCP 26(b)(1). Relevant information does not necessarily have to be admissible. FRCP 26(b)(1). A court may limit discovery if it is "unreasonably cumulative or duplicative," or is obtainable "from some other source that is more convenient, less burdensome, or less expensive." FRCP 26(b)(2)(C).

For "good cause shown," a court may issue a protective order "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense," including: (1) prohibiting disclosure or discovery; (2) conditioning disclosure or discovery on specified terms; (3) preventing inquiry into certain matters; or (4) limiting the scope of disclosure or discovery to certain matters. FRCP 26(c)(1). To obtain a protective order, the party resisting discovery or seeking limitations must show "good cause" for its issuance by demonstrating harm or prejudice that will result from the discovery. Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1210-1211 (9th Cir. 2002).

Motion to Compel Standard

(B) To Compel a Discovery Response. A party seeking discovery may move for an order compelling an answer, designation, production, or inspection.

This motion may be made if:

(i) a deponent fails to answer a question asked under Rule 30 or 31;

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

CONT...

John Gordon Jones

Chapter 7

- (ii) a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a)(4);
- (iii) a party fails to answer an interrogatory submitted under Rule 33; or
- (iv) a party fails to produce documents or fails to respond that inspection will be permitted -- or fails to permit inspection -- as requested under Rule 34.

Fed. R. Civ. P. 37

LBR 7026-1 Compliance

Before the filing of a discovery motion, LBR 7026-1(c) requires a meeting of counsel to discuss the discovery dispute. Counsel for opposing party has seven days to meet with the moving party. If the parties cannot resolve the discovery dispute at a meeting of counsel, LBR 7026-1(c)(3) requires the parties to file a motion and stipulation, detailing in a single document each disputed issue and the contentions and points and authorities for each party. Failure to attend a meeting of counsel or to provide the information necessary to the discovery dispute stipulation within seven days of the meeting of counsel "will result in the imposition of sanctions, including the sanctions authorized by FRBP 7037 and LBR 9011-3." LBR 7026-1(c)(4). "In the absence of such stipulation or a declaration of counsel by the opposing party, the court will not consider the discovery motion." LBR 7026-1(c)(3)(C).

The meet and confer has occurred. While it is debatable whether the stipulation meets the requirements of the rule, the court will consider the motions. The point of a stipulation under LBR 7026-1(c)(3) is to obviate the need for the court to swim through stacks of paper in order to determine which issues are disputed and what the positions of each side are. That has not happened.

Statute of Limitations

Debtor argues throughout many of these disputes that Plaintiff should not be allowed to gather discovery relating to events occurring in and before 2005. He argues that the statute of limitations for fraud under California law is three years under Cal. Civ. Proc. § 338(d), and that, therefore, requests for discovery of documents relating to the circumstances surrounding the loan are irrelevant. Implicit in this argument is the state court judgment is for breach of contract or some other non-fraudulent cause of action, and that Plaintiff cannot return to the merits of the

**United States Bankruptcy Court
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San Fernando Valley
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11:00 AM

CONT... John Gordon Jones

Chapter 7

underlying judgment. This argument would have been more properly raised on a motion to dismiss or motion for judgment on the pleadings, but the Court must address it now in order to determine the scope of allowable discovery.

The argument that state law statutes of limitations can bar nondischargeability actions where there is an underlying judgment has been rejected by the Ninth Circuit. Matter of Gross, 654 F.2d 602, 604 (9th Cir. 1981) (rejecting argument that statute of limitations for fraud barred a plaintiff, who obtained breach of contract judgment, from later pursuing a dischargeability action based upon fraud).

While Gross was decided under the bankruptcy act, the Ninth Circuit reiterated that the reasoning set forth in Gross applies equally to dischargeability actions under the Bankruptcy Code.

[T]he expiration of a state statute of limitations on fraud actions does not affect an action for nondischargeability if there is a valid judgment. . . . "[T]he question of the dischargeability of the debt under the Bankruptcy Code is a distinct issue governed solely by the limitations periods established by bankruptcy law. In this case, the debt has already been established, so the state statute of limitations is immaterial.

In re Gergely, 110 F.3d 1448, 1453-54 (9th Cir. 1997)(quoting In re McKendry, 40 F.3d 331, 337 (10th Cir.1994)). Debtor relies upon superseded case law for this argument. Shannon v. Russell (In re Russell), 203 B.R. 303 (Bankr. S.D. Cal. 1996). The court in Russell relied upon the Ninth Circuit BAP's decision in Gergely one year before that decision was reversed by the Ninth Circuit. Any objection based on the statute of limitations is overruled.

48: Plaintiff's Motion to Compel Deposition (Doc. No 28) & #49 D's Motion for Protective order re: Deposition (Doc No. 31)

These two motions address the same issue. Defendant's arguments for why he should not appear for a deposition are without basis. Resolving discovery disputes first might be nice, but without a protective order, the defendant still must appear and be deposed. The confusion in the complaint is also not a valid reason not to show up.

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Wednesday, June 26, 2019

Hearing Room 302

11:00 AM

CONT... John Gordon Jones

Chapter 7

If a question is not clear at a deposition, that can be dealt with there. Disagreement or lack of clarity in a complaint warranted a motion to dismiss, not a refusal to appear later after an answer was filed. Lack of resources is unfortunate, but defendant still must be deposed. The other discovery should be provided, as discussed elsewhere, and the date for the deposition will be selected at the hearing. It is unclear what defendant means by priority in discovery, but it does not mean he does not have to show up because he disagrees with the merits of the complaint.

#50: P's Motion to Compel amendment of responses to interrogatories (Doc. No 34)

"The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure." F.R.C.P. 33(b)(4). The scope of interrogatories is the same as the same as the scope allowed under F.R.C.P. 26(b).

A joint stipulation has been filed with respect to this motion. Certain interrogatories at issue refer to Defendant's answer to the complaint.

Rulings on Interrogatories at issue:

Interrogatory 2: Objection sustained; motion to compel denied. This essentially asks for Defendant to admit that he is improperly refusing to turn over documents, and to specify which documents are being improperly withheld. This should be resolved within the request for production, not an interrogatory.

Interrogatory 9: Motion to compel granted as to this interrogatory. Defendant's response in the stipulation effectively provides the factual answer sought by the interrogatory. It should have been provided earlier.

Interrogatory 10: Motion to compel granted. Defendant refused to answer fully on the basis that certain statements are ambiguous, but this is certainly clear enough to answer. Defendant just has to respond with what he remembers about the financial statements he signed 13 years ago. This is within the scope of discovery for the 523(a)(2)(B) action as these are the specific alleged false documentary statements that Plaintiff relies upon.

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

Hearing Room 302

11:00 AM

CONT... John Gordon Jones

Chapter 7

Interrogatory 14: Motion to compel denied as to this interrogatory. Plaintiff should have found a more reasonable way to ask this question such as: "What is the basis of your valuation of \$5,000 for your household goods and furnishings listed in exhibit B?" The question should have been more specific if Plaintiffs wanted an actual list of that property. This was just an argumentative way to ask. Defendant's rambling answer states at one point that it was Debtor's "considered opinion" that the valuation is \$5,000. I think that's a fine way to say "I guessed." This question is within the scope of Rule 26(b) because Plaintiff is attempting to ascertain whether Defendant knowingly made false statements on his schedules for the 727 claims, but the answer given is sufficient, given how it was asked.

Interrogatory 17: Motion to compel denied. Argumentative and conclusory questions.

Interrogatory 19: Motion to compel denied. The interrogatory seeks information about the balance in a particular bank account on the petition date, but Plaintiff intended to (and apparently did) subpoena the bank records for a fairly long period of time, presumably including the petition date. Therefore, Plaintiff can and has obtained the information "from some other source that is more convenient, less burdensome, or less expensive." FRCP 26(b)(2)(C).

Interrogatory 20: Motion to compel granted. The question asks about how Debtor valued the business at \$10,000. The only line that is remotely responsive is that it was "based on equity and retained earnings as of 10/31/17." I think more is required—what were the retained earnings and equity? The answer is evasive. Furthermore, the Defendant says in his response that he "will provide Plaintiff with both of his personal returns and the 2017 return of Corporate Distributions, Inc. if you (Plaintiff's counsel) will sign a stipulation for Protective order limiting your use of these documents to specific issues in this action. . . ." If Defendant wants a protective order, he should come to the Court.

Interrogatory 23: Motion to compel grant. This is a straightforward question about the number of current employees. "Variable up to 10" is vague—Defendant should give more of an answer than that.

Interrogatory 24: Motion to compel Granted. Asking about the Debtor's business's current bank accounts is within the scope of an inquiry into whether Debtor lied about

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the value of the business for purposes of a 727 claim. Defendant again improperly asserts that there is a protective order.

Interrogatory 25: Motion to compel denied. Post-petition bank statements are outside the scope of discovery.

**#51: P's Motion to Compel amendment of responses to document requests
(Doc. No. 36)**

The scope of document production is the same as the scope of FRCP 26(b). FRCP 34(a). A document request must "describe with reasonable particularity each item or category of items to be inspected." FRCP 34(b)(1)(A). Any objection to a request for production must state whether any materials are being withheld on the basis of that objection. FRCP 34(b)(2)(C).

A Joint Stipulation (Doc. No. 63) was submitted with respect to Plaintiff's motion to compel further production of documents. Defendant subsequently submitted an opposition (Doc. No 73).

Rulings on Requests for Production at issue:

Is a privilege log still an issue? Unclear from the stipulations.

In general, the document requests should be clearer and actually state what specifically is requested. The reference to the paragraph of the answer is sloppy and vague. That said, the topics that are permissible are detailed below.

RFP #5: This request asks for documents supporting the answer to ¶ 14 of the complaint. Paragraph 14 of the complaint is a list of 17 alleged false statements made in documents produced to Plaintiff to induce Plaintiff to make the loan. The answer denies ¶ 14. I think the request is relevant and within the scope of the 523(a)(2)(B) action because these are the specific false statements alleged. Berger argues that it is also relevant to the 727 action because he believes that Debtor still has some of these assets. However, these statements were made ten to thirteen years before the case was filed, so Debtor may not have support for them. There is no temporal limit on a 523 action where there is a judgment, and Plaintiff has only

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pointed to the statute of limitations, which is an invalid basis.

Defendant's response asserts privilege, then explains that the "'privilege' objection encompasses common law privacy rights, a constitutional right to privacy and statutes that may apply... ." I don't know what to make of that. Defendant also state that "Under the Circumstances, there are not going to be identifiable documents for Defendants unless and until Plaintiff is able to adduce sufficient facts to support a cause of action." This sounds like a blatant refusal to participate in discovery because Debtor does not think that Plaintiffs have a good case. Debtor never filed a 12(b)(6) motion and can't object to discovery where he simply disagrees with the merits of the action. The privilege objection is overruled.

Debtor states he is withholding documents in connection with this request because he disagrees with the cause of action. Stipulation 5:26-6:16. That is simply not a basis where no motion to dismiss or summary judgment has been granted narrowing the grounds of the cause of action.

Of any remaining documents to be turned over, however, Plaintiff must list out the specific areas by name and not simply refer to the paragraph of the complaint. The broad brush sloppy approach is one part of the problem.

RFP #23: Motion to compel is granted as to Debtor's 2016 tax returns. The dissipation of Debtor's substantial assets, even over a 14 year period, is a sufficient basis in the context of a 727 action to dig into Debtor's recent finances. The policy of financial disclosure is much stronger in a bankruptcy context in order to prevent abuse of the bankruptcy system. Debtors relinquish a lot of financial privacy by filing bankruptcy. Debtor's objection of "privilege" and privacy are not supported by any demonstrated legal authority. He chose to file bankruptcy, subjecting himself to this scrutiny.

RFP #24: Motion to compel granted as to Debtor's 2017 tax returns for the reasons state above.

RFP #25: Motion to compel granted for documents pertaining to valuation of household goods and furnishings at \$5,000. This is within the scope of the 727 action because one of the alleged false statements in the schedules is that debtor

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undervalued household goods and furnishings, including an art collection. The Ch. 7 Trustee looked into this (but seems to have stepped back once this adversary was filed). Debtor refused to produce the documents, or any emails with Amy Goldman, until she "completes her investigation." Debtor again objects on the basis of privacy, citing Hill v. Nat'l Collegiate Athletic Assn., 7 Cal. 4th 1 (1994) (Finding that the NCAA's drug testing policy of college athletes did not violate state constitutional right to privacy). The privacy argument set forth in Hill, to the extent applicable, is still subject to a balancing. Ms. Goldman appears to have completed her investigation, and the creditor also has a right to investigate.

RFP #28: Granted. Requests documents supporting the valuation of Debtor's business, Corporate Distributions, Inc., at \$10,000 in schedule B. This is within the scope of the 727 claims. Debtor states that he will willingly produce certain documents if Plaintiffs sign a confidentiality agreement. This should be standard practice and easy to work out.

RFP # 28-2 (mistakenly marked as 28): Requests a copy of Corporate Distributions, Inc.'s bank statements for 2016 to present. This is a more specific piece of RFP # 28—this is a document that could be used to form an opinion of the company's value. It is unclear whether this issue has been resolved already.

RFP #29: Requests tax return for Corporate Distributions, Inc. for 2017. Granted. Again, defendant states that he will turn it over if Plaintiffs sign a confidentiality agreement.

RFP #30: Requests corporate tax return for 2016. Granted.

RFP #33: Requests "bank statements for the Estate of Penny Jones bank account." The stipulation indicates that "Defendant agreed yesterday to voluntarily produce his file on the Penny Jones estate." This estate was listed on the financial statement given to Plaintiff to obtain the loan. Granted.

RFP #34: Defendant states that Plaintiff withdrew this request to produce yesterday... assume this is resolved. The request is for bank statements for the "MFG business" dating back to 2009. This request seems too broad. It can't be relevant to the 523 claim because the relevant statements were made before 2009. As to the

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727 claim, only a few years pre-petition are relevant.

#52: P's Motion to Compel amended of responses to requests for admissions (Doc. No. 38)

It appears only RFAs 2 through 5 are at issue. All are DENIED. The requests were either too vague or Plaintiff has an answer from defendant in the response.

#53: D's Motion to quash subpoena duces tecum to U.S. Bank (Doc. No. 40).

Bank statements from 2005 to the petition date from The Manufacturer's Bank is overbroad. The 2005 statements may be relevant and 2 years pre-petition (2016 – March 2018). This should be narrowed. Other than that, the subpoena is proper. Motion to Quash DENIED in part, GRANTED in part.

#54: D's Cross-Motion for Protective Order re: responded to interrogatories (Doc. No 58)

This Motion is very vague about the specific relief sought. Large sections of the motion are dedicated to criticizing Plaintiff's cooperation with the trustee and the merits of Plaintiff's claim. Neither of those issues are relevant to this motion for protective order.

A joint stipulation (Doc. No. 57) was submitted with respect to the interrogatory responses related to the Motion to Compel (Doc. No. 34). This Motion for Protective Order explicitly refers only to Interrogatory 13 and 16. The Court will address the disputed interrogatories within the context of that stipulation.

Attorney's fees Standard

(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:

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- (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.

Neither side has been substantially justified in all of their positions, making the award of attorney fees to either side questionable.

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#49.00 Motion for protective order regarding defendant's deposition; request for sanctions in the amount of \$5,175

fr. 4/3/19; 4/24/19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#50.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of Interrogatories; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

fr. 4/3/19; 4/24/19

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#51.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for production of documents; (2) award sanctions in the amount of \$9,709.00 against defendant and defendant's counsel

fr. 4/3/19; 4/24/19

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#52.00 Plaintiff's motion to compel, pursuant to FRBP 7037, defendant John Gordon Jones to (1) amend his responses to plaintiff's first set of request for admissions

fr. 4/3/19; 4/24/19

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#53.00 Defendant's motion to quash subpoena Duces Tecum
of plaintiff's to US Bank

fr. 4/3/19; 4/24/19

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#54.00 Defendant's cross motion for protective order regarding plaintiff's motion to compel amended responses to to interrogatories

fr. 4/24/19

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#55.00 Status Conference Re:
Pending Discovery Matters

fr. 4/3/19

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

1:00 PM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#56.00 Motion for summary judgment

Docket 36

***** VACATED *** REASON: Continued per stipulation to 8/28/19 at 1:00 p.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin	Represented By R Grace Rodriguez
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Defendant(s):

Charles Street Investments, Inc.	Represented By Stella A Havkin
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Charles Street Investment, LLC, an	Represented By Stella A Havkin
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Inaam Rasheed Naeem, an	Represented By Stella A Havkin
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Cardenas Three LLC, a California	Represented By Jacky Wang
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Estate of Shahid Naeem, decedent	Represented By Stella A Havkin
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DOES 1 through 50, inclusive	Pro Se
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Joint Debtor(s):

Svetlana Buzina	Represented By
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CONT... Arkady Aleksandrovich Buzin

Chapter 13

R Grace Rodriguez

Plaintiff(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Svetlana Buzina

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

1:00 PM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#57.00 Status conference re complaint to determine the extent and validity of liens on real property; quiet title; cancellation of instruments; rescission under home equity sales contract act fraud; breach of fiduciary duty; breach of contract; breach of implied covenant of good faith and fair dealing; violation of mortgage foreclosure consultant law; declaratory relief

Counterclaim

Cardenas Thee LLC

Couter - Claimant

vs.

Arkady Aleksandrovich Buzin

Counter - Defendant

from: 5/10/18; 6/14/18; 8/30/18; 12/13/18; 3/14/19; 3/18/19(MB),
3/26/19

Docket 1

***** VACATED *** REASON: Continued per stipulation to 8/28/19 at 1:00 p.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
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1:00 PM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Defendant(s):

Charles Street Investments, Inc.	Pro Se
Charles Street Investment, LLC	Pro Se
Inaam Rasheed Naeem	Pro Se
Cardenas Three LLC	Pro Se
Shahid Rasheed Naeem	Pro Se

Joint Debtor(s):

Svetlana Buzina	Represented By R Grace Rodriguez
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Plaintiff(s):

Arkady Aleksandrovich Buzin	Represented By R Grace Rodriguez
Svetlana Buzina	Represented By R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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Wednesday, June 26, 2019

Hearing Room 302

1:00 PM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

#58.00 Motion to Dismiss Adversary Proceeding by
Defendant Cascase Funding Mortgage Trust

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing will be a status conference on whether this adversary should be heard given that the lead case will be resolved within 60 days. See bankruptcy Docket, Doc. 66. Would the Court have jurisdiction to hear this adversary if the lead case is dismissed?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Represented By
Eddie R Jimenez

Statebridge Company LLC

Pro Se

Cascade Funding Mortgage Trust

Pro Se

Cascade Funding Mortgage Trust

Represented By
Mark S Krause

Plaintiff(s):

Salomon Llanos

Represented By

**United States Bankruptcy Court
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Wednesday, June 26, 2019

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CONT...

Salomon Llanos

John Habashy
Tiffany Buda

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

1:00 PM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

#59.00 Motion to Dismiss Adversary Proceeding by
Defendant Citigroup, Inc.

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Represented By
Eddie R Jimenez

Statebridge Company LLC

Pro Se

Cascade Funding Mortgage Trust

Pro Se

Cascade Funding Mortgage Trust

Represented By
Mark S Krause

Plaintiff(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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CONT... Salomon Llanos

Chapter 13

**United States Bankruptcy Court
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Hearing Room 302

1:00 PM

1:18-13040 Eric Rodriguez

Chapter 7

Adv#: 1:19-01015 Gamm et al v. Rodriguez

#60.00 Motion and Motion to Dismiss Adversary
Complaint

Docket 8

***** VACATED *** REASON: Amended complaint (doc. 11) & answer filed
(doc. 14) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

Defendant(s):

Eric Rodriguez

Represented By
David Brian Lally

Plaintiff(s):

Veronica Gamm

Represented By
Frank E Marchetti

Marina Noorali

Represented By
Frank E Marchetti

Fredy Harrison

Represented By
Frank E Marchetti

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 26, 2019

Hearing Room 302

1:00 PM

1:18-13040 Eric Rodriguez

Chapter 13

Adv#: 1:19-01015 Gamm et al v. Rodriguez

#61.00 Status Conference Re: Amended Complaint
to Determine Debts to be Non-Dischargeable
Pursuant to Section 1328(A)(4) of the Bankruptcy
Code; Demand for Trial by Jury

fr. 5/1/19

Docket 2

***** VACATED *** REASON: Amended complaint was filed and another
Summons was issued. New S/C set for 7/31/19 @10:00. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

Defendant(s):

Eric Rodriguez

Pro Se

Plaintiff(s):

Veronica Gamm

Represented By
Frank E Marchetti

Marina Noorali

Represented By
Frank E Marchetti

Fredy Harrison

Represented By
Frank E Marchetti

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 26, 2019

Hearing Room 302

1:00 PM

CONT... Eric Rodriguez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Tuesday, July 16, 2019

Hearing Room 302

8:30 AM

1:19-10654 John P O'Connell

Chapter 7

**#1.00 Reaffirmation Agreement with
USAA Federal Savings Bank**

Docket 9

Tentative Ruling:

Petition date: 3/21/19

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: 2008 Honda CR-V

Debtor's valuation of property (Sch. B): \$3,300

Amount to be reaffirmed: \$7,437.39

APR: 7.85% (fixed)

Contract terms: \$244.74 per month for 34 months

Monthly Income (Schedule I): \$1,851.23

Monthly expenses: (Schedule J): \$2,317

Disposable income: <\$465.77>

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 is exploring more lucrative job opportunities and needs his vehicle for work. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until August 4, 2019, whichever is later.

Disposition: reaffirmation agreement is _____.

RULING MAY BE MODIFIED AT HEARING.

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8:30 AM

CONT... John P O'Connell

Chapter 7

Party Information

Debtor(s):

John P O'Connell

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Tuesday, July 16, 2019

Hearing Room 302

8:30 AM

1:19-11129 Juan Jose Llauro and Ana Llauro

Chapter 7

**#2.00 Pro se Reaffirmation Agreement with
Ford Motor Credit Company LLC
(2013 Ford C-Max Hybrid)**

Docket 11

Tentative Ruling:

Petition date: 5/7/19

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 C-Max Hybrid

Debtor's valuation of property (Sch. B): \$4,454

Amount to be reaffirmed: \$5,500

APR: 1.9% (fixed)

Contract terms: \$541.65 per month for 10 months

Monthly Income (Schedule I): \$5,569.50

Monthly expenses: (Schedule J): \$5,547

Disposable income: \$22.50

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 provide no explanation. The payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until August 3, 2019, whichever is later.

Disposition: reaffirmation agreement is _____.

RULING MAY BE MODIFIED AT HEARING.

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

Tuesday, July 16, 2019

Hearing Room 302

8:30 AM

CONT... Juan Jose Llauro and Ana Llauro

Chapter 7

Party Information

Debtor(s):

Juan Jose Llauro

Represented By
Daniel King

Joint Debtor(s):

Ana Llauro

Represented By
Daniel King

Trustee(s):

David Seror (TR)

Pro Se

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

Tuesday, July 16, 2019

Hearing Room 302

9:30 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#3.00 Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18;
12/18/18, 2/20/19; 6/6/19

Docket 0

***** VACATED *** REASON: Order ent. continuing hrg to 8/8/19 at 1:00
p.m. - jc**

Tentative Ruling:

Questions so far for 6/6 S/C:

Why have statements of completion not been obtained on finished jobs from NASA and the notices served on subcontractors? We need to know if there are unknown claims still.

Is the U.S. Navy Ballfield job completed as projected? No order was submitted to end Syberus funds control arrangement.

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

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

Tuesday, July 16, 2019

Hearing Room 302

11:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#4.00 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, 11/14/18; 1/23/19, 6/12/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

9:30 AM

1:19-11614 Melanie Champagne

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 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Champagne	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

9:30 AM

1:19-11616 Alisa Jene Owens

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alisa Jene Owens	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

9:30 AM

1:19-11647 Edgardo Renderos

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgardo Renderos	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

9:30 AM

1:19-11662 Oscar Aguirre

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Aguirre

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:14-13823 Rumio Sato

Chapter 13

#1.00 Motion for Relief from Stay

BANK OF NY MELLON

Docket 197

Tentative Ruling:

Petition Date: 08/14/2014

Chapter: 13 plan confirmed: 02/17/2015

Service: Proper. No opposition filed.

Property: 615 East Chase Drive, Corona, CA 92881

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: \$1,930,263.12 (per RFS motion)

Equity Cushion: 0.0%

Equity: 0.00.

Post-Petition Delinquency: \$225,183.65 (45 payments of \$4,981.17 and attorneys' fees and costs \$1,031).

Movant alleges cause for relief under 362(d)(4) due to the Debtor's bankruptcy case as part of a scheme to delay, hinder or defraud, which includes, an unauthorized transfer of interest in the property at issue. Debtor has been performing under a confirmed plan since February 2015 and there are many other relief from stay motions that have been filed in this case. It appears that this Debtor is not involved in whatever scheme is being perpetrated that involves someone "dumping" properties into his bankruptcy case.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 5 (annulment of automatic stay retroactive bankruptcy petition date); 7 (waiver of the 4001(a)(3) stay); and 9 (relief under 362(d)(4), **with no finding of bad faith as to this Debtor**).

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Rumio Sato

Chapter 13

Debtor(s):

Rumio Sato

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:14-14219 Carmine Antonello

Chapter 13

#2.00 Motion for Relief from Stay

WARNER CENTER CONDOMINIUMS

Docket 110

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmine 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:14-15003 Pardeep Gupta

Chapter 13

#3.00 Motion for relief from stay

SFS SOLO 401K TRUST

Docket 69

*** VACATED *** REASON: Resolved per APO - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pardeep Gupta

Represented By
Rabin J Pournazarian

Movant(s):

SFS SOLO 401K TRUST

Represented By
Julian K Bach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#4.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19, 5/1/19, 6/5/19, 6/26/19

Docket 77

Tentative Ruling:

Order Granting Motion to Commence LMM was entered on July 11, 2019. Was is the status of this Motion?

APPEARANCE REQUIRED

6/26/19 Tentative

At the 06/5/19 hearing, the parties indicated they will seek the assistance of the Court's LMM program. On June 16, 2019, Debtor filed a Motion to Commence LMM Program. The time for objection under LBR 9013-1(o) runs on or about July 1, 2019. Given the status of the LMM Motion, the Court finds cause to continue this hearing to July 17, 2019, to allow for the LMM Motion to be resolved.

NO APPEARANCE REQUIRED ON 6/26/19

6/5/19 TENTATIVE BELOW

At the last hearing, the parties indicated that the creditor had the package to review. Nothing has been filed since the last hearing. What is the status of this matter? This has been continued several times without any clear progress.

APPEARANCE REQUIRED

5/1/19 Tentative

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Chapter 13

of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:16-12785 Emma Corina Sosa

Chapter 13

#5.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 53

*** VACATED *** REASON: Resolved per APO on (doc. 56) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emma Corina Sosa

Represented By
Giovanni Orantes

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:16-12898 Jose Ramon Mendoza and Norita Del Carmen Mendoza

Chapter 13

#6.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 6/5/19

Docket 59

Tentative Ruling:

This hearing was continued from 6/5/19 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

6/5/19 Tentative below:

Petition Date: October 6, 2016

Chapter: 13

Service: Proper. No opposition filed.

Property: 6728 Tyrone Ave. Van Nuys, CA 91405

Property Value: \$ 435,000 (per debtor's schedules)

Amount Owed: \$ 347,368.70 (per RFS motion)

Second Mortgage: \$70,897.70 (Nationstar)

Third position judgment lien: 9,677 (Grant and Weber)

Equity Cushion: 0.0% (assuming 8% Cost of Sale)

Equity: \$7,057.00.

Post-Petition Delinquency: \$2,239.99 (2 payments of \$2,114.77 minus suspense account balance)

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).

Debtors oppose the motion, indicating that they will come current by the hearing and/or will enter into an APO with Movant.

APPEARANCE REQUIRED

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Jose Ramon Mendoza and Norita Del Carmen Mendoza

Chapter 13

Party Information

Debtor(s):

Jose Ramon Mendoza

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Norita Del Carmen Mendoza

Represented By
Jaime A Cuevas Jr.

Movant(s):

THE BANK OF NEW YORK

Represented By
Jamie D Hanawalt
Alexander K Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:16-13568 Shakiba Bahari-Mehr

Chapter 13

#7.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 6/12/19

Docket 57

Tentative Ruling:

This hearing was continued from 6/12/19 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

6/12/19 TENTATIVE BELOW

Petition Date: 12/20/2016

Chapter: 13

Service: Proper. Opposition filed.

Property: 4647 Willis Avenue Unit 318, Sherman Oaks CA, 91403

Property Value: \$445,000 (per debtor's schedules)

Amount Owed: \$261,936.45 (per RFS motion)

Equity Cushion: 33%

Equity: \$183,063.55

Post-Petition Delinquency: \$3,938.77

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); 7 (waiver of the 4001(a)(3) stay); 12 (Debtor is borrower for purposes of § 2923.5); and 13 (if RFS not granted, adequate protections).

Debtor opposes the motion, arguing that more payments have been paid to the movant to bring the account current.

APPEARANCE REQUIRED.

Party Information

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Shakiba Bahari-Mehr

Chapter 13

Debtor(s):

Shakiba Bahari-Mehr

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Erica T Loftis Pacheco

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

#8.00 Motion for relief from stay

GREEN WILLOW HOMEOWNERS ASSOC.

fr. 5/1/19; 5/15/19, 6/5/19; 6/26/19

Docket 50

*** VACATED *** REASON: Resolved per APO (doc. 67) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#9.00 Motion for relief from stay

U.S. BANK TRUST N.A.

fr. 4/3/19, 5/1/19; 5/22/19, 6/12/19

Docket 28

***** VACATED *** REASON: Resolved per APO (doc. 43) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#10.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 60

Tentative Ruling:

Petition Date: 04/06/2017
Chapter: 13 plan confirmed: 11/09/2017
Service: Proper. No opposition filed.
Property: 2016 Toyota Rav4
Property Value: \$0 (per debtor's schedules)
Amount Owed: \$19,174.55
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$19,174.55

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).

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

Party Information

Debtor(s):

Jeannie Claire Acdan

Represented By
Scott Kosner

Movant(s):

Toyota Motor Credit Corporation,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Jeannie Claire Acdan

Chapter 13

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:17-12333 Karmile Yurdumyan

Chapter 7

#11.00 Motion for relief from stay

DAIMLER TRUST

Docket 186

Tentative Ruling:

Petition Date: 08/31/2017

Chapter: 7

Service: Proper. No opposition filed.

Movant: Daimler Trust, Lienholder and named loss payee

Relief Sought to: Pursue Pending Litigation ___ Commence Litigation

___ Pursue Insurance X Other

Litigation Information

Case Name: N/A, case not yet filed

Court/Agency: N/A, case not yet filed

Date Filed: N/A, case not yet filed

Judgment Entered: N/A, case not yet filed

Trial Start Date: N/A, case not yet filed

Action Description: Movant was informed that the vehicle was involved in a collision and declared a total loss on May 28, 2019. Movant seeks relief from the automatic stay to recover as a loss payee under debtor's insurance policy.

Grounds

Bad Faith ___ Claim is Insured ___ Claim Against 3rd Parties

X 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); and 5 (waiver of the 4001(a)(3) stay).

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Karmile Yurdumyan

Chapter 7

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

Party Information

Debtor(s):

Karmile Yurdumyan

Represented By
Michael E Clark

Movant(s):

Daimler Trust

Represented By
Jennifer H Wang

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Peter A Davidson
Howard Camhi

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-10356 Felipe Reyes

Chapter 13

#12.00 Motion for relief from stay

US BANK

Docket 39

Tentative Ruling:

Petition Date: 02/09/2018
Chapter 13 plan confirmed: 11/26/18
Service: Proper. Opposition filed.
Property: 16058 Los Alimos St., Granada Hills, CA 91344
Property Value: \$ 500,000 (per debtor's schedules)
Amount Owed: \$367,653.43 (per RFS motion)
Equity Cushion: 18%
Equity: \$153,819.93
Post-Petition Delinquency: \$10,080.20 (2 payments of \$2,515.66; 2 payments of \$2,524.68; and less suspense balance of \$47.48).

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) and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion, arguing that he has tendered a post-petition mortgage payment on or about June 20, 2019 and will obtain evidence to provide to the Court and Movant on or before the hearing date. Debtor seeks to enter an APO with the Movant to resolve post-petition arears. Additionally, Debtor requests that Movant to amend their proof of claim to include the post-petition arears into the remainder of the Plan to which a Motion to Modify Plan could accommodate to prevent any future hardship to the Debtor.

It appears that Movant is protected by an equity cushion in the property. Can the parties work out an APO?

APPEARANCE REQUIRED.

Party Information

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Felipe Reyes

Chapter 13

Debtor(s):

Felipe Reyes

Represented By
Donald E Iwuchuku

Movant(s):

U.S. Bank National Association as

Represented By
Ashish R Rawat
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-10737 Dana Stone Goldberg and Barry David Goldberg

Chapter 13

#13.00 Motion for relief from stay

WELLS FARGO BANK N.A.

fr. 6/12/19

Docket 48

*** VACATED *** REASON: Resolved per APO (doc. 54) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Stone Goldberg

Represented By
Kevin T Simon

Joint Debtor(s):

Barry David Goldberg

Represented By
Kevin T Simon

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Josephine E Salmon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-10966 Scott Erickson Lundbergh and C F Kandy Bernice

Chapter 13

#14.00 Motion for relief from stay

SANTANDER CONSUMER USA INC

Docket 43

*** VACATED *** REASON: Resolved per APO, Doc. 46 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Erickson Lundbergh

Represented By
Jeffrey J Hagen

Joint Debtor(s):

C F Kandy Bernice Lundbergh

Represented By
Jeffrey J Hagen

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-11525 Maria Sarabia

Chapter 13

#15.00 Motion for relief from stay

BANC OF CALIFORNIA DBA
BANC HOME LOANS

Docket 39

Tentative Ruling:

Petition Date: 06/18/2018
Chapter 13 plan confirmed: 11/5/18
Service: Proper. Opposition filed 7/10/19.
Property: 327 North Alexander Street, San Fernando, CA 91340
Property Value: \$579,760 (per debtor's schedules)
Amount Owed: \$509,053.29 (per RFS motion)
Equity Cushion: 4%
Equity: \$79,065
Post-Petition Delinquency: \$4,338.42

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). Debtor opposes the Motion, arguing that the value of the property is \$609,000 providing a sufficient equity cushion. Debtor states in the Opposition that the parties are negotiating an APO. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Maria Sarabia

Represented By
Donald E Iwuchuku

Movant(s):

Banc of California dba Banc Home

Represented By
Mark S Krause
Erin M McCartney

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Maria Sarabia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-11806 Maria Heredia

Chapter 13

#16.00 Motion for relief from stay

FIRSTBANK

fr. 5/22/19, 6/12/19

Docket 46

***** VACATED *** REASON: Resolved per APO (doc. 57) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Heredia

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12225 Cheryl Lynne Tuch

Chapter 13

#17.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 4/10/19, 6/5/19

Docket 26

Tentative Ruling:

The parties indicated at the previous hearing that, on May 26, 2019, Debtor had accepted a cash offer to buy the Property. Nothing has been filed since the June 5 hearing. What is the status of this motion?

APPEARANCE REQUIRED

Cont'd fr 6/5/19

The parties indicated at the April 10 hearing that this house was listed for sale. What is the status of this motion?

APPEARANCE REQUIRED

Continued From 4/10/19

Petition Date: August 31, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 5826 Saloma Ave, Van Nuys, CA 91411

Property Value: \$789,000 (per debtor's schedules)

Amount Owed: \$414,099 (per RFS motion)

Equity Cushion: 44.0% (assuming 8% cost of sale)

Equity: \$374,901

Post-Petition Delinquency: \$7,961.90

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 (waiver of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Cheryl Lynne Tuch

Chapter 13

Debtor opposes the motion. Debtor states that she will be listing the property for sale shortly, and that Movant is adequately protected by the large equity cushion on the property. Here, it appears that there is a sufficient equity cushion to protect the creditor, notwithstanding the missing post-petition payments. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Cheryl Lynne Tuch

Represented By
Steven A Alpert

Movant(s):

Wilmington Savings Fund Society,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12543 German Omar Diaz and Teresa Maria Diaz

Chapter 7

#18.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP.

Docket 22

Tentative Ruling:

A discharge was entered in this chapter 7 case on February 04, 2019, thereby terminating the automatic stay under 11 U.S.C. 362(c)(2)(C). The motion is therefore DENIED as moot.

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

Party Information

Debtor(s):

German Omar Diaz

Represented By
Stephen L Burton

Joint Debtor(s):

Teresa Maria Diaz

Represented By
Stephen L Burton

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12549 Moshe Cohen

Chapter 13

#19.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

Docket 42

*** VACATED *** REASON: Resolved per APO, Doc. 48 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D Resnik

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10125 Debra Jean Beach and Andrew Goodman

Chapter 13

#20.00 Motion for relief from stay

CAB WEST LLC

fr. 6/5/19

Docket 32

Tentative Ruling:

On June 7, 2019, Debtors moved to incur debt to purchase the subject vehicle for \$16,623, to be paid over 60 months. On July 5, 2019, an Order Granting Debtors' Motion to Incur Debt was entered (doc. 46). Does the resolution of the Motion to Incur Debt also resolve this Motion?

APPEARANCE REQUIRED

6-5-19 TENTATIVE BELOW

Petition Date: January 18, 2019

Chapter: 13

Service: Proper. No opposition filed.

Property: 2016 Ford Fusion

Property Value: \$ N/A, LEASE (per debtor's schedules)

Amount Owed: \$ 16,623

Equity Cushion: N/A, Lease

Equity: N/A, Lease

Post-Petition Delinquency: N/A, lease matured

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

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Debra Jean Beach and Andrew Goodman

Chapter 13

Debtor(s):

Debra Jean Beach

Represented By
Larry D Simons

Joint Debtor(s):

Andrew Goodman

Represented By
Larry D Simons

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10352 Irina Seyranyan

Chapter 13

#21.00 Motion for Relief from Stay

SANTANDER CONSUMER USA
DBA CHRYSLER CAPITAL

Docket 30

Tentative Ruling:

Petition Date: 02/15/2019
Chapter: 13
Service: Proper. No opposition filed.
Property: 2018 Jeep Grand Cherokee
Property Value: \$0 (per debtor's schedules)
Amount Owed: \$ 34,258.93
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$2,018.84 (4 payments of \$504.71)

Movant contends that Debtor's confirmed plan provides for surrender of this vehicle.
Motion, Ex. C.

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):

Irina Seyranyan

Represented By
Elena Steers

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Irina Seyranyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10366 Louisa Margaret Ashley

Chapter 7

#22.00 Motion for relief from stay

TRINITY FINANCIAL SERVICES, LLC

Docket 25

Tentative Ruling:

A discharge was entered in this chapter 7 case on June 20, 2019, thereby terminating the automatic stay under 11 U.S.C. 362(c)(2)(C). The next day, Movant filed this motion for relief from the automatic stay. The motion is therefore DENIED as moot.

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

Party Information

Debtor(s):

Louisa Margaret Ashley

Represented By
Cameron H Totten

Movant(s):

Trinity Financial Services, LLC

Represented By
Erica T Loftis Pacheco

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10382 Guyen Lyn Fernando

Chapter 13

#23.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC.

Docket 32

Tentative Ruling:

Petition Date: 02/20/2019
Chapter 13 co-debtor served. plan confirmed: 05/21/19
Service: Proper. No opposition filed.
Property: 19100 Community Street, Northridge, CA 91324
Property Value: \$549,587 (per debtor's schedules)
Amount Owed: \$457,652 (per RFS motion)
Equity Cushion: 9%
Equity: \$97,045.65
Post-Petition Delinquency: \$6,233.67 (3 payments of \$2,077.89).

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):

Guyen Lyn Fernando

Represented By
Karen Ware

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#24.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(second deed of trust)

fr. 4/17/19; 5/15/19; 5/22/19, 6/26/19

Docket 19

Tentative Ruling:

APPEARANCE REQUIRED

5-15-19 TENTATIVE BELOW

Having reviewed the opposition and the reply, it appears that cause exists to grant relief from stay under 362(d)(1). Debtor requests an APO, but movant indicates that Debtor's income will not support adequate protection payments. The first position note for \$800,000, which is not held by movant, was apparently a short term note and has matured and is due in full. Debtor is allegedly \$17,857 in post-petition arrears on the second note and \$1,873 in arrears on the third note.

According to the payoff amounts attached to movant's reply, the equity cushion shrinks from the original calculation. Assuming 8% cost of sale, there is no equity cushion on the third position mortgage and a 7% equity cushion for the second position mortgage. This is not sufficient to adequately protect movant's interest in the second position deed of trust.

Adequate protection can come in forms other than an equity cushion, but any such result seems unlikely where debtor is so delinquent on post-petition payments. The Court is inclined to grant the motion as to both the second and third position liens.

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... **John Joseph Strand**

Chapter 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$818,878 (2nd DoT)

Equity Cushion: 14.3%

Equity: <\$85,156> (FMV - (total debt [1st DoT per Debtor's Sch. D; 2nd; 3rd DoT] + 8% CoS)

Post-Petition Delinquency (2nd DoT): \$5,949.19

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

While the equity cushion is less than 20%, the delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5066 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#25.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC
(3rd deed of trust)

fr. 4/17/19; 5/15/19; 5/22/19, 6/26/19

Docket 20

Tentative Ruling:

APPEARANCE REQUIRED

4/17/19 Tentative

Petition Date: 2/26/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 5064-5066 Lankershim Bl. North Hollywood, CA 91601

Property Value: \$2,005,532 (per debtor's schedules)

Amount Owed: \$211,368.86 (3rd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency (3rd DoT): \$624.46 (1 payment of \$624.46)

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 contends that Debtor improperly asserted in his proposed chapter 13 plan that the notes secured by these liens are current.

The post-petition delinquency here is not so large that it cannot be cured in an APO. Have the parties had an opportunity to discuss the terms of an APO?

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... John Joseph Strand

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#26.00 Motion for relief from stay

5064 LANKERSHIP BLVD LLC

Docket 33

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

John Joseph Strand

Represented By
Danny K Agai

Movant(s):

5064 Lankershim Blvd, LLC, its

Represented By
Nichole Glowin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10758 Erika Rice

Chapter 13

#27.00 Motion for Relief from Stay

JAMES R COPP

Docket 28

Tentative Ruling:

Petition Date: 04/01/2019
Chapter:13
Service: Proper. No opposition filed.
Property: 718 Howard Avenue
Property Value: N/A, (property not listed in debtor's schedules)
Amount Owed: \$46,168.63 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: N/A (not listed in RFS motion)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant contends that the Debtor is not a borrower on the note or deed of trust, but lists the borrower, Deon Antrell Rice, as a co-debtor.

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); 5 (annulment of automatic stay retroactive bankruptcy petition date); 6 (relief from co-debtor stay) and 7 (waiver of the 4001(a)(3) stay). 9 (relief under 362(d)(4)); 10 (relief binding & effective for 180 days against any debtor); and 11 (order binding and effective in any future bankruptcy).

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.

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Erika Rice

Chapter 13

Party Information

Debtor(s):

Erika Rice

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11080 Amarpal Singh Gharial and Amrita Gharial

Chapter 7

#28.00 Motion for relief from stay

BANK OF AMERICA N.A.

Docket 14

Tentative Ruling:

Petition Date: 05/01/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 7327 1/2 Tampa Avenue, Reseda, CA 91335

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$376,154.26 (per RFS motion)

Equity Cushion: \$301,378

Equity: 24%

Post-Petition Delinquency: N/A, (not listed in RFS motion)

Movant requests relief under 11 U.S.C. 362(d)(2). 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).

It appears that Movant is protected by an equity cushion in the property. Can the parties work out an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Amarpal Singh Gharial

Represented By
Raj T Wadhvani

Joint Debtor(s):

Amrita Gharial

Represented By
Raj T Wadhvani

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Amarpal Singh Gharial and Amrita Gharial

Chapter 7

Movant(s):

Bank of America, N.A.

Represented By
Robert P Zahradka

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11080 Amarpal Singh Gharial and Amrita Gharial

Chapter 7

#29.00 Motion for relief from stay

SUBWAY RESTAURANTS LLC

Docket 16

***** VACATED *** REASON: Cont'd per stipulation of non-debtor parties
to 7/31/19 (doc. 34) - hm**

Tentative Ruling:

Proposed tentative 7/17/19

Petition Date: 05/01/2019

Chapter: 7

Service: Not Proper. No opposition filed.

Property: Sublease of 23659 Calabasas Road, Calabasas, CA 91302

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: N/A, (not listed in RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A, (not listed in RFS motion)

Movant requests 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) and 6 (waiver of 4001(a)(3) stay).

Movant did not serve Debtor individually as required by LBR 4001-1(C)(i). The Court will continue this hearing to 7/31/19 to allow Movant to properly serve Debtor.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Amarpal Singh Gharial

Represented By
Raj T Wadhvani

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Amarpal Singh Gharial and Amrita Gharial

Chapter 7

Joint Debtor(s):

Amrita Gharial

Represented By
Raj T Wadhvani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11199 Heather Hope Held

Chapter 7

#30.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP

Docket 9

Tentative Ruling:

Petition Date: 05/14/2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2013 Toyota Prius
Property Value: \$11,507 (per debtor's schedules)
Amount Owed: \$12,330
Equity Cushion: 0.0%
Equity: \$0.00.

Movant contends the Debtor's indicated her intention to surrender the vehicle.
Motion, Ex. D.

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):

Heather Hope Held

Represented By
Daniel King

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Heather Hope Held

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11218 William Kim Gulliver and Sumithra Devi Jonnalagadda

Chapter 7

#31.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 15

Tentative Ruling:

Petition Date: 05/15/2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2018 Nissan Sentra
Property Value: \$21,000 (per debtor's schedules)
Amount Owed: \$ 14,700
Equity Cushion: 0.0%
Equity: \$0.00.

Movant contends the Debtors indicated their intention to surrender the vehicle.
Motion, Ex. D.

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):

William Kim Gulliver

Represented By
Steven A Alpert

Joint Debtor(s):

Sumithra Devi Jonnalagadda

Represented By
Steven A Alpert

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... William Kim Gulliver and Sumithra Devi Jonnalagadda

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

Trustee(s):

Diane C Weil (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11249 Manoj Chathuranga Wanasingha Mudiyansele

Chapter 7

#32.00 Motion for Relief of Stay

TOYOTA MOTOR CREDIT CORP

Docket 8

Tentative Ruling:

Petition Date: 05/20/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2018 Toyota C-HR

Property Value: \$0 (per debtor's schedules)

Amount Owed: \$ 20,907.93

Equity Cushion: 0.0%

Equity: \$0.00.

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):

Manoj Chathuranga Wanasingha

Represented By
Navid Kohan

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11259 Joanne Asquith Weiss

Chapter 7

#33.00 Motion for relief from stay

FORD MOTOR CREDIT CO LLC

Docket 9

Tentative Ruling:

Petition Date: 05/20/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 Ford Flex

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: \$ 17,538.41

Equity Cushion: 0.0%

Equity: \$0.00.

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):

Joanne Asquith Weiss

Represented By
Lauren Ross

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11284 Kenneth Larkin

Chapter 7

#34.00 Motion for relief from stay

PORSHE FINANCIAL SERVICES

Docket 10

Tentative Ruling:

Petition Date: 05/22/2019
Chapter: 7
Service: Proper. No opposition filed.
Property: 2017 Porsche 911 C2S CPE
Property Value: \$51,000 (per debtor's schedules)
Amount Owed: \$ 111,575.36
Equity Cushion: 0.0%
Equity: \$0.00.

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):

Kenneth Larkin

Represented By
James Geoffrey Beirne

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11289 Amirmansour Solatikia

Chapter 7

#35.00 Motion for relief from stay

SANTANDER CONSUMER USA Inc.

Docket 35

Tentative Ruling:

Petition Date: 05/23/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2015 Dodge Ram 1500

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: \$ 27,442.34

Equity Cushion: N/A, lease matured

Equity: N/A, lease matured

Post-Petition Delinquency: N/A, lease matured

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):

Amirmansour Solatikia

Represented By
Edmond Richard McGuire

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Jennifer H Wang

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Amirmansour Solatikia

Chapter 7

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11395 Moses Vahan Sahakian

Chapter 13

#36.00 Motion for relief from stay

LINDEN APARTMENTS, LLC

Docket 15

Tentative Ruling:

Petition Date: 06/04/2019
Chapter: 13
Service: Proper. No opposition filed.
Movant: Linden Apartments, LLC
Property Address: 23460 Cinema Dr. #A
Type of Property: nonresidential
Occupancy: lease in default
Foreclosure Sale: N/A
UD case filed: 05/03/2019
UD Judgment: N/A

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.

Party Information

Debtor(s):

Moses Vahan Sahakian

Pro Se

Movant(s):

Linden Apartments, LLC

Represented By
Barry L O'Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11614 Melanie Champagne

Chapter 13

#36.01 Motion for relief from stay

GLEIBERMAN PROPERTIES INC

Docket 5

Tentative Ruling:

Petition Date: 07/01/2019

Chapter: 13

Service: Proper. No opposition filed.

Movant: Gleiberman Properties, Inc.

Property Address: 6301 De Soto Ave., Apt. 453, Woodland Hills, CA 91367

Type of Property: residential

Occupancy: holdover after lease in default

Foreclosure Sale: N/A

UD case filed: 04/25/2019

UD Judgment: N/A

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, without further notice; and 10 (Binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years).

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Melanie Champagne

Pro Se

Movant(s):

Gleiberman Properties, Inc.

Represented By
Julian K Bach

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Melanie Champagne

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#37.00

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, 9/12/18

Docket 47

***** VACATED *** REASON: Cont'd to 9/11/19 at 10:00 per order entered
on 7/5/19. If**

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

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

Travis M Daniels
Rosendo Gonzalez

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#37.01 Status Conference Re:
Counterclaim

Abalkhad vs. Seror

fr. 12/19/18, 5/1/19

Docket 84

Tentative Ruling:

This is continued to September 11, 2019 at 10 am to be heard at the same time as the other claims. Parties are to submit a joint status report as required under the Local Rules.

NO APPEARANCE REQUIRED ON JULY 17, 2019

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

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:16-12811 JF Landscape, Inc

Chapter 7

Adv#: 1:19-01003 Weil v. Jacoby

#38.00 Pre-Trial Status Conference re: Complaint
to avoid and recover fraudulent transfers and
preferential transfers

fr.3/13/19, 4/3/19

Docket 1

***** VACATED *** REASON: Stip. cont. to 9/18/19 @10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JF Landscape, Inc

Represented By
Dheeraj K Singhal

Defendant(s):

Michael Jacoby

Pro Se

Plaintiff(s):

Diane C Weil

Represented By
Talin Keshishian

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:19-01055 Weil v. E*Trade Financial Corporation et al

#39.00 Status Conference Re: Complaint for
Turnover of Property of the Estate

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 9/11/19 at 10 a.m. -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

E*Trade Financial Corporation

Pro Se

E*Trade Financial Corporate

Pro Se

Plaintiff(s):

Diane C. Weil

Represented By
Anthony A Friedman

Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-11732 Susan Fines Caldera

Chapter 7

Adv#: 1:18-01090 American Contractors Indemnity Company v. Caldera

#40.00 Status conference re: complaint to determine
dischargeability of debt [11 u.s.c. section 523(a)(4)

fr. 10/10/2018, 1/23/19; 4/17/19; 5/22/19

Docket 1

***** VACATED *** REASON: Default Judgment entered 7/1/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12917 Sohail Mobasseri

Chapter 7

Adv#: 1:19-01049 LendingHome Funding Corp. v. Mobasseri

#41.00 Status Conference Re: Complaint for Denial
of Discharge Pursuant to 11 U.S.C. Sec.
727(a)(2), (a)(3), (a)(4), (a)(7) and (c)

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): _October 30, 2019

Expert witness designation deadline (if necessary): _per rule

Case dispositive motion filing deadline (MSJ; 12(c)):November 25, 2019

Pretrial conference: December 4, 2019 at 10 am (unless a case dispositive motion has been filed and not yet heard)

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,

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... **Sohail Mobasseri**

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.

Party Information

Debtor(s):

Sohail Mobasseri

Represented By
Dana M Douglas

Defendant(s):

Sohail Mobasseri

Pro Se

Plaintiff(s):

LendingHome Funding Corp.

Represented By
Adam Forest
Kerry A. Moynihan

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

Adv#: 1:19-01053 Muradyan v. KB HOLDINGS & INVESTMENTS, LLC

**#42.00 Status Conference Re: Complaint
for Injunctive Relief**

Docket 1

Tentative Ruling:

Discovery completed by 10/25/19
Case dispositive motions by 11/22/19
Pretrial 1/8/22 at 11 am

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Defendant(s):

KB HOLDINGS &

Pro Se

Plaintiff(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10951 Eduardo Escobedo

Chapter 7

Adv#: 1:19-01057 West Medical Center, Inc. v. Escobedo

#43.00 Status Conference re: Complaint
Objecting to Discharge under Section 523
of the Bankruptcy Code.

Docket 1

***** VACATED *** REASON: Resolved per stipulated judgment (doc. 5) -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Escobedo

Represented By
Steven A Alpert

Defendant(s):

Eduardo Escobedo

Pro Se

Joint Debtor(s):

Melissa Yvette Escobedo

Represented By
Steven A Alpert

Plaintiff(s):

West Medical Center, Inc.

Represented By
Adam Van Susteren
David J Ruyle Jr

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11430 Barbara Dawn Russell

Chapter 7

Adv#: 1:19-01065 Russell v. Fed Loan Servicing

#44.00 Status Conference re: Complaint to determine
Dischargeability of Student Loans

Docket 1

*** VACATED *** REASON: Another summons was issued on 7/12/19 -
doc #4. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Dawn Russell Pro Se

Defendant(s):

Fed Loan Servicing Pro Se

Plaintiff(s):

Barbara Russell Pro Se

Trustee(s):

Amy L Goldman (TR) Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#45.00 Motion to Dismiss First Amended Complaint

Docket 22

*** VACATED *** REASON: Moved to 7/18/19 -CT

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#46.00 Motion By Debtor For Order Authorizing And Instructing the Riverside County Sheriff's Office to Return Levied Funds to Debtor

Docket 37

Tentative Ruling:

On December 13, 2018, Eric Rodriguez ("Debtor") received a notice from his bank ("Chase") that it had received a bank levy in the amount of \$14,301.57 from the Riverside County Sheriff's Office (the "Sheriff") on behalf of judgment creditor Freddy Harrison. Debtor filed this case as a chapter 13 on December 20, 2018. The Sheriff then sent Debtor a notice acknowledging the bankruptcy filing, but indicating that if Debtor wanted the funds to be returned, he must seek an order from the Bankruptcy Court; otherwise, the funds would be turned over to the Trustee. The total being held by the Sheriff is \$11,367.68 (the "Funds").

Debtor files this motion seeking the return of the Funds held by the Sheriff under the Court's equitable powers. The funds are not claimed as exempt. The case has been converted to chapter 7, and the trustee has now filed a no asset report.

Creditors Veronica Gamm, Marina Noorall, and Fredy Harrison ("Creditors") filed an opposition to the Motion. They argue that the funds are not exempt and the claim is not dischargeable. Creditors further argue that "title in the funds transferred immediately to Plaintiffs" upon the levy.

An execution lien arises upon service of a writ of execution and notice of levy. Cal. Civ. Proc. Code § 700.140(b). While the execution lien is in effect, there are limits placed upon withdrawals and payments of checks. Cal. Civ. Proc. Code § 700.140(d). That execution lien terminates when the funds levied upon are paid to the levying officer. Cal. Civ. Proc. Code § 700.140(f).

There is a complex body of authority regarding whether the funds are owned by the debtor or by the levying creditor once the levied funds are paid to the levying officer. As the lead case on the issue states, "[a]lthough [CCP § 700.140] suggests that debtor's interest in the funds was transferred when the funds were paid to the levying officer and the lien

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... **Eric Rodriguez**

Chapter 7

terminated, the statute does not plainly say so." In re Hernandez, 483 B.R. 713, 721 (B.A.P. 9th Cir. 2012). The analysis in bankruptcy cases has turned on whether Debtor has an exempt property interest or other rights under applicable law, which must be determined on a case-by-case basis. In re Hernandez, 483 B.R. at 724. Construing the same provisions of California statutory law at issue here, the Hernandez court determined that levied funds were property of the estate because debtor had an automatic exemption in the funds because they were largely traceable to social security income. Id. at 723. The BAP therefore ruled that because debtor had an exempt property interest in the funds, the creditor's "levy did not operate to extinguish those interests." Id. at 724. "In short, debtor had grounds to recover the exempt funds and could have challenged the levy in the state court prepetition on that basis." Id. at 725.

The Court in In re Massey faced almost identical facts. 2013 WL 1282032 (Bankr. S.D. Cal. Mar. 26, 2013). In Massey, a chapter 7 debtor brought a motion for turnover of funds in her bank account that was subject to a levy by the Los Angeles County Sheriff's Department. Id. at *1. The Court found that a chapter 7 debtor did not have standing to file a turnover motion under § 542, relying on the decision in Hernandez, 483 B.R. 713. The Court then considered whether to treat Debtor's motion as a motion to avoid a lien under § 522(f) due to impairment of an exemption, but found it to be procedurally defective. The court further found that, even if the property were estate property, that no lien existed to avoid because the funds had already been levied on and the lien had terminated under Cal. Civ. Proc. Code § 700.140(e) (now subsection (f)). Id. at *1.

The Court in In re Paul, 85 B.R. 850, 853 (Bankr. E.D. Cal. 1988), held that a notice of levy filed by the California State Board of Equalization under Cal. Rev. & Tax Code § 6703 transferred ownership interest in the funds to the Board, and the money was therefore not property of the estate. Id. at 853. Section 6703 states that "the notice of levy shall have the same effect as a levy pursuant to a writ of execution." Id. The Paul stated in *dicta* that "it is doubtful that a judgment debtor would have any interest in the amounts in the deposit account which are the subject of the levy [under C.C.P. § 700.140.]" Id. at FN 3.

Debtor argues that Creditors have an affirmative duty to return levied property to the bankruptcy estate. That duty arises under § 542(a). In re Del Mission Ltd., 98 F.3d 1147, 1151 (9th Cir. 1996); In re Knaus, 889 F.2d 773, 775 (8th Cir. 1989); United States v. Whiting Pools, Inc., 462 U.S. 198 (1983). Section 542(a) states as follows:

(a) Except as provided in subsection (c) or (d) of this section, an entity, other than a

**United States Bankruptcy Court
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10:00 AM

CONT...

Eric Rodriguez

Chapter 7

custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

11 U.S.C.A. § 542(a)(emphasis added). Section 542 does not require the turnover of non-estate property, as reflected by a number of the cases cited by Creditors. Debtor cites the Ninth Circuit's unpublished decision in Bayley for the proposition that failure to carry out the affirmative duty to return levied property to the debtor is a violation of the automatic stay. In re Bayley, 678 F. App'x 593 (9th Cir.), cert. denied sub nom. The Best Serv. Co. Inc. v. Bayley, 138 S. Ct. 174 (2017). The 9th Circuit's decision in Bayley leaves out important facts that were address at greater length in the lower courts' rulings on that case, including that the property was claimed to be fully exempt. See In re Bayley, 2015 WL 224720, at *1 (C.D. Cal. Jan. 14, 2015), aff'd, 678 F. App'x 593 (9th Cir. 2017); In re Bayley, 2014 WL 12701505, at *4 (Bankr. C.D. Cal. Oct. 6, 2014).

Here, it appears that Debtor had ten days from the date he was served with the notice of levy to file a claim of exemption. C.C.P. § 703.520(a). The notice of levy was received by Debtor on December 13, 2018. Debtor's bankruptcy was filed on December 20, 2018--before the expiration of the ten days allowed by statute. Therefore, Debtor still had the ability to file a claim of exemption with respect to the Funds on the petition date. The "wildcard" exemption under C.C.P. § 703.140(b)(5) is only available to debtors in bankruptcy. See C.C.P. § 703.140(a). Is there any other exemption that Debtor might have claimed under applicable state law? If so, that right to a claim of exemption constitutes a "legal or equitable interest[] of the debtor in property as of the commencement of the case" within the meaning of § 541(a), and is therefore property of the estate.

Where are the Funds now? Have they been paid to the levying officer, or are they still frozen in Debtor's bank account with the execution lien still in effect? If the lien is still in effect, the Funds are clearly still property of the estate, but are likely subject to a security interest. The Court needs more information from the parties.

If the Debtor still had an opportunity to claim an exemption under state levy procedures, for example, the funds would be property of the estate under Whiting Pools, but they may be subject to a security interest by the Creditors. United States v. Whiting Pools, Inc., 462 U.S. 198, 211 (1983)("When property seized prior to the filing of a petition is drawn into the

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

CONT... Eric Rodriguez

Chapter 7

Chapter 11 reorganization estate, the Service's tax lien is not dissolved; nor is its status as a secured creditor destroyed.").

The Court acknowledges that, while the debtor has not claimed any exemption in the funds, he has the right to amend his schedules. However, the Funds would have to enter the bankruptcy estate before the Debtor could exempt them.

Lastly, if the Funds are estate property, the Court would not order them to be turned over to the Debtor without abandonment of the property by the chapter 7 trustee. Debtor states that Trustee has "relinquished interest in the funds," but it is unclear what that means. Section 554(c) of the Bankruptcy Code provides that "any property scheduled under section 521(a)(1) of this title not otherwise administered at the time of the closing of a case is abandoned to the debtor and administered for purposes of section 350 of this title." Debtor scheduled the funds in his schedule A/B, but the case has not been closed. It follows that the property has not been abandoned.

Conclusion

It is unclear on this record whether the Funds are property of the estate. If they are, it is further unclear whether the Funds are subject to a security interest. The parties should come prepared to discuss these issues, particularly those raised by the BAP's decision in Hernandez and the issue of available exemptions. Further briefing may be required.

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-11322 Fortune Gail Smith

Chapter 7

#47.00 Motion to Dismiss Case for Abuse Pursuant to 11 U.S.C. §§ 707(a) or 707(b)(3) with a 180-Day Bar to Refiling Pursuant to 11 U.S.C. §§ 105(a) and 349(a)

Docket 13

Tentative Ruling:

UST moves to dismiss this chapter 7 case with a 180-day bar to refiling because the timing of Debtor's bankruptcy and her failure to file all of the documents required under § 521(a) support a finding that Debtor was utilizing the bankruptcy system to invoke the automatic stay without any intent to pursue this bankruptcy case in good faith. Prior to the filing, Debtor's non-residential landlord served Debtor with a Notice to Quit and had filed an unlawful detainer proceeding against her. UST contends that the filing of this case appears to have occurred to frustrate the landlord's remedies to take possession of the property and stall the trial on the unlawful detainer action. Further, UST argues that there is cause for a 180-day bar to refiling because Debtor had not demonstrated any intent to seek bankruptcy protection for legitimate purposes and failed to properly prosecute her case. The documents filed contain minimal to no information to impede the creditor's efforts to take possession of the property.

The Motion is GRANTED and the case is dismissed with a 180-day bar to refiling.

Party Information

Debtor(s):

Fortune Gail Smith Pro Se

Movant(s):

United States Trustee (SV) Pro Se

Trustee(s):

Nancy J Zamora (TR) Pro Se

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#48.00 Motion For Authority To Use Insurance Proceeds
On A Final Basis

Docket 665

***** VACATED *** REASON: Resolved per stipulation - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L James
Lindsey L Smith
Jeffrey S Kwong
Juliet Y Oh

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

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:14-12002 Freedom Films, LLC

Chapter 11

#49.00 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,
11/14/18; 4/10/19, 6/12/19

Docket 1

*** VACATED *** REASON: Case closed 7/9/19 - hm

Tentative Ruling:

On May 31, Debtor filed a motion for final decree and order closing this bankruptcy case. That motion is set on negative notice, and cannot be granted until June 14, at the earliest. This hearing will therefore be continued to July 17, with the expectation that this matter will come off calendar.

NO APPEARANCE REQUIRED ON JUNE 12

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:15-11292 Mark Handel

Chapter 11

#50.00 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; 10/24/18; 4/3/19

Docket 1

Tentative Ruling:

Having considered the Status Report, filed 7/3/19, the Court finds cause to continue this status conference to December 11, 2019 at 10:00 a.m.

NO APPEARANCE REQUIRED on 7/17/19

4/3/19 Tentative

Having considered the Status Report, filed 3/20/19, the Court finds cause to continue this status conference to **July 17, 2019 at 10:00 a.m.**

NO APPEARANCE REQUIRED on 4/3/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#51.00 Status and case management conference

fr. 5/23/18; 11/7/18, 1/9/19, 3/27/19

Docket 1

Tentative Ruling:

In light of Debtor's status report, this hearing will be continued to August 21 at 10:00 a.m.

NO APPEARANCE REQUIRED ON JULY 17

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

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Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

**#52.00 Motion By Chapter 11 Trustee To Convert
Case To Chapter 7**

Docket 147

Tentative Ruling:

The Court appointed a chapter 11 trustee pursuant to a stipulation reached by the Debtor and the Office of the United States Trustee. Nancy Zamora, the chapter 11 trustee ("Trustee"), subsequently filed this motion to convert Debtor's case to a case under chapter 7 (the "Motion"). Trustee has determined that there are no prospects for reorganization as Debtor has no liquid assets. Trustee expects that, when the time is right, she will seek substantive consolidation with another entity owned by Debtor's principals, N.R.G. Investments Group, LLC.

No opposition has been filed. Based upon the Trustee's findings, the Court finds that cause exists to convert this case to chapter 7.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

- #53.00 Chapter 11 Trustee's for Order:
(1) Authorizing Sale Of Estates Right, Title
And Interest In Real Property Free And Clear
Of Liens, Claims, And Interests;
(2) Approving Overbid Procedure;
(3) Approving Payment Of Commissions; And
(4) Waiving Stay Under Rule 6004

Docket 152

Tentative Ruling:

Property to be sold: 8620 Oakdale Ave., Winnetka CA 91306
Offer/Opening bid: \$860,000
Overbid: \$5,000 initial overbid, then \$1,000 increments

Existing liens:

County assessor's office:	\$22,921.75
Pace Funding LLC ("Pace") Holder of <u>disputed</u> Deed of Trust	\$119,760.78
Samuel and Anita Danon ("Danon") Holders of Deed of Trust	\$611,533
Solar Capital Solutions, LLC ("Solar Solutions") Holders of <u>disputed</u> Deed of Trust	\$300,500
Anticipated closing costs and tax liability:	\$58,966
Anticipated proceeds of Sale:	\$860,000
Net Proceeds excluding payment of disputed liens:	\$166,579.25

Trustee states that she is cognizant of the possibility that there might not be equity available if the claims of the two disputed lienholders are found to be valid.

Sale Free and Clear under § 363(f)(4)

"In ruling on a motion to sell estate property free and clear under § 363(f)(4), a court need not determine the probable outcome of the dispute, but merely whether one exists. [Citation Omitted]. The parties must provide some factual grounds to show some objective

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CONT... **Green Nation Direct, Corporation**

Chapter 11

basis for the dispute. [Citation Omitted.] To qualify as a bona fide dispute under § 363(f)(4), the disputed lien need not be the subject of an immediate or concurrent adversary proceeding." In re Kellogg-Taxe, 2014 WL 1016045, at *6 (Bankr. C.D. Cal. Mar. 17, 2014). "Typically, the proceeds of sale are held subject to the disputed interest and then distributed as dictated by the resolution of the dispute." In re Clark, 266 B.R. 163, 171 (B.A.P. 9th Cir. 2001).

Pace's Lien

Trustee argues that the lien of Pace is subject to bona fide dispute within the meaning of § 363(f)(4). Pace's "priming" Property Assessed Clean Energy lien was recorded on October 4, 2017. Trustee asserts that bona fide dispute exists as to whether Pace's lien can be avoided as a constructive fraudulent transfer pursuant to § 548(a)(1)(B), which permits a trustee to avoid a transfer within two years of the petition date in which the debtor received less than reasonably equivalent value in exchange for the transfer and was insolvent on the date of the transfer. Trustee argues that the prices charged for the individual itemized energy efficient improvements, even assuming they were actually completed, were unrealistic and extraordinarily high, such as \$3,800.10 for a high efficiency toilet and \$937.50 for LED lighting. Furthermore, Trustee argues that a bona fide dispute exists as to Pace's claim because Trustee alleges that the improvements that were funded by Pace's loan do not fall within the purview of the PACE program and failed to conduct due diligence as to whether the work was actually completed before the funds were disbursed or whether the quoted amounts for improvements were reasonable. Trustee further questions the constitutionality of the PACE program, and asserts that the distribution scheme under § 724(b) will allow subordination of Pace's tax assessed lien.

Service appears proper upon Pace, but it has not opposed the Motion. The factual circumstances outlined by Trustee indicate that there is a bona fide dispute with respect to Pace's claim. The abusive practices engaged in by Debtor pre-petition was made possible by a total lack of due diligence by the PACE lenders. Most of the arguments articulated above centers on the moral hazard of Pace's approval of this loan. The Court finds that Pace's claim is subject to a bona fide dispute under § 363(f)(4). Furthermore, the Court construes Pace's lack of opposition as consent to the sale under § 363(f)(2).

Solar Solutions's Lien

Trustee further argues that the lien of Solar Solutions is subject to a bona fide dispute. Solar Solutions' lien was recorded on October 26, 2018, just six days before the petition date in this case. Trustee argues that it is therefore avoidable as a preferential transfer or as a

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CONT... Green Nation Direct, Corporation

Chapter 11

constructive fraudulent transfer. Pace submitted a limited opposition in which it states that it does not oppose the sale of the property on the terms of the sale order, but it requests that the order "contain additional terms to protect and preserve SCS's interest in the Net Proceeds until such time as a determination is made on how they should be disbursed." Solar Solutions therefore requests that Trustee be ordered to segregate the Net Proceeds generated by the sale of the Property.

Trustee's Motion seems to contemplate this result, and the reply clarifies that this is Trustee's intent. The Court finds that Solar Solutions' interest is subject to a bona fide dispute under § 363(f)(4) and that Solar Solutions consents to the sale free and clear under § 363(f)(2).

Sale Free and Clear under § 363(f)(5)

The Court does not reach Trustee's arguments under § 363(f)(5), and will reserve those issues for a further motion or adversary by the Trustee.

Conclusion

The Motion is granted and the sale will be free and clear as to both Pace and Solar Solutions under § 363(f)(2) and (f)(4). The parties will appear for the auction.

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Movant(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

**United States Bankruptcy Court
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10:00 AM

1:15-11238 Armenuhi Kandalyan

Chapter 7

#54.00 Trustee's Final Report and Applications for Compensation

Docket 85

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 7/17/19.

Party Information

Debtor(s):

Armenuhi Kandalyan

Represented By
Hovanes Margarian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Peter A Davidson

**United States Bankruptcy Court
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Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10088 Bryant Michael Davis

Chapter 13

#55.00 Debtor's Motion to Vacate Dismissal

Docket 22

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bryant Michael Davis	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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Hearing Room 302

10:00 AM

1:18-12321 Bruce DeWayne Johnson

Chapter 7

#56.00 OSC re: Dismissal for non-payment of installment filing fees

Docket 0

*** VACATED *** REASON: All fees have been paid. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce DeWayne Johnson

Represented By
Jeffrey J Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

10:00 AM

1:19-10312 Ali G Rostami

Chapter 7

#57.00 OSC re: Dismissal for non-payment of installment filing fees

Docket 0

***** VACATED *** REASON: Final installment paid -CT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ali G Rostami

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

#58.00 Order 1) to Show Cause re: Dismissal of this Bankruptcy case
2) Setting a hearing on the Motion for relief from the
automatic stay filed by JP Morgan Chase Bank, N.A.

Docket 118

Tentative Ruling:

The Court ordered the Debtor to appear and show cause why the case should not be dismissed under 11 U.S.C. § 1112(b) due to:

- i. bad faith, given the Court's finding in connection with the Bayview RFS that this case was filed as part of a scheme to hinder, delay, or defraud creditors that has resulted in delaying payment on that mortgage for twelve years;
- ii. the foreclosure of the primary asset of the bankruptcy estate on Iredell Lane;
- iii. the granting of relief from stay as to Debtor's only other asset, the property on Appian Way;
- iv. Debtor's principal's apparent attempt to avoid the more stringent requirements imposed on single asset real estate bankruptcies by transferring to the Debtor a 25% interest in a second piece of real property;
- v. Debtor's failure to schedule eleven secured claims against the Appian Way property, as set forth in the Bayview RFS and the preliminary title report attached thereto as Exhibit R;
- vi. the questionable ability of Debtor to reorganize debt on which Debtor is not the borrower, see 11 U.S.C. § 524(e).

Debtor has not filed any opposition to the order to show cause.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

**United States Bankruptcy Court
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Wednesday, July 17, 2019

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11:00 AM

1:17-13113 Benzeen Inc.

Chapter 11

#58.01 Motion for relief from stay

JPMORGAN CHASE BANK NA

fr. 3/21/18

Docket 40

Tentative Ruling:

I. Background

This Motion concerns the property located at 3243 Iredell Lane, Studio City, CA 91604. Movant JP Morgan Chase Bank, N.A. ("JP Morgan") filed this motion for relief from the automatic stay requesting relief from the automatic stay (Doc. #40, the "Motion") under § 362(d)(1) and (d)(4). The Court granted the Motion on March 29, 2018. The Court's granting of the Motion was appealed to the Bankruptcy Appellate Panel ("BAP"), which vacated the Court's determination under § 362(d)(4) and remanded for further findings. The BAP dismissed the appeal with respect to § 362(d)(1) as moot because JP Morgan foreclosed on the property during the pendency of the appeal. Debtor then filed a lawsuit against JP Morgan, alleging that it had made an oral promise not to foreclose during the appeal, which Debtor claims that it relied upon in deciding not to obtain a stay pending appeal.

After the appeal was resolved, the Court issued an order setting a hearing on the Motion as to the request for relief under § 362(d)(4) and setting a briefing deadline. Debtor was served through his attorney, Robert Reganyan, per the BNC Certificate of Notice at ECF Doc. 120. JP Morgan timely filed its supplemental brief in support of the motion ("Supplemental Memorandum"). Debtor filed a substitution of attorney on June 30, 2019, substituting the Law Offices of Roger N. Golden for Robert Reganyan. While this substitution indicates that Debtor is active in this case, Debtor did not file a timely response to the Court's Order to Show Cause or to the Motion for Relief from the Automatic Stay. An untimely response to the Motion was filed on July 5.

As summarized by the BAP, the history of filings in this case is as follows:

- In July 2012, a deed of trust and assignment of rents was recorded to secure an alleged \$25,000 debt in favor of Tiffany Yang as the beneficiary; MMM was the

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Benzeen Inc.

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trustee; Debtor's principal executed the document.

- In September 2012, a similar deed of trust and assignment of rents was recorded to secure an alleged \$25,000 debt in favor of Sally Johnson and Vladimir Pygay as the beneficiaries; MMM was the trustee; Debtor's principal executed the document.
- In April 2013, a deed of trust and assignment of rents was recorded to secure an alleged \$25,000 debt in favor of Angela Wilson and Donald Lewis as the beneficiaries; MMM was the trustee; Debtor's principal executed the document.
- In March 2014, a deed of trust and assignment of rents was recorded to secure an alleged \$30,000 debt in favor of Joseph Young as beneficiary; MMM was the trustee; Debtor's principal executed the document.
- In December 2014, a short form deed of trust and assignment of rents was recorded to secure an alleged \$25,000 debt in favor of Foreman Financial, Inc. as beneficiary; Debtor's principal executed the document.

In May 2015, a grant deed was recorded; in it, Debtor granted itself a 30% interest in the Property and Riverside Investors, LLC a 70% interest in the Property. In March 2016, Debtor filed a short-lived chapter 11 bankruptcy petition to avoid 'an imminent foreclosure.' In November 2017, Debtor filed its current chapter 11 bankruptcy case and listed a fee simple interest in the Property on Schedule A.

In re Benzeen Inc., 2018 WL 6627275, at *1–2 (B.A.P. 9th Cir. Dec. 18, 2018). Additionally, the Court has discovered records of at least three additional filings affecting the property that pre-date the interactions with MMM: In re Tatiana Katerina Linton, 10-24397-MT, In re Sophia Linton, 11-23407-VK and In re Victor Apeltsine, 12-11641. Each of these cases was dismissed shortly after filing for failure to file schedules. Tatiana Linton, now a disbarred attorney in the state of California, also represented Debtor in its first bankruptcy filing, In re Benzeen Inc., 14-11405-MT. Given that Tatiana Linton and Sophia Linton both listed the Property as their home address, there is an indication that they have some relationship to Debtor or Debtor's principal, Roman Preys.

II. Standard

Section 362(d)(4) allows a creditor to obtain *in rem* relief from the automatic stay in extreme cases of abusive conduct by a debtor. "Section 362(d)(4) permits the bankruptcy court to grant *in rem* relief from the automatic stay in order to address schemes using bankruptcy to thwart legitimate foreclosure efforts through one or more transfers of interest in real property. If the order is properly recorded, it is binding in any bankruptcy case filed for the next two years." In re Benzeen Inc., 2018 WL 6627275, at *

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4 (B.A.P. 9th Cir. Dec. 18, 2018).

To grant relief under § 362(d)(4), the court must affirmatively make three findings: 1) the bankruptcy must have been part of a scheme; 2) the scheme must be to delay, hinder, or defraud creditors; and 3) the scheme must involve either (a) the transfer of an interest in the real property without the secured creditor's consent or court approval, or (b) multiple bankruptcy filings affecting the property. In re First Yorkshire Holdings, Inc., 470 B.R. 864, 870 (B.A.P. 9th Cir. 2012).

III. Discussion

a. The July 2010 Foreclosure Sale

The BAP expressed confusion over whether JP Morgan had foreclosed on the Property in July 2010 and recorded a Trustee's Deed Upon Sale in November 30, 2010, as indicated in the declaration in support of the Motion. In re Benzeen Inc., 2018 WL 6627275, at *5. The declaration does state that the Movant held a foreclosure sale on July 1, 2010, and that the Trustee's Deed Upon Sale was recorded on November 30, 2010. Motion, ECF Doc. 40, p. 7. This appears to be an error in light of the additional documents attached to the Supplemental Memorandum, which are subject to judicial notice. The exhibits in the Supplemental Memorandum are not clearly labeled, so the Court will refer to it by the pagination at the bottom of the pages.

In June, 2009, Debtor was assigned an interest in a Deed of Trust dated November 30, 2006 by EFG Mortgage Acquisition, LLC. Supplemental Memorandum P. 156. The July 1 foreclosure sale referred to by the Motion was not a foreclosure by JP Morgan, but a foreclosure by the Debtor, Benzeen Inc. The Trustee's Deed Upon Sale was recorded on July 19, 2010. Supplemental Memorandum p. 166. However, it was recorded a second time on November 30, 2010. Supplemental Memorandum p. 171. These documents appear to be essentially identical, and there is no explanation as to why it was recorded twice. The Court agrees with the BAP that this was confusing, but does not find it to be fatal to the motion.

b. Relief Under 362(d)(4)

In vacating the Court's determination, the BAP stated that the Motion itself "never articulates how (or even that) the alleged bankruptcy filings delayed, hindered, or defrauded it; it simply states that automatic stays went into effect on the Property." In re Benzeen Inc., 2018 WL 6627275, at *5. That deficiency has been remedied in the Supplemental Memorandum by the production of additional judicially noticeable

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documents demonstrating that trustee's sales were scheduled for shortly before the

First, the Court notes that it has already found, in a relief from stay motion filed by Bayview Loan Servicing LLC, ECF Doc. #87, that this case was filed as part of a scheme to delay, hinder, or defraud creditors based upon the extensive unauthorized transfers and bankruptcies present in this case.

The typical scenario that this Court is presented with in these § 362(d)(4) relief from stay motions is a property owner, on the eve of foreclosure, sending the foreclosing lender notice of a deed of trust or a quitclaim deed in favor of an individual who has recently filed bankruptcy. *In re Deal Makers Consultants, Inc.*, 2014 WL 5463920, at *2 (Bankr. C.D. Cal. Oct. 27, 2014) ("The evidence indicates that the filing of Debtor's bankruptcy petition and the transfer of the Eileen Property to Debtor took place within one or two days before the foreclosure sale. . ."). The evidence submitted in support of the Motion and Supplemental Memorandum indicates that this is precisely what occurred with several of the transfers at issue. Movant recorded a Notice of Trustee's Sale scheduled for July 5, 2012. Supplemental Memorandum p. 91. Two days before that foreclosure sale, Debtor executed a Deed of Trust granting a \$25,000 secured interest in the Property to Tiffany Yang, who was a chapter 7 debtor at that time, *In re Tiffany Yang* 1:12-bk-15404-MT. Motion, Exhibit 4. Similarly, a Notice of Trustee's Sale was filed on February 27, 2014 scheduling a sale of the Property for March 20, 2014. Supplemental Memorandum p. 109. That foreclosure sale was postponed when Debtor executed a Deed of Trust, recorded March 18, 2014, in favor of Joseph Young. Motion, Exhibit 7. Joseph Young then filed a bankruptcy on March 17, 2014, *In re Joseph Young*, 1:14-bk-11352-AA.

Several of the transfers, specifically those transfers to Vladimir Pygay, Angela Wilson and Donald Lewis, did not occur immediately before scheduled foreclosure sales. However, the filing of a bankruptcy does not have to delay a specific scheduled foreclosure sale in order for a court to determine that the transfer or bankruptcy filing was part of a scheme to delay, hinder, or defraud creditors. By repeatedly transferring an interest in the property to individuals in bankruptcy, the Debtor was able to prevent JP Morgan from taking the first steps toward foreclosure. In fact, where there are some transfers to debtors in bankruptcy just days before a foreclosure sale, there is a strong implication that other transfers to debtors in bankruptcy were made for the same essential purpose: the prevention of foreclosure proceedings against the property. The transfers all appear to be part and parcel to the same scheme to delay foreclosure for as long as possible until the secured lenders surrender to the owner's demands.

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c. Debtor's Arguments

In its original opposition to the Motion, Debtor argued that the above-described transfers were done by MMM Property Management ("MMM"). MMM represented to Debtor that they were "experts in the Note Negotiation and Discounted Payoff arena." Opposition, ECF Doc. 44 2:14. Debtor indicated that it was unaware of the "dubious methods" used by MMM or the bankruptcy filings, despite the fact that the Deeds of Trust were signed by Debtor's principal, Roman Preys. Debtor argues that it obtained a full reconveyance of the Deeds of Trust--though, as the Court noted in the first hearing on this Motion, Debtor had already obtained the protection of the automatic stay. In fact, the sudden and complete reconveyances of the deeds of trust, all of which are dated February 3, 2014, only heighten the Court's belief that these were sham deeds of trust executed solely to delay, hinder, and defraud a foreclosing lender. However, as indicated in the Court's Order to Show Cause, Debtor's principal may testify at the July 17 hearing and attempt to explain how these reconveyances support a finding that the instant bankruptcy was not filed as part of a scheme to delay, hinder, and defraud creditors involving multiple unauthorized transfers and bankruptcy filings.

Debtor finally argued that it had substantial equity in the property. This argument misses the point entirely. Relief from stay under § 362(d)(4) does not exist to ensure that lienholders are adequately protected--such relief falls under § 362(d)(1); the activities that fall within the purview of § 362(d)(4) are fundamentally abusive of the bankruptcy process and should not be protected by the automatic stay regardless of any equity that may exist in the property. The same is true with respect to relief from stay under 362(d)(1) for bad faith--equity in a piece of property does not absolve a Debtor's bad faith filing of a case.

On appeal, Debtor argued that, because it was not the original borrower under the Note and Deed of Trust with JP Morgan, it was not bound by any anti-alienation clause prohibiting the transfer to third parties. Therefore, Debtor reasoned, it was not required to obtain the "consent of the secured creditor." This reasoning degrades the core of the protection provided by § 362(d)(4). If Debtor were correct that the Court cannot consider any transfers made by an individual who is not party to the contract with an anti-alienation provision, then courts would only be able to consider the first transfer--that is, the transfer that changes ownership of the property. All other transfers, no matter how many or how clearly they were part of a scheme to delay, hinder, or defraud, would be outside the scope of § 362(d)(4). This simply is not the case. A provision that was drafted specifically to combat abusive transfers cannot be foiled by a single abusive transfer. To the extent the

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Debtor has found any authority to the contrary, this Court disagrees.

With respect to the three required elements of a claim under § 362(d)(4), the number and timing of transfers and bankruptcy filings by non-debtors make it clear that there was 1) a scheme to 2) delay and hinder foreclosure on the property 3) by means of unauthorized transfers and multiple bankruptcy filings. Debtor has argued, effectively, that this bankruptcy was not part of that scheme. The evidence indicates that Debtor's principal, Roman Preys, personally signed the deeds transferring and interest in the Property to third parties. Debtor's previous bankruptcy petition, 1:14-bk-11405-MT, was signed by Mr. Preys, then ultimately dismissed for failure to file required documents. Debtor's principal has been involved in every step of the scheme which has led to JP Morgan's first position lien being ten years in arrears. The Court finds that Mr. Preys' filing of the petition in the instant case was part of the scheme described above.

IV. Conclusion

The Court is inclined to make the required findings under § 362(d)(4).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan

Movant(s):

JPMorgan Chase Bank, National

Represented By
Jennifer C Wong
Merdaud Jafarnia

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Adv#: 1:19-01042 Benzeen Inc. a California corporation v. JP Morgan Chase Bank, National

#59.00 Plaintiff's Motion for Remand.

fr. 6/12/19

Docket 19

Tentative Ruling:

This action was filed on February 28, 2019 by Benzeen, Inc. ("Debtor") as Plaintiff against JP Morgan Chase Bank, N.A. ("JP Morgan"), McCarthy & Holthus, LLP ("M&H"), and Does 1-100 in Los Angeles County Superior Court. A Notice of Removal was filed by Defendant JP Morgan Chase on April 17, 2019. JP Morgan and M&H subsequently filed motions to dismiss this adversary proceeding under § 12(b)(6). Debtor then filed the instant Motion for Remand of this adversary proceeding.

Applicability of Mandatory and Permissive Abstention in Removed Action

Debtor argues that the Court should remand the case under principles of mandatory abstention under 28 U.S.C. 1334(c)(2). The Ninth Circuit determined has determined that abstention under 28 U.S.C. 1334(c) does not apply to removed proceedings because "abstention can exist only where there is a parallel proceeding in state court," and removal of an action results in no action pending in the state court. In re Lazar, 237 F.3d 967, 981 (9th Cir. 2001). The Ninth Circuit is the only circuit where this is the case. See Mt. McKinley Ins. Co. v. Corning Inc., 399 F.3d 436, 446 (2d Cir. 2005)("However, other than the Ninth Circuit, all of the courts of appeals to have addressed this issue hold that mandatory abstention applies to a removed action.").

The Debtor cites authority acknowledges that "strictly speaking," mandatory and permissive abstention under 28 U.S.C. § 1334(c) "do not apply to remand of a removed proceeding." Bally Total Fitness Corp. v. Contra Costa Retail Ctr., 384 B.R. 566, 570 (Bankr. N.D. Cal. 2008). "However, arguably, failure to remand where all of the elements of mandatory abstention are present would be an abuse of the Court's discretion." Id. The requirements for remand are largely identical to the factors that are considered in permissive abstention under 28 U.S.C. 1334(c)(1).

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The factors are (1) the effect or lack thereof on the efficient administration of the estate if the Court recommends [remand or] abstention; (2) extent to which state law issues predominate over bankruptcy issues; (3) difficult or unsettled nature of applicable law; (4) presence of related proceeding commenced in state court or other nonbankruptcy proceeding; (5) jurisdictional basis, if any, other than § 1334; (6) degree of relatedness or remoteness of proceeding to main bankruptcy case; (7) the substance rather than the form of an asserted core proceeding; (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court; (9) the burden on the bankruptcy court's docket; (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties; (11) the existence of a right to a jury trial; (12) the presence in the proceeding of nondebtor parties; (13) comity; and (14) the possibility of prejudice to other parties in the action.

In re Enron Corp., 296 B.R. 505, 509 (C.D. Cal. 2003)(emphasis added). The Court agrees with the court in Bally Total Fitness. While this motion is technically a motion for remand under 28 U.S.C. § 1452(b), failure to remand where all of the elements of mandatory abstention are present would likely be an abuse of the Court's discretion. The Court will therefore address the parties' arguments under the mandatory abstention standard.

The Requirements of Mandatory Abstention are Met

Debtor argues that the Court should not hear this adversary because the doctrine of mandatory abstention applies. Section 1334(c)(2) of Title 28 states as follows:

Upon timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction.

Mandatory abstention requires that seven elements be met:

(1) A timely motion; (2) a purely state law question; (3) a non-core proceeding § 157(c)(1); (4) a lack of independent federal jurisdiction absent the petition under Title 11; (5) that an action is commenced in a state court; (6) the state court action may be

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timely adjudicated; (7) a state forum of appropriate jurisdiction exists.

In re Gen. Carriers Corp., 258 B.R. 181, 189 (B.A.P. 9th Cir. 2001).

The only element that appears to be disputed here is the fourth: whether the Court lacks independent federal jurisdiction aside from the action being "related to" the bankruptcy case.

It is undisputed that none of the claims arise under federal law. The parties disagree whether diversity jurisdiction exists with respect to the claims asserted in this adversary. Debtor argues that complete diversity does not exist because Debtor is a California corporation and defendant M&H is a California Limited Liability Partnership with its primary place of business in San Diego, California.

JP Morgan raises two related arguments in support of their contention that diversity jurisdiction exists. First, JP Morgan argues that diversity jurisdiction does exist because M&H is merely a nominal party and should therefore be ignored for purposes of determining diversity. Strotek Corp. v. Air Transp. Ass'n. of Am., 300 F.3d 1129, 1132 (9th Cir. 2002). Second, JP Morgan argues that M&H were fraudulently joined in an attempt to defeat diversity. Ritchey v. Upjohn Drug Co., 139 F.3d 1313, 1318 (9th Cir. 1998)(Finding that non-diverse defendants were fraudulently joined or sham defendants).

The Court will disregard the 1-100 unidentified Doe defendants in determining diversity as they are not indispensable parties and "serv[e] no other purpose than protecting the plaintiff under California pleading practice." McCabe v. Gen. Foods Corp., 811 F.2d 1336, 1339 (9th Cir. 1987). The McCabe case is also instructive on the question of fraudulent joinder. In McCabe, the plaintiff sued his employer, two of his managers, and 100 Doe defendants for wrongful discharge and several other causes of action. Id. at 1337. The plaintiff was a California resident, as were the two managers, but his employer was a Delaware corporation. Id. The employer removed the case to federal court, contending that because there was no basis in California law for imposing liability on the two non-diverse managers, their presence in the litigation did not defeat diversity. Id. The issue faced by the McCabe Court was whether the two non-diverse defendants were fraudulently joined for purposes of defeating diversity. Id. at 1338.

Fraudulent joinder is a term of art. Id. at 1339. "If the plaintiff fails to state a cause of action against a resident defendant, and the failure is obvious according to the settled rules of the

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state, the joinder of the resident defendant is fraudulent." *Id.* While the determination of federal jurisdiction is typically determined solely based upon plaintiff's pleadings, where fraudulent joinder is an issue, a defendant is entitled to "present facts showing the joinder to be fraudulent. *Ritchey v. Upjohn Drug Co.*, 139 F.3d 1313, 1318 (9th Cir. 1998).

In the current posture of this case, the non-diverse defendant M&H has filed a motion to dismiss under 12(b)(6) with complete briefing on both sides. The claims against M&H, and particularly the claims for intentional misrepresentation and negligent misrepresentation, will not "obviously fail" as required by the test for fraudulent joinder. Nor is M&H simply a "nominal defendant," as damages are sought from M&H under those causes of action. M&H is the party that allegedly made the representations upon which Debtor's claims are based. The negligent misrepresentation and intentional misrepresentation claims, regardless of their chance of success on the merits, will not obviously fail under any California law cited by M&H.

The Court rejects JP Morgan's argument that the inclusion of M&H as a party was a fraudulent joinder and therefore finds that the fourth element of mandatory abstention is satisfied because the Court does not have any basis for jurisdiction other than under 28 U.S.C. § 1334. The other elements articulated in *In re Gen. Carriers Corp.* being satisfied, the Court finds that there are equitable grounds for remand under 28 U.S.C. § 1452(b).

The Factors of Permissive Abstention Weigh in Favor of Remand

Additionally, although not articulated by the Movant, the factors of permissive abstention favor remand.

As stated Title 28, United States Code, § 1334(c)(1) states that "nothing in this section prevents a district court in the interest of justice, or in the interest of comity with State courts or respect for State law, from abstaining from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11."

Courts consider the following twelve factors under 28 U.S.C. § 1334(c)(1):

- (1) the effect or lack thereof on the efficient administration of the estate if a Court recommends abstention,
- (2) the extent to which state law issues predominate over bankruptcy issues,
- (3) the difficulty or unsettled nature of the applicable law,
- (4) the presence of a related proceeding commenced in state court or other nonbankruptcy

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court, (5) the jurisdictional basis, if any, other than 28 U.S.C. § 1334, (6) the degree of relatedness or remoteness of the proceeding to the main bankruptcy case, (7) the substance rather than form of an asserted "core" proceeding, (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court, (9) the burden of [the bankruptcy court's] docket, (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties, (11) the existence of a right to a jury trial, and (12) the presence in the proceeding of nondebtor parties.

In re Tucson Estates, Inc., 912 F.2d 1162, 1167 (9th Cir. 1990). In addition to these twelve factors, courts consider (13) comity and (14) the possibility of prejudice to other parties in the action. In re Enron Corp., 296 B.R. at 509.

1. Due to the likelihood of dismissal of the lead case, there is unlikely to be any effect on the efficient administration of the estate if the court abstains;
2. The issues are almost exclusively state law issues;
3. Plaintiff's theory for liability in connection with the alleged misrepresentations of M&H are somewhat novel, and issues of tender for purposes of wrongful foreclosure are difficult and unsettled in light of the California Supreme Court's decision in Yvanova v. New Century Mortg. Corp., 62 Cal. 4th 919 (2016);
4. This proceeding was removed from state court and it is unclear what the status of the unlawful detainer action is in the state court;
5. There is no jurisdictional basis other than 28 U.S.C. § 1334, as discussed above;
6. The action is very related to the main bankruptcy case, as the Court granted JP Morgan relief from the automatic stay based upon Debtor's improper use of the bankruptcy system, which prompted the appeal during which the events at issue unfolded;
7. There is no asserted "core" proceeding;
8. There are no bankruptcy matters to sever from the state court action;
9. The burden on the Court's docket does not weigh in favor of remand;
10. It appears very possible that the removal of this action was done by JP Morgan and M&H to obtain a more favorable forum, given that the Court has found that the Debtor filed this case to delay, hinder, or defraud creditors;
11. No party has discussed the right to a jury trial;
12. The two defendants are non-debtor parties, which does not heavily weigh in either direction;

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13. Comity with the state courts favors deferring to their authority on these state law claims; and
14. No parties will be unduly prejudiced by remand.

On the balance, the interests of justice and equity weigh in favor of remand. The Court will therefore not rule on the Motions to Dismiss and will allow the state court to decide those issues on demurrer.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

JP Morgan Chase Bank, National

Represented By
Mary H Haas

McCarthy & Holthus, LLP

Represented By
Matthew B Learned

Movant(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

Plaintiff(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

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Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#60.00 Motion to Dismiss First Amended Complaint

fr. 5/15/19; 5/22/19; 6/13/19

Docket 5

Tentative Ruling:

See # 59

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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1:17-13113 Benzeen Inc.

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Adv#: 1:19-01042 Benzeen Inc. a California corporation v. JP Morgan Chase Bank, National

#61.00 Motion to Dismiss Adversary Proceeding

fr. 6/5/19; 6/13/19

Docket 9

Tentative Ruling:

See #59

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

JP Morgan Chase Bank, National

Represented By
Mary H Haas

McCarthy & Holthus, LLP

Represented By
Matthew B Learned

Plaintiff(s):

Benzeen Inc. a California

Represented By
Roger N. Golden

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1:17-13113 Benzeen Inc.

Chapter 11

Adv#: 1:19-01042 JP MORGAN CHASE BANK, N.A. v. Benzeen, Inc.

#62.00 Status Conferece re: Notice of Removal of
action under 28 U.S.C. section 1452(a) and 1334(b)

fr. 5/15/19; 5/22/19; 6/13/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Benzeen Inc.

Represented By
Robert Reganyan
Michael R Sment

Defendant(s):

Benzeen, Inc.

Pro Se

Plaintiff(s):

JP MORGAN CHASE BANK, N.A.

Represented By
Mary H Haas

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1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#63.00 Motion to Dismiss First Amended Complaint

Docket 22

*** VACATED *** REASON: Cont'd to 7/18/19 at 10:00 a.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

Trustee(s):

Nancy J Zamora (TR)

Represented By
Lei Lei Wang Ekvall
Reem J Bello

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1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#64.00 Motion For Summary Judgment, In the Alternative,
Motion for Partial Summary Judgment

Docket 13

*** VACATED *** REASON: Stip. cont. to 8/28/19 @1pm (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

Trustee(s):

Nancy J Zamora (TR)

Represented By
Lei Lei Wang Ekvall
Reem J Bello

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1:14-15037 Brandi Kathleen Issac

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#65.00 Motion for relief from stay

MOSHE IZHAKPOR

fr. 6/5/9

Docket 146

***** VACATED *** REASON: Cont'd to 7/18/19 @ 11:00 per order #154. If**

Tentative Ruling:

6/5/19 Tentative

Petition Date: November 5, 2014

Chapter: 11

Plan Confirmed: January, 2016

Service: Proper. Opposition filed.

Movant: Moshe Izhakpor

Relief Sought to: Pursue Pending Litigation X Commence Litigation ___ Pursue

Insurance X Other:

Litigation Information

Case Name: Moshe Izhakpor v. Brandi Kathleen Valdez

Court/Agency: Los Angeles County Superior Court

Date Filed: April 7, 2014

Judgment Entered: N/A

Trial Start Date: N/A, trial expected January 2020

Action Description: Negligence, product liability, and premises liability

Grounds

Bad Faith ___ Claim is Insured X Claim Against 3rd Parties

___ Nondischargeable ___

Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum X

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Other:

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); 3 (annulment of automatic stay retroactive to bankruptcy petition date); 5 (waiver of the 4001(a)(3) stay); and 6 (Order binding and effective in any bankruptcy case commenced by or against debtor within 180 days).

An opposition was filed by Viking Range, LLC ("Viking"), co-defendant in the state court action described above ("State Court Action"). According to the opposition, movant Moshe Izhakpor ("Movant") is debtor Brandi Issac's ("Debtor") father in law who sued Debtor for a slip-and-fall at her home. Movant allegedly slipped on water that leaked from Debtor's refrigerator, which was manufactured by Viking. Viking strongly implies that Movant is attempting to commit insurance fraud and that Debtor is complicit in that action. Viking asserts that Movant is not estranged from Debtor, but in fact visits her and her home regularly and uses her residence as a mailing address. Viking alleges that Movant and his family are serial litigators and argues that he did, contrary to his assertion in the motion, have knowledge of this bankruptcy. Movant did not file a proof of claim in this case and the time for doing so has passed.

The state Court action was filed in April 2014 and this bankruptcy was filed in November 2014. Viking asserts that Movant's failure to file a claim in this case was "strategic," despite the fact that it puts Movant in the position of violating the automatic stay under § 362(a). Movant therefore requests that automatic stay be annulled retroactively to the date of the petition in order to prevent five years of litigation from being deemed void. Viking opposes annulment of the stay based upon the alleged wrongful and abusive conduct. At minimum, Viking requests additional time "to conduct discovery into the relevant facts underlying the Motion."

Standard

"The law in [the Ninth Circuit] is that violations of the automatic stay are void." In re Schwartz, 954 F.2d 569, 572 (9th Cir. 1992). Bankruptcy courts have the power to annul the automatic stay for "cause" under 11 U.S.C. § 362(d)(1). Id. at 573. In determining "cause" exists to annul the stay, courts "examine the circumstances of the specific case and balance the equities of the parties' respective positions," taking into consideration "(1) whether the creditor was aware of the bankruptcy petition and automatic stay and (2) whether the debtor engaged in unreasonable or inequitable conduct." In re Cruz, 516 B.R. 594, 603

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(B.A.P. 9th Cir. 2014). The following factors are considered in assessing the equities:

1. Number of [bankruptcy] 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 [d]ebtor's overall good faith (totality of circumstances test) (citation omitted);
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 the 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.

In re Fjeldsted, 293 B.R. 12, 25 (B.A.P. 9th Cir. 2003). These factors are non-exclusive and should not be treated as a "scorecard," but rather as a framework for analysis. Id.

Movant's Knowledge of This Bankruptcy

Viking raises a strong implication that Movant knew about this bankruptcy. Attached as Exhibit B to the motion is a "Notice of Stay of Proceedings" filed by Debtor on June 21, 2018 in the State Court Action. The instant relief from stay motion was filed on May 14, 2019, so it appears that Movant had knowledge of the bankruptcy for, at minimum, eleven months before filing this motion. Viking has also alleged that Movant testified under oath that he continued to visit Debtor and her family on a regular basis after the fall in Debtor's kitchen (though Viking does not cite to any specific evidence in the record, such as where in the 222-page deposition attached as exhibit L to the opposition). The close personal relationship between the parties would seem to generally support Viking's theory that Movant had knowledge of the bankruptcy.

Balance of the Equities

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Movant provides totally insufficient support for annulling a stay so long after the case was filed. If Movant's allegations are true, Debtor's "overall good faith" is called into question. Movant may have also compounded the problem by taking actions despite knowing of the stay; it appears from Exhibit A that all parties filed documents after Debtor filed the Notice of Stay of Proceedings in June, 2018.

The Notice of Stay of Proceedings indicates that Debtor waited nearly four years after filing this bankruptcy before filing a notice of stay in the State Court Action. Debtor did not list Movant in her schedules as a creditor nor was the ongoing lawsuit disclosed in the Statement of Financial Affairs. Debtor still has not amended her Statement of Financial Affairs to address this issue. Furthermore, the Notice of Stay of Proceedings indicates that Debtor is a "Defendant, Cross-Complainant, and Cross-Defendant." When did Debtor file a cross-complaint in this action? Exhibit A to the Motion is a list of documents filed in the State Court, and it appears that Debtor was actively litigating this case as far back as April 2016. Was Debtor being defended by the insurer, and did the insurer know that Debtor filed this bankruptcy case? Debtor did not file an opposition to this Motion. Debtor's declaration will be crucial in determining whether Movant had knowledge of the bankruptcy case. Furthermore, if Viking's allegations are true, the Court may enter an Order to Show Cause re: dismissal of this chapter 11 case, prohibiting any discharge. No one addresses the issue of whether the debt would be discharged and why the suit should continue if it is.

There is simply an insufficient showing of why the stay should be annulled years after the fact when the movant knew of the bankruptcy almost a year ago, at a minimum, and the case was closed in July 2016, almost 3 years ago. There is also no indication that this was a legitimate lawsuit where the debtor never scheduled it, and never included this in her plan. There are more questions raised by this motion than answered, so annulling the stay is out of the question while those questions are explored.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

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Movant(s):

Moshe Izhakpor

Represented By
Frank J Alvarado

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Courtroom 302 Calendar**

Wednesday, July 17, 2019

Hearing Room 302

1:00 PM

1:14-15037 Brandi Kathleen Issac

Chapter 11

#66.00 Order to Appear and Show Cause why this
Bankruptcy case should not be Dismissed or
Converted under section 1112(b)

Docket 150

*** VACATED *** REASON: Cont'd to 7/18/19 @ 11:00 per order #154. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

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

Thursday, July 18, 2019

Hearing Room 302

10:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

#0.01 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

6828 Laurel Canyon Blvd., Unit 102, North Hollywood, CA 91605 and 625 W.
59th Place, Los Angeles, CA 90044 ;

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On July 11, 2019, Debtor filed this chapter 13 case. Debtor had two previous pro se bankruptcy cases that were dismissed within the previous year. The First Filing, 19-10659-VK, was a chapter 7 that was filed on 3/21/19 and dismissed on 4/8/19 for failure to file schedules. The Second Filing, 19-10990-VK, was a chapter 13 that was filed on 4/23/19 and dismissed on 6/26/19 for failure to file schedules, after the deadline was extended.

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 Debtor acted on the advise of a broker and filed the previous cases pro se. 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 Filing was dismissed she has fully recovered from her heart surgery and has been working as a care giver and Lyft driver. Furthermore, Debtor is now represented by competent counsel. Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence, and source of income.

Service proper. No opposition filed.

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

Party Information

**United States Bankruptcy Court
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10:00 AM

CONT... Lois Ann Harris

Chapter 13

Debtor(s):

Lois Ann Harris

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, July 18, 2019

Hearing Room 302

10:00 AM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#1.00 Motion to Dismiss First Amended Complaint

fr. 7/17/19

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On April 19, 2010, Plaintiff retained Defendants to file a bankruptcy petition. On June 2, 2010, Defendants filed a Chapter 7 Bankruptcy petition on Plaintiff's behalf: In re Vadim Lipel, Case No. 1:10-16648 MT (the "Bankruptcy Case"). After examining Plaintiff at the section 341(a) meetings of creditors in the Case, Trustee administered assets disclosed in Debtor's schedules and disclosed during the initial and continued meetings of creditors. After the Trustee's Final Report [Dkt No. 161] and Final Account [Dkt No. 178] were filed in the Case on April 8 and September 21, 2016, respectively, the Court closed the case on September 27, 2016.

Plaintiff then filed a claim in arbitration before the Hon. Richard Stone (1) asserting that the advice and conduct of the Defendants representing Plaintiff in Bankruptcy Case that arose before the Petition Date, constituted grounds for a legal action in tort, including without limitation, legal malpractice ("Pre-Petition Malpractice Claim"), and; (2) asserting that the advice and conduct of the Defendants representing Plaintiff in Bankruptcy that arose with the filing of the Petition, after the Petition Date, constituted grounds for a legal action in tort, including without limitation, malpractice (the "Post-Petition Malpractice Claim"). Plaintiff complains of the conduct and advice of Defendants concerning the filing and prosecution of a bankruptcy case without properly evaluating that by prosecuting the case, a certain tax liability would not be discharged. On May 22, 2019, Plaintiff filed a second amended demand for arbitration before Judge Stone.

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Chapter 7

In August 2018, the United States Trustee ("UST") filed a motion to reopen the Case based on the Trustee's declaration regarding a claim for professional liability (the "Claim") against Debtor's former counsel, Brutzkus Gubner, that existed on the Petition Date. The Claim was stated to be property of the Estate that Debtor did not disclose in his schedules, at the meetings of creditors, or at any time before the Court closed the case.

On August 28, 2018, the Court entered its order reopening the case and directing the UST to appoint a chapter 7 trustee. [Dkt No. 182] On August 29, 2018, the UST appointed Trustee as chapter 7 trustee in the case. [Dkt No. 183]. Trustee negotiated with 22845 Sparrowdell LLC dba PBOG, an asset purchase agreement (the "APA") that Trustee and PBOG's managing member, Steven T. Gubner, executed in October 2018. The assets were described in the Sale Motion to include the Estate's interest in the "claim for professional liability against Debtor's former counsel including, but not limited to that certain arbitration complaint in the action styled *Vadim Lipel v. Lesley Davis and Brutzkus Gubner Rozansky Seror Weber LLP* together with any and all other related legal or equitable claims, defenses, actions, demands, rights, damages, remedies, expenses, and compensation whatsoever." The Assets also included any and all other undisclosed, unsecured and/or unadministered claims, rights and interest of the Estate. [Dkt No. 185]. Thereafter the Trustee filed a Motion for Order approving sale of the Assets, subject to overbid, on October 17, 2018 (the "Sale Motion"). On November 13, 2018, the Court entered an "Order Approving Trustee's Sale of Assets" (the "Sale Order"). [Dkt No. 190]

On April 16, 2019, Debtor filed a Complaint for declaratory relief seeking orders from the Bankruptcy Court related to the Sale Order. Debtor contends in the FAC that this action was filed because Judge Stone ordered him to seek guidance as to how the sale order affected the Arbitration Proceedings. FAC, 3:22-23. On May 14, 2019, defendant BG filed a Motion to Dismiss the original Complaint. [Dkt No. 7]. On May 22, 2019, Plaintiff filed his FAC, naming PBOG and the Trustee as additional defendants. [Dkt No 9].

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

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Vadim A Lipel

Chapter 7

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).

"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 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 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. 550 U.S. at 570 (citations and internal quotation marks omitted). Further, the allegations of the complaint, along with other materials properly before the court on a motion to dismiss, can establish an absolute bar to recovery. See Weisbuch v. County of Los Angeles, 119 F.3d 778, 783 n. 1 (9th Cir. 1997) ("If the pleadings establish facts compelling a decision one way, that is as good as if depositions and other expensively obtained evidence on summary judgment establishes the identical facts."). While the court

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CONT... Vadim A Lipel

Chapter 7

generally must not consider materials outside the complaint, the court may consider exhibits submitted with the complaint. Durning v. First Boston Corp., 815 F.2d 1265, 1267 (9th Cir. 1987).

ANALYSIS

Declaratory relief that Post-Petition Part of Malpractice Claim is not Barred by Sale Order

Defendants move to dismiss Plaintiff's claim that this Court does not have subject matter jurisdiction over any part of the Post-Petition Malpractice Claim, arguing that Plaintiff's position is wrong as a matter of both law and fact. Defendants then go on to muddle the Pre-Petition Malpractice Claim and the Post-Petition Malpractice Claim, arguing broadly that the Sale Order provides that the Assets were property of the Estate and thus the Sale Order precludes this claim for relief.

When a bankruptcy petition is filed, an "estate" is created, consisting of all of the debtor's interests, both legal and equitable, in all property, both tangible and intangible. 11 U.S.C. § 541(a); Hillis Motors, Inc. v. Hawaii Auto. Dealers' Ass'n, 997 F.2d 581, 585 (9th Cir.1993). Thereafter, the property of the estate is distinct from the property of the debtor. Property acquired post-petition by the debtor does not enter the estate; it remains the separate property of the debtor. Suter v. Goedert, 396 B.R. 535, 540-541 (D. Nev. 2008). Thus, the Post-Petition Malpractice Claim could not have been sold pursuant to the Sale Order, as it is not property of the Estate. What damages flow from which acts (pre- or post-petition) is outside of the scope of a motion under 12(b)(6).

Declaratory Relief that (1) the Sale Order Does Not Preclude the Malpractice Claim because Malpractice Claims are not Assignable in Bankruptcy Proceedings and (2) the Sale Order Only Transferred the Estate's Interest, Not the Debtor's Interest, in the Malpractice Claim

In general, causes of action existing at the time the bankruptcy petition is filed are considered property of the estate. Sierra Switchboard Co. v. Westinghouse Elec. Corp. (In re

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Sierra Switchboard), 789 F.2d 705, 707 (9th Cir.1986) (citing Whiting Pools, 462 U.S. 198, 205 & n. 9 (1983)). This includes pre-petition tort claims. Id. (holding that a claim for emotional distress is an asset of the bankruptcy estate); Suter v. Goedert, 396 B.R. at 542 (internal citations omitted). Plaintiff argues that Trustee cannot sell the Pre-Petition Malpractice Claim because California law prohibits assignment of legal malpractice claims. Jackson v. Rogers & Wells, 210 Cal.App.3d 336, 341-42 (Cal. Ct. App. 1989). The California prohibition against sale or assignment of legal malpractice claims is applicable even in a bankruptcy context. See Baum v. Duckor, Spradling & Metzger, 72 Cal.App.4th 54, 68-72; 84 (Cal. Ct. App. 1999)(holding that to allow a bankruptcy trustee to sell a debtor's legal malpractice claim to creditors, especially where a trustee chooses not to prosecute such a claim, is against public policy).

Defendants do not directly address the California law prohibiting sale or assignment of malpractice claims. Instead, Defendants focus on whether Plaintiff's claim for relief is procedurally proper, which will be addressed in the next section below. While the Assets are property of the Estate, except for any Post-Petition Malpractice Claim, what interest was sold to Defendant BG depends on the scope of the Sale Order. The Sale Motion defines the Assets to be sold as:

1. a claim for professional liability against Debtor's former counsel (the "Claim") including, but not limited to that certain arbitration complaint in the action styled *Vadim Lipel v. Lesley Davis and Brutzkus Gubner Rozansky Seror Weber LLP* together with any and all other related legal or equitable claims, defenses, actions, demands, rights, damages, remedies, expenses, and compensation whatsoever ("Complaint"); and
2. any and all other undisclosed, unscheduled and/or unadministered claims, rights and interests of the Estate.

Sale Motion, 2:25-3:7.

The Sale Order explains that Trustee is selling the Assets that "are comprised of the Estate's rights, title and interests, if any..." and "any and all other undisclosed, unscheduled and/or

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Vadim A Lipel

Chapter 7

unadministered." Sale Order, 2:14-21. The Sale Order is clear that the Estate's interest in the Assets was being sold on "an 'as-is, where-is' basis, with no representations or warranties regarding the Assets, and with no contingencies, to Buyer..." Id. at 4:15-16. At the hearing on the Sale Motion, Trustee appeared and had the following exchange with the Court:

TRUSTEE: I would like to disclose to the Court that I was contacted by Katherine Lipel, who is the ex-spouse of Mr. Lipel, the debtor. She is representing him in the arbitration proceeding and, um, by Ted Boxer who had... I don't know if he's engaged in the case, but he was being consulted with as a bankruptcy attorney. I did meet with them last week. They indicated that they may have an opposition. I told them both in person and in writing by email that I had no problem with them filing an opposition until last Friday. I've been checking the docket on a daily basis and I see no opposition having been filed. And I don't see either of those attorneys here today and I've not been contacted by them since the day of our meeting last week. But I did want to disclose that on the record.

COURT: Ok...

TRUSTEE: But I did want to disclose that on the record just in case an issue arose regarding that, so the transcript would show that that was fully disclosed to the Court but that nothing – no opposition's been made in writing and the parties are not here opposing the sale.

COURT: Ok... I've just checked my Courtcall list and I don't have them down as appearing. Is there anyone on the telephone on the Vadim Lipel case?

[SILENCE]

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Vadim A Lipel

Chapter 7

COURT: Hearing no answer, I assume they didn't decide to last-minute appear telephonically. Let me just check the docket... um... no. I've just checked the most recent docket right now and there is still no opposition.

TRUSTEE: Thank you, Your Honor. And it's an "as-is, where-is" sale, with no representations or warranties. The Estate is selling whatever interest it has in the litigation rights as well as any undisclosed remnant assets of the Estate.

The conditions on sale explained in the Sale Motion and codified in the Sale Order provided that Trustee was selling *only whatever interest the Estate had in the described Assets*. The extent of the Estate's interest in the Pre- or Post-Petition Malpractice Claims was not litigated in connection with the Sale Motion. Instead, it seems as if the limitation that the Sale Order conveyed only the Estate's interest, whatever that may be, was included in part to prevent the Estate from having to cover the costs of litigating this very issue. See Sale Motion, 8:4-18.

The Pre-Petition Malpractice Claim was brought into the bankruptcy estate, even though the law in California prohibits the sale or assignment of legal malpractice claims. See Sierra Switchboard, 789 F.2d at 708-709 (holding that prepetition malpractice claims constitute estate property, regardless of whether the claims are assignable or transferrable under state law). Thereafter, Trustee had three choices of how to administer this non-exempt, non-saleable Pre-Petition Malpractice Claim: (1) sell control of the asset to Debtor; (2) prosecute the action herself on behalf of the Estate; or (3) settle or compromise the Claim with the Defendants. See Suter v. Goedert, 396 B.R. at 546-547. In Suter, the debtors argued on appeal that the bankruptcy court abused its discretion when it approved what the debtors characterized as a sale between the chapter 7 trustee and the defendants of a legal malpractice action claim held by the debtors. The District Court disagreed with the debtors' characterization of the transaction as a sale:

The bankruptcy court looked at the situation as one where the trustee had two offers to compromise, one from the Suters and one

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Vadim A Lipel

Chapter 7

from the Goedert firm, and the trustee accepted the Goedert offer because it was in the best interest of the estate. The bankruptcy court disavowed the notion that it was approving a sale.

Suter v. Goedert, 396 B.R. at 546.

The District Court affirmed the bankruptcy court's approval of the compromise between the trustee and the defendant law firm, holding that the trustee did not sell the claim but instead "compromised or settled" the claim. Suter, at 547. In footnote 8, the Suter court notes that at oral argument, counsel for the defendant law firm conceded that if the transaction were a "sale" of the lawsuit to the firm, such a transaction would be void. Id. at fn. 8.

At this stage of the litigation, the Court must construe the facts in the FAC in the light most favorable to Plaintiff and accept all well-pleaded factual allegations as true. These allegations are that Debtor still possesses any Pre- or Post-Petition Malpractice Claim. For the reasons stated above, Plaintiff has presented sufficient facts to state a claim for declaratory relief.

Whether Plaintiff Waived his Rights is a Question of Fact

As to the Pre-Petition Malpractice Claim, Defendants assert that the Sale Order is clear that the Pre-Petition Malpractice Claim was included in the Assets sold. Because the Sale Order is final and is preclusive, and Plaintiffs did not oppose the Sale Motion, Defendants maintain that Plaintiff does not have standing to pursue this claim. Defendants further argue that Plaintiff is barred by *res judicata* from seeking a determination of the issues related to whether the malpractice claim is an asset of the bankruptcy estate. MTD, 8:11-21. *Res judicata* applies where: (1) the prior action involved the same parties or parties in privity to them; (2) the prior action involved the same claim; and (3) there was a final judgment on the merits in the prior action. Pitzen v. Superior Court, 120 Cal. App. 4th 1374, 1381 (Cal. Ct. App. 2004). As explained above, the extent of the Estate's interest in the Pre- and Post-Petition Malpractice Claims was not litigated in connection with the Sale Motion so *res judicata* will not preclude these claims for declaratory relief.

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Vadim A Lipel

Chapter 7

Defendants also contend that Plaintiff waived his right to pursue these claims because he did not oppose the Sale Order. "Waiver is the voluntary relinquishment of a known right or conduct such as to warrant an inference to that effect. It implies knowledge of all material facts and of one's rights, together with a willingness to refrain from enforcing those rights." Hauk v. JP Morgan Chase Bank USA, 552 F.3d 1114, 1119 (9th Cir. 2009). Plaintiff raises factual issues as to whether his actions (or inaction) waived his right to the pursue the claims presented. Opposition, 7:3-24. Where the Court must take Plaintiff's well-pleaded factual allegations as true, waiver cannot be decided in this procedural context.

The Motion to Dismiss the First Amended Complaint is DENIED. The parties should be prepared to discuss with the Court whether they anticipate that Plaintiff's Motion for Summary Judgment, ad. ECF doc. 13, will be heard on the previously-stipulated date of August 28, 2019.

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

Trustee(s):

Nancy J Zamora (TR)

Represented By
Lei Lei Wang Ekvall

**United States Bankruptcy Court
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Vadim A Lipel

Reem J Bello

Chapter 7

**United States Bankruptcy Court
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1:14-15037 Brandi Kathleen Issac

Chapter 11

#1.01 Motion for relief from stay

MOSHE IZHAKPOR

fr. 6/5/9, 7/17/19

Docket 146

***** VACATED *** REASON: Motion withdrawn 7/16/19 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

Movant(s):

Moshe Izhakpor

Represented By

Frank J Alvarado

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1:14-15037 Brandi Kathleen Issac

Chapter 11

#1.02 Order to Appear and Show Cause why this
Bankruptcy case should not be Dismissed or
Converted under section 1112(b)

fr. 7/17/19

Docket 150

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By
M. Jonathan Hayes
Roksana D. Moradi-Brovia

**United States Bankruptcy Court
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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

#2.00 Status conference re complaint for:
to except debt from discharge

fr. 5/2/18, 7/18/18, 9/12/18, 9/26/18, 2/27/19

Docket 1

***** VACATED *** REASON: Judgment entered 2/28/19 (doc. 30) - hm**

Courtroom Deputy:

Note: A cross-claim was filed by debtor/defendant Yehuda Elady on 4/18/18.
A summons was issued, and the status conference re: cross-claim is set for
7/18/18 at 11:00 a.m. jc

Tentative Ruling:

- NONE LISTED -

Party Information

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
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Thursday, July 18, 2019

Hearing Room 302

1:30 PM

1:18-12855 PB-1, LLC

Chapter 11

#3.00 Motion For Order Approving Debtor In Possession Construction
Financing On A First Priority Basis Priming All Liens Except Real
Property Taxes

fr. 4/3/19; 6/17/19; 6/24/19

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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1:30 PM

1:18-12855 PB-1, LLC

Chapter 11

#4.00 Confirmation Hearing
RE: First Amended
Chapter 11 Plan

fr. 6/17/19; 6/24/19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

6/24/19 Tentative

I. Background

PB-1, LLC ("Debtor in Possession" or "Debtor") moves the Court for an order approving construction financing secured by a first position priming lien on Debtor's sole asset, the real property located at 11258 Laurie Drive, Studio City, CA ("Property"). That motion is being heard concurrently with the confirmation hearing on Debtor's proposed chapter 11 plan.

In early 2017, Debtor obtained a building permit to build a luxury home on the Property, which it intends to then resell for a profit. The construction on the property was financed by parties that the court will refer to as the "Construction Lenders" (though the motion generally refers to "Calpac," the party who brokered the loans) with a \$2,000,000 loan secured by a first position deed of trust and a \$450,000 loan secured by a second position deed of trust. Debtor's principals, Adam Goldman ("Goldman") and Brian Peters ("Peters"), are personally liable as guarantors on the two loans to Construction Lenders. Work began on the property around June 2017 and was estimated to take six to eight months, but by early 2018 only about 25% of the work had been completed. Following a dispute with the Construction Lenders, Debtor was unable to make further draws on the construction loan and the Construction Lenders moved to foreclose on the property. Debtor and the Construction Lenders disagree about the details of that dispute and which party was in the wrong--significant portions of their declarations in support of and in opposition to this motion are dedicated to explaining their side of the story. Debtor filed this case on

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CONT... PB-1, LLC

Chapter 11

November 27, 2018.

The property is encumbered by the following liens:

1. \$3,847.01 (Tax lien)
2. \$1,541,000 (Construction Lenders 1st DoT)
3. \$557,320.12 (Construction Lenders 2nd DoT)
4. \$261,081.78 (Perfected mechanic's lien, Leon Krous Drilling)
5. \$ 73,197 (Perfected mechanic's lien, Dakota Drilling & Concrete)

TOTAL: \$ 2,436,446

DIP Financing Statement, Doc. 41. The total above omits three "unperfected mechanics liens," whose secured status Debtor disputes, in the total amount of \$76,947. Id.

Debtor estimates that the property will sell for between \$4,200,000 and \$5,000,000 when completed. The First Amended Plan indicates that the current value of the property is \$2,000,000, though the declaration of one of Debtor's principals Adam Goldberg states that it is virtually impossible to determine the current value of the property without marketing it. Goldberg Dec., Doc. 77 at ¶ 17. Construction Lenders dispute this valuation. The proper valuation of the Property, and whether to use the current value or the completed project value, are core disputed issues, and will be discussed further below.

II. Confirmation

The court will only confirm a plan if it satisfies the requirements identified in §1129(a)(1)-(16), unless §1129(b)(1) applies. The issues in this confirmation are the requirements of § 1123(a)(5) (adequate means of implementation), 1123(a)(11) (feasibility) and 1129(b) (cramdown over the objection of creditor).

11 U.S.C. §§ 1123(a)(5) and 1129(a)(11)

The court may only confirm a plan if it is feasible, meaning that confirmation 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." Acequia, Inc., v. Clinton, (In re Acequia, Inc.), 787 F.2d 1352, 1364 (9th Cir. 1986).

Closely related in this case is the requirement that the plan provide "adequate means for

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CONT... PB-1, LLC

Chapter 11

the plan's implementation" 11 U.S.C. §1123(a)(5). Whether the plan provides for adequate means and is feasible depends upon whether the Court approves the financing motion, discussed below.

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).

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 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). Additionally, the Plan must provide "for the realization by [secured claim] holders of the indubitable equivalent of such claims." § 1129(b)(2)(A)(iii).

Construction Lenders argue that the Plan is not fair and equitable because some junior classes are given the option to accept immediate payout of 50% of their claims before plan completion. Construction Lenders are concerned that this will allow those classes to "cash out" if it looks like the plan is failing. This concern is overstated. If the plan is already failing, it is unlikely that those classes will, in fact, receive their 50%. This provision does not discriminate unfairly and is fair and equitable with respect to each class.

With respect to the appropriate cramdown interest rate, the Court will not approve this plan with anything lower than the contract, non-default rate of interest being paid to the Construction Lenders on account of both loans. Not only are the proposed 4% and 6% interest rates insufficient for confirmation purposes under the present value "prime plus" standard of *Till v. SCS Credit Corp.*, 541 U.S. 465 (2003) and the market rate standard (as the evidence generally shows that a 10%-15% rate is common for this type of loan), but the proposed cramdown interest rates result in a significant and unjustifiable diminution of the value of Construction Lenders' interest in the Property for purposes of adequate protection under § 364(d)(1)(B).

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Executory Contracts Under § 365

Construction Lenders further argue that Debtor has not satisfied the requirements of assuming its executory contracts--particularly, the insider, Petersberg Construction, Inc. Construction Lenders argue that debtor provides minimal information relating to the executory contracts, and has not demonstrated that the assumption of the contracts is in exercise of sound business judgment. In order to assume an executory contract, trustee (here, the Debtor) must:

- A) cure, or provides adequate assurance that the trustee will promptly cure, such default;
- B) compensate, or provide adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and
- C) provide adequate assurance of future performance under such contract or lease.

11 U.S.C. 362(b)(1). Is Debtor intending to cure the defaulted executory contract(s)?

III. The Financing Motion

The confirmation and financing motions hinge chiefly on whether the proposed financing is allowed secured by a first position lien against the Property (the "Motion"). Debtor has obtained an offer for financing from Agoura Hills Financial ("Agoura") for \$700,000 at 10% interest. This request is governed by section 364(d).

(d)(1) The court, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property of the estate that is subject to a lien only if--

- (A)** the trustee is unable to obtain such credit otherwise; and
- (B)** there is adequate protection of the interest of the holder of the lien on the property of the estate on which such senior or equal lien is proposed to be granted.

(2) In any hearing under this subsection, the trustee has the burden of proof on the issue of adequate protection.

11 U.S.C.A. § 364(d). Construction Lenders filed an objection to the Motion, arguing that Debtor has not satisfied its burden with respect to either of the two requirements of section 364(d)(1)(A) and (B). This matter was initially heard on April 3 along with Debtor's Disclosure Statement. The Court approved the disclosure statement and continued this motion to be heard along with a confirmation hearing because the issues presented by this Motion are

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closely tied to the feasibility of the First Amended Plan.

A. Availability of other Financing

Construction Lenders argue that Debtor has failed to meet its burden of showing that it "is unable to obtain such credit otherwise" under section 364(d)(1)(A). Construction Lenders argue that while "there is no duty to seek credit from every possible lender, but debtor must make an effort to establish that debtor is unable to obtain credit otherwise." In re Reading Tube Indus., 72 B.R. 329, 332 (Bankr. E.D. Pa. 1987). The court in Reading Tube denied the debtor's motion under section 364(d) where debtor did not demonstrate that it "approached even one institution to request financing." Id.; see also In re Sky Valley, Inc., 100 B.R. 107 (Bankr. N.D. Ga. 1988), aff'd sub nom. Anchor Sav. Bank FSB v. Sky Valley, Inc., 99 B.R. 117 (N.D. Ga. 1989)("Debtor satisfied burden of showing that it could not obtain credit other than by granting a superpriority lien, though debtor approached a total of only four lenders.").

Debtor's motion itself does not detail any attempts to approach other lenders to obtain financing. In a declaration in support of Debtor's reply, Goldberg states that he has sought financing from other lenders since Calpac stopped lending funds. Goldberg states that he "contacted over 100 lenders including but not limited to Rodeo Capital, CalCap, Triumph Capital, Heartland, Steirs Lending, Arix, [and] Aztec Financial." Construction lenders point to the lack of documented evidence as to these attempts to obtain financing. The Court shared this concern with Construction Lenders.

However, Debtor has now produced emails from four separate lenders dating from May to September 2018. Goldberg Supp. Dec., Doc. 90, Ex. 7. The Court first notes that the emails are especially credible because each lender candidly expresses its concerns about the risks associated with Debtor's project. One lender stated "this project is a bit too speculative for us as there are no comps in the area." Another lender echoed the lack of comparable sales and expressed further concerns about the buyer pool for this home, especially in light of increasing interest rates. Another expressed uncertainty that the "value will come in a 5 mil." One lender declined, but stated that it was open to lending if the loan could be cross-collateralized with another piece of property. The emails are not wholly skeptical of the success of the project, but reinforce the risks that have already been articulated by Construction Lenders. Goldberg states that the majority of rejections were made to him by telephone.

Goldberg and Peters are, as mentioned previously, personally liable on the loans to the

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Construction Lenders, but on an unsecured basis. They are contributing \$250,000 in new value to the Debtor under the Plan. They have indicated that they have significant assets that can be used to ensure that the Construction Lenders are adequately protected, which is discussed further below. However, Construction Lenders argue that, if Goldberg and Peters have sufficient assets to fund the plan, that Debtor has access to another source of financing and therefore has not satisfied its burden under § 364(d)(1)(A). Opposition, Doc. 83, 5:5-13. This argument is unconvincing. Construction Lenders are correct that § 364(d)(1)(A) requires a showing that Debtor in possession was unable to secure financing on any other basis, such as under § 364(c) in the form of unsecured credit, credit secured by an unencumbered asset, or credit secured by a junior lien. See In re Stanton, 248 B.R. 823, 829 (B.A.P. 9th Cir. 2000), aff'd, 285 F.3d 888 (9th Cir. 2002), opinion amended and superseded on denial of reh'g, 303 F.3d 939 (9th Cir. 2002), and aff'd, 303 F.3d 939 (9th Cir. 2002) ("If the trustee is unable to obtain credit under [§ 364(c)(1)-(3)], then § 364(d) allows the trustee to obtain credit or incur debt secured by a senior or equal lien on property of the estate that is subject to a lien. . ."). However, Debtor's principals are not the Debtor; they are not required to encumber property that they own personally in order to obtain DIP financing for the Debtor. Such a standard would make § 364(d)(1) unavailable to any Debtor whose principals own enough assets to provide collateral for post-petition financing. While § 364(d)(1) is demanding, Construction Lenders have not provided any authority that such a showing is required.

Goldberg indicates that Construction Lenders are correct that, "provided enough time, the principals could fund the completion of the Project," but that such a delay would create additional risks regarding the price of real estate. Goldberg Dec., Doc. 90, 2:22-28. In other words, the delay caused by Construction Lenders' proposed alternative source of credit would affect the feasibility of the chapter 11 plan. Goldberg and Peters collectively are, essentially, another example of a prospective DIP lender which was unwilling or unable to finance this construction.

As the Property is Debtor's only asset, obtaining credit under § 364(c)(2) was not possible. The Court is satisfied by the emails produced by Goldberg that Debtor was unable to obtain financing under § 364(c)(3). However, the Court does not see any evidence that Debtor would be unable to obtain financing as an administrative priority under § 364(b) and § 503(b)(1) or as an administrative "super-priority" under § 364(c)(1). Debtor should come prepared to discuss whether the Court is able to make the required finding under § 364(d)(1)(A) where the Debtor has not provided any evidence of its ability to obtain financing in exchange for priority or super-priority claims in the bankruptcy. Furthermore, Debtor should

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be prepared to discuss whether it is relevant that all of the attempts to obtain financing that Mr. Goldberg refers to occurred pre-petition.

A. Adequate Protection

The second requirement of § 364(d) is the primed senior lienholders are adequately protected. The Bankruptcy Code defines "Adequate Protection" to include 1) cash payments, 2) a replacement lien, or 3) other relief that will result in receiving the indubitable equivalent of any decrease in in the value of an entity's interest in such property. 11 U.S.C. § 361. Because Debtor's plan does not propose additional cash payments or a replacement lien to protect Construction Lenders' interest, it must satisfy that "catch-all" by showing that the protection offered will result in the "indubitable equivalent" of any decrease in the value of Construction Lenders' lien. Lastly, the Court notes that Debtor is attempting two prime two of Construction Lenders' liens. It is possible that Debtor could make a sufficient showing of adequate protection with respect to the second position lien, but not the first position.

i. Appropriate Interest Rate

As described above, the Court will not approve this plan with anything lower than the contract, non-default rate of interest being paid to the Construction Lenders on account of both loans. Not only are the proposed 4% and 6% interest rates insufficient for confirmation purposes under the "prime plus" standard of Till v. SCS Credit Corp., 541 U.S. 465 (2003) and the market rate standard (as the evidence generally shows that a 10%-15% rate is common for this type of loan), but the proposed cramdown interest rates result in a significant and unjustifiable diminution of the value of Construction Lenders' interest in the Property for purposes of adequate protection.

ii. Valuation

Debtor argues that Construction Lenders' interest is adequately protected within the meaning of § 364(d)(1)(B) "by the significant equity cushion" and that completion of the construction project will substantially increase the value of the collateral. "Although the existence of an equity cushion as a method of adequate protection is not specifically mentioned in § 361, it is the classic form of protection for a secured debt. . . ." In re Mellor, 734 F.2d 1396, 1400 (9th Cir. 1984). Construction Lenders argue that Debtor has failed meet its burden of demonstrating that existing lienholders are adequately protected.

Foremost, there is no evidence that there is currently any equity cushion in the property.

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Debtor seeks to use the \$4.2 million alleged completed value of the project as the value for purposes of calculating equity cushion. This argument has been rejected before.

In re Chevy Devco, 78 B.R. 585, 587 (C.D. 1987). The Court declines Debtor's invitation to stretch the meaning of this familiar phrase. The only evidence that has been produced to the Court of the current value of the property is \$2,190,000 by an appraiser for the Construction Lenders. Tiv Declaration, Doc. 88 2:18. The first amended plan values the collateral at just \$2 million. The undisputed current liens on the property total at least \$2,436,446. DIP Financing Statement, Doc. 41. Therefore, there is no equity or equity cushion in the property.

However, as discussed in cases cited by Debtor, the future value of a construction project *may* constitute adequate protection under § 364(d), even if it is not properly described as an "equity cushion." Debtor cites Sky Valley for the proposition that "an increase in the value of collateral generated by the improvements resulting from the superpriority financing could constitute adequate protection." 100 B.R. at 114 (quoting In re First S. Sav. Ass'n, 820 F.2d 700, 711 (5th Cir. 1987)). However, in Sky Valley, the value of the property was established without the addition of proposed improvements, and the court indicated that "no danger exists that [the primed lienholder's] loan will become undersecured to any degree." 100 B.R. at 114. In First South Savings, the bankruptcy court found that there was no equity in the property currently, 820 F.2d 700 at FN 12, but used the value of the improvements as proof of adequate protection under section 364(d)(1)(B). The Fifth Circuit reversed the determination of the bankruptcy court, though on an evidentiary issue. It is unclear whether the Fifth Circuit believed, as the Sky Valley court states, that improvements from superpriority financing could provide the basis for a finding of adequate protection. Regardless, any such finding would also have to take into account the current value of the property, the risk that the improvements would not be completed, and the possibility of future drop in the market. See In re Tempe Land Co., LLC, No. 2:08-BK-17587JMM, 2009 WL 1211622, at *2 (Bankr. D. Ariz. May 1, 2009)(predictions of future success of unfinished construction project were uncertain and insufficient to provide adequate protection).

One case cited by Debtor warns against solely focusing on an equity cushion, and states that the court should take a "holistic approach" to determining adequate protection under section 364(d)(1)(B), with particular focus on the value of the collateral, the likelihood of appreciation or depreciation over time, and the prospects for successful reorganization. In re Aqua Assocs., 123 B.R. 192, 197 (Bankr. E.D. Pa. 1991). "We believe that such a "holistic approach" is particularly pertinent to consideration of a § 364(d) motion, where the potential of the advance of credit to allow the formulation of a successful plan and thereby

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benefit the debtor's estate, and the interests of all of its creditors, including secured creditors which it attempts to prime, is at issue." Id.

While the completed value of the project may be relevant to the holistic determination of adequate protection, it is inadequate on its own.

iv. Guaranty of Principals

A guaranty, even unsecured guaranty, can be relevant to a determination that a prime lienholder is adequately protected. Far more compelling would be if Goldberg and Peters were willing to offer the Construction Lenders a security interest in property they own individually, thereby improving the Construction Lenders' position relative to their pre-bankruptcy position. See In re Swedeland Dev. Grp., Inc., 16 F.3d 552 (3d Cir. 1994)(Among ways that debtor may demonstrate existence of adequate protection for prepetition lienholder so as to permit superpriority postpetition financing is by supplying lienholder with new third-party guaranty or with substitute collateral; however, third-party guaranty will not be sufficient in all cases, since sufficiency of guaranty will depend, inter alia, on financial strength of guarantor); In re Carolina Utilities Supply Company, Inc., 118 B.R. 412 (Bankr. D.S.C. 1990)(finding that a guarantor's financial condition is irrelevant because an unsecured guaranty affords little or no protection to the bank as it "would hardly be the "indubitable equivalent" of the collateral).

A few cases have held that an unsecured guaranty can constitute as adequate protection, as long as it receives some other backing from a reputable guarantor. See Pennsylvania State Employee's Retirement Fund v. Roane, 14 B.R. 524, 546-47, (E.D. Pa. 1981)(a federal mortgage guarantee may constitute "adequate protection" because the federal government will reimburse the mortgage for the outstanding unpaid mortgage, principal, accrued interest and two-thirds of the foreclosure costs); See also In re Di Bona, 9 B.R. 21, (Bankr. E.D. Pa. 1981)(the federal mortgage is guaranteed by the United States through the Veteran's Administration, promising that any loss suffered by the lender will be reimbursed up to 60% of the mortgage). "When evaluating whether a third party guaranty is a suitable form of adequate protection, courts have focused on the strength of the guaranty." People's United Bank v. Lombardo Ravioli Kitchen, Inc., 2009 Bankr. LEXIS 550 (Bankr. D. Conn. 2009); In re Kenny Kar Leasing, Inc., 5 B.R. 304 (Bankr. C.D. Cal. 1980).

The Court is not currently convinced that the unsecured guaranties of Goldberg and Peters constitute the indubitable equivalent of Construction Lenders' interest in the Property. Testimony may be necessary to ascertain the financial strength of the principals.

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Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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1:18-12855 PB-1, LLC

Chapter 11

#5.00 Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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9:30 AM

1:18-12833 Marcie Berger

Chapter 13

#70.00 Order to show cause why the case should not be dismissed and why debtor's attorney Scott Olsen should not have fees disgorged

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcie Berger

Represented By
Scott D Olsen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:13-17737 Pella Parker

Chapter 13

#71.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19

Docket 109

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pella Parker

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

**#72.00 Debtor's Motion for Determination of Final Cure
and Payment of all Post-Petition Mortgage
Payments.**

fr. 6/25/19

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is the status of this motion?

6/25/19 Tentative

Federal Rule of Bankruptcy Procedure 3002.1(h) provides that "On motion of the debtor or trustee filed within 21 days after service of the statement under subdivision (g) of this rule, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts."

The Court determines that, as admitted by Debtor, he has not paid all required postpetition amounts. The issues with Ocwen/HSBC will have to be dealt with separately.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Movant(s):

Frank J. Merwald

Represented By
Elena Steers
Elena Steers
Elena Steers

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:14-10218 Frank J. Merwald

Chapter 13

#73.00 Motion for Determination of Final Cure and Mortgage Payment
re: Rule 3002.1 re HSBC Bank USA, NA

fr. 6/25/19

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/25/19 Tentative

HSBC did not file an opposition. HSBC's proof of claim states that Notices should be sent to Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, PO Box 24605, West Palm Beach, FL 33416. The proof of service attached to the notice of motion (Doc 129) does not include service on Ocwen. This matter will be continued to allow time for Debtor to properly serve HSBC.

Ocwen, when it appears, can also file a declaration explaining what happened with respect to the Notice of Mortgage Payment Change filed May 10, 2017 that resulted in a sudden doubling of Debtor's required mortgage payments.

Further, when this plan became infeasible after the sudden and dramatic increase in Mortgage payments, why didn't Debtor's counsel bring a motion to modify the chapter 13 plan? This plan has been infeasible for years, but the Debtor continued making payments without any realistic hope of receiving a discharge.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:14-11682 Mitchell Whitfield and Tracy Whitfield

Chapter 13

#74.00 Motion RE: Objection to Claim Number 15 by Claimant Internal Revenue Service.

Docket 72

***** VACATED *** REASON: ntc. of dismissal on objection filed 7/10/19
(eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mitchell Whitfield

Represented By
Stella A Havkin

Joint Debtor(s):

Tracy Whitfield

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-11682 Mitchell Whitfield and Tracy Whitfield

Chapter 13

#75.00 Trustee's Motion to Dismiss Case

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mitchell Whitfield

Represented By
Stella A Havkin

Joint Debtor(s):

Tracy Whitfield

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:14-12591 Robert Troy Harriman and Dolores Villanueva

Chapter 13

**#76.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 5/21/19, 6/25/19

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Troy Harriman

Represented By
David Samuel Shevitz

Joint Debtor(s):

Dolores Villanueva

Represented By
David Samuel Shevitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-13940 Maria Polanco de Amaya

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Polanco de Amaya

Represented By
Susan Jill Wolf

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-14928 Edwin W. Diego

Chapter 13

#78.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin W. Diego

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-10864 Luis Alberto Paz De La Vega-Mayandia and Margarita

Chapter 13

#79.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Paz De La Vega-

Represented By
Ali R Nader

Joint Debtor(s):

Margarita Mirtha Calle-Zanabria

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

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

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtors filed a motion to modify their chapter 13 plan under § 1329(a) (the "Motion"). Despite receiving a loan modification, Debtors fell behind on plan payments due to inconsistent income. Debtors' Motion seeks to suspend 7.22 plan payments and reduce monthly payments from \$3,288 to \$2,972.

Elizabeth Rojas, chapter 13 trustee ("Trustee") filed an opposition to the Motion, recommending that the modification be disapproved because 1) Debtors have not provided evidence that the 2017 and 2018 refunds were taken by the taxing authorities to pay 2016 tax liability; 2) Debtors have not provided 2017 state tax returns to the Trustee; 3) Debtors have not provided Trustee current evidence of income; and 4) Debtors have not explained why their amended schedule J includes childcare and education costs for adult children.

APPEARANCE REQUIRED

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-12070 Bernice Holtz Hart

Chapter 13

#81.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 2/7/19; 4/23/19

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice Holtz Hart

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:15-14033 Ismail Alia Oshana

Chapter 13

#82.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ismail Alia Oshana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#83.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 6/25/19

Docket 225

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/25/19 Tentative

At the previous hearing, Debtor indicated that he would file a motion to modify. No such motion has been filed. The Trustee's website indicates that Debtor has fallen even further behind on payments, with a current delinquency of \$30,015. Is the Debtor going to bring a Motion to Modify here?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-10213 Larry Tyrone Lake and Irma Janet Lake

Chapter 13

#84.00 Motion RE: Objection to Claim Number 5 by Claimant HSBC Bank USA, National Association, et al. c/o Ocwen Loan Servicing, LLC, its Successors and/or Assigns.

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor objects to HSBC's claim on the grounds that the prepetition arrears were recapitalized in the loan pursuant to a loan modification agreement. HSBC filed a limited response, indicating that it would file an amended proof of claim eliminating the prepetition arrears. If that amendment is filed before the hearing, the objection to claim will be denied as moot. Otherwise, it will be granted.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Larry Tyrone Lake

Represented By
Kevin T Simon

Joint Debtor(s):

Irma Janet Lake

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-10441 Luz Maria Alvarez

Chapter 13

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

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee filed an opposition to Debtor's motion to modify on the grounds that debtor has failed to provide evidence of income and tax returns for 2016, 2017, and 2018. The motion does contain a copy of Debtor's amended schedule I, which constitutes some evidence of income.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Luz Maria 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-11164 Bennie James Hildreth

Chapter 13

#86.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 5/21/19, 6/25/19

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennie James Hildreth

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-11417 Farshid Tebyani

Chapter 13

#87.00 Trustee's Motion to Dismiss Case

fr. 4/23/19, 6/25/19

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to modify on June 19. Trustee filed a conditional approval. No order has been lodged as of July 24.

APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-12264 Alicia Butterfield

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-12400 Daniel Robert Eaton and Linell Zuidema Eaton

Chapter 13

#89.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19

Docket 95

***** VACATED *** REASON: Withdrawn 7/1/19 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Robert Eaton

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Linell Zuidema Eaton

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

#90.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark David Cave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-13575 Deborah Rose Sanders

Chapter 13

**#91.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

#92.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19; 4/23/19, 6/25/19

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor's motion to modify was granted on June 28. Will the Trustee be withdrawing the motion?

6/25/19 Tentative

Debtor filed a motion for authority to refinance, which was granted on March 25, 2019. Debtor also filed a motion to modify on March 24. Debtor then filed a "Motion to Amend" the motion to modify, and then a "supplement amendment" to the motion to modify. The Trustee has not responded to the Motion to Modify. What is the status of this motion to modify? Debtor does not need to move the Court for permission to modify Debtor's own motion; these amendments are only creating confusion on the docket.

APPEARANCE REQUIRED

Ruling for February 7, 2019: Continued to 4/23.

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 109

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Rene Tejada

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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Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11133 Nelson Ariel Sazo and Patricia Sazo

Chapter 13

#94.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nelson Ariel Sazo

Represented By
Devin Sawdayi

Joint Debtor(s):

Patricia Sazo

Represented By
Devin Sawdayi

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, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

#95.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/26/19, 5/21/19

Docket 87

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#96.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19
4/23/19, 6/25/19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is the status of the motion to modify?

6/25/19 Tentative

Debtor filed a motion to modify on April 22. On April 24, Trustee filed an opposition to the motion to modify on several grounds. What is the status of that motion to modify? Are the parties trying to work out the issues on the motion to modify?

APPEARANCE REQUIRED

Ruling for February 7, 2019: Continued to 4/23/19 at 11:00.

Ruling for December 18, 2018:

Continued to February 7, 2019 at 11:30 a.m.

Ruling for November 1, 2018:

Cont. to 12/6/18 at 11:30.

Ruling for July 19, 2018

Continued to November 1, 2018 at 11:30 a.m.

Ruling for June 7, 2018

Continued to July 19, 2018, at 11:30 a.m.

Ruling for April 5, 2018:

Continued to June 7, 2018, at 11:30 a.m.

**United States Bankruptcy Court
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Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
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, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#97.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/25/19 Tentative

Debtor disputes that they are in arrears under the plan in the amount of \$15,876.99, as asserted by the motion. Debtor argues that the Motion to Dismiss is "devoid of any competent evidence that purports to substantiate this contention." The Court agrees that Trustee has failed to submit any evidence in support of her contention that Debtor is delinquent on plan payments. Without evidence, the court cannot make a finding under § 1307(c)(6) that Debtor has materially defaulted with respect to a term of the confirmed plan. Trustee should provide such evidence or the motion will have to be denied.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11624 Gregory Allen Hovis and Dawn Marie Howell-Hovis

Chapter 13

#98.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Allen Hovis

Represented By
D Justin Harelik

Joint Debtor(s):

Dawn Marie Howell-Hovis

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
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Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#99.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor's attorney Philomena Nzegge self-terminated from the case on June 20, 2019--two days after Trustee filed this motion. Local Bankruptcy Rule 2091-1(a) requires that an attorney obtain leave of court to withdraw as counsel. The "Consensual Substitution of Attorney" for used under LBR 2091-1(b) is not available unless the debtor "desires to substitute a different attorney in place of its former attorney." The substitution of attorney form filed by Debtor indicates that Debtor would be substituting as his own attorney, pro se. This is not allowed under the local rules. The Rights and Responsibilities Agreement ("RARA") entered into by Nzegge and Debtor requires that Nzegge "prepare, file, and timely serve motions to modify the plan after confirmation, when necessary." ECF Doc. 4 p. 4. The Court may enter an order to show cause why Nzegge should not disgorge the \$5,000 RARA fee for violating the terms of the RARA.

Debtor has filed a pro se opposition to the motion, as well as a pro se motion to modify. Debtor states that her income has changed significantly because she has been forced to retire due to a medical condition causing debilitating pain.

Trustee opposes the motion to modify, requesting that the Debtor provide evidence of income and tax returns. Trustee also indicates that the proposed modification is not feasible and will have to increase by at least \$603. No breakdown is given, so the Court will have to take the Trustee at her word.

U.S. Bank also opposes the motion to modify on the grounds that it seeks to reduce their pre-petition arrearage by over \$11,000, in violation of § 1325(a)(5)(B)(ii). U.S. Bank further argues that the motion was not filed in good faith. With respect to the § 1325(a)(5)(B)(ii) argument, made relevant to modifications by § 1329(b), it appears that the plan lower amount of arrears, \$27,924.37 rather than \$39,530, reflects the "Balance of prepetition arrears." ECF Doc. 57 p. 6 of 16. In other words, the full amount of prepetition arrears minus amounts already paid. Debtor will continue

**United States Bankruptcy Court
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Tuesday, July 30, 2019

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11:00 AM

CONT...

Linda Akerele Alele

Chapter 13

paying the \$658.83 monthly arrears payments to U.S. Bank. Has the arrearage not been reduced since the commencement of the case? Is the \$27,924.37 current arrearage amount incorrect? Unless U.S. Bank can explain how its rights are prejudiced by this change, its objection will be overruled.

The motion to modify includes a balloon payment of \$45,774.56. It appears that debtor is attempting to obtain a loan modification to accomplish this balloon payment, but the Debtor should be more clear on this point because the plans is infeasible without making the balloon payment.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#100.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19; 4/23/19, 6/25/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/25/19 Tentative

There has been no change since the last hearing. What is the status of the motion to modify?

Fr. 4/23/19

Debtor filed motion to modify. Trustee responded to the motion, arguing that it should be denied because Debtor failed to provide evidence of current income and no budget had been filed. Debtor subsequently filed an amended schedule I on March 27. No order has been lodged on that motion to modify, no hearing has been set, and Trustee has not supplied any new comments. What is the status of the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12091 Martin Gonzalez Perez and Arcelia Diaz-De Gonzalez

Chapter 13

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

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor seeks to reduce the term of the plan from 60 months to 37 months and reduce the plan payments from \$761 to \$175. Trustee opposes the modification. Trustee argues that Debtor has not addressed the "issues as stated by the Mattson Court" regarding reducing the length of a plan. In re Mattson, 468 B.R. 361, 373 (B.A.P. 9th Cir. 2012). In Mattson, a debtor who experienced a significant change in income after confirmation moved to increase the amount of monthly payments, but reduce the plan length from 60 to 36 months.

Section 1329(a)(1) contemplates that a plan might be amended to "extend or reduce the time for such payments." Section 1329(b) indicates that Sections "1322(a), 1322(b), and § 1323(c) of this title and the requirements of § 1325(a)" apply to modifications of plans. Noticeably absent is § 1325(b), which establishes the applicable commitment periods for chapter 13 plan confirmation. Therefore, modification of chapter 13 plans is "not restricted by the applicable commitment period" under § 1325(b). In re Ewers, 366 B.R. 139, 143 (Bankr. D. Nev. 2007); In re Sunahara, 326 B.R. 768, 781 (B.A.P. 9th Cir. 2005).

The Ewers court, the Sunahara court, and the BAP's subsequent decision in Mattson, stressed that the debtor must still comply with other requirements of § 1329, including the good faith requirement of § 1325(a)(3). Implicit in the immediate shift to good faith is a recognition that unscrupulous debtors might confirm a plan with a 60 month commitment period, then turn around and modify the plan to a shorter period, thereby avoiding the mandatory applicable commitment period in § 1325(b) using the somewhat different modification provisions. Courts apply the following factors in determining good faith:

- 1) The amount of the proposed payments and the amounts of the debtor's surplus;
- 2) The debtor's employment history, ability to earn, and likelihood of future increases

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11:00 AM

CONT... Martin Gonzalez Perez and Arcelia Diaz-De Gonzalez

Chapter 13

in income;

3) The probable or expected duration of the plan;

4) The accuracy of the plan's statements of the debts, expenses and percentage of repayment of unsecured debt, and whether any inaccuracies are an attempt to mislead the court;

5) The extent of preferential treatment between classes of creditors;

6) The extent to which secured claims are modified;

7) The type of debt sought to be discharged, and whether any such debt is nondischargeable in Chapter 7;

8) The existence of special circumstances such as inordinate medical expenses;

9) The frequency with which the debtor has sought relief under the Bankruptcy Reform Act;

10) The motivation and sincerity of the debtor in seeking Chapter 13 relief; and

11) The burden which the plan's administration would place upon the trustee

In re Warren, 89 B.R. 87, 93 (B.A.P. 9th Cir. 1988)(emphasis added). The first and third factors are no longer proper considerations in confirmation following the 1984 amendments to the code, as articulated in In re Selden, 116 B.R. 232, 235 (Bankr. D. Or.), *aff'd*, 121 B.R. 59 (D. Or. 1990); however, because § 1325(b) does not apply to modifications, the first and third factors arguably apply here.

The clear distinction between this case and Mattson is that Debtors in this case have experienced a reduction income and an increase in expenses. Debtor's income has reduced by about \$140 per month, and their expenses have grown by about \$450--including an increase in mortgage payments of about \$220. The other increases relate to telephone bills (\$34 increase), transportation (\$170 increase), pet food (\$30), and emergency expenses (\$75). The expenses seem generally reasonable and no party has raised reason to question them. Debtors state that they originally qualified for a 36 month plan, but chose to do a 60 month plan instead for an unspecified reason.

Weighing against Debtor's good faith, Debtors have made plan payments of \$761 regularly for 21 months, indicating ability to pay. Debtor defaulted under the plan (and began paying the lower \$175 payments) around the time that this motion was filed. Completion of this plan brings a discharge as well as a the stripping of a lien under § 522(f).

Because debtors originally qualified for a 36 month plan, good faith is a somewhat easier question. Debtors are not using modification to obtain a shorter plan length than they could have obtained at confirmation. The Court would like to know why

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11:00 AM

CONT... Martin Gonzalez Perez and Arcelia Diaz-De Gonzalez
Debtor's opted for a 60 month plan rather than a 36 month plan.

Chapter 13

APPEARANCE REQUIRED

Party Information

Debtor(s):

Martin Gonzalez Perez

Represented By
Kevin T Simon

Joint Debtor(s):

Arcelia Diaz-De Gonzalez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12308 Allan Apan

Chapter 13

#102.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor's motion to modify was granted on June 27. Does Trustee intend to withdraw the motion?

Cont'd from 6/25/19

Debtor filed a motion to modify and Trustee filed its comments thereto on April 30, 2019. Nothing new has been filed since then. What is the holdup with the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Allan Apan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12376 Abdolvahab Pourvasei

Chapter 13

#103.00 Motion RE: Objection to Claim Number 1 by Claimant CACH, LLC C/O Resurgent Capital Services.

Docket 97

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Facts

Debtor argues that the claim of Cach, LLC ("Cach") should be disallowed under § 502(b)(1) on the grounds that Debtor is not aware of any liability to the creditor and was not served with notice of the state court lawsuit that resulted in the entry of default judgment.

Cach opposes the objection to its claim and explains that the account was sold by Citibank (South Dakota) N.A., and ultimately purchased by Cach. Attached as exhibit A is a billing statement for a Sears mastercard in the name of Abdolvahab Pourvasei. Cach's proof of claim includes a 2011 Bill of Sale indicating that Citibank sold certain accounts to Cach. The accounts are allegedly attached as exhibit 1 to the bill of sale, but Cach does not include the exhibit. However, Cach holds a judgment against Debtor on account of the debt.

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 *a/so* 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 *a/so* Ashford v. Consolidated

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CONT... Abdolvahab Pourvasei

Chapter 13

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

Cach argues that Debtor has failed to rebut the prima facie validity of its proof of claim. Debtor's only challenge to the claim in the objection was that Debtor had no knowledge of the basis of Cach's claim. The attachment to the Opposition makes it clear that the debt is on account of Debtor's Sears Mastercard from 2011. This seems to resolve Debtor's question about the source of the debt. If Debtor wishes to raise any further objections to the debt, such as a statute of limitations argument, this matter will be continued for further briefing. Otherwise, Debtor has not provided evidence to negate any of the sworn facts in the proof of claim, which is entitled to presumptive validity. The Objection to claim will therefore be denied.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Abdolvahab Pourvasei

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12529 Daniel S. Radice

Chapter 13

#104.00 Trustee's Motion to Dismiss Chapter 13 Proceeding
Due to Expiration of the Plan

Docket 85

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The plan has a 60 month term, and is currently only in the 22nd month. ECF 69. Debtors' plan indicates that they intended to either modify their home loan or sell the property and pay off the chapter 13 plan. A Motion to sell was granted on May 10, 2018. After that sale apparently fell through, the Court granted another motion to sell on July 3, 2018.

While the Trustee filed a Notice of intent to File Trustee's Final Report and Account on January 22, 2019, that notice was withdrawn in April for an unspecified reason. Did something happen with respect to the sale proceeds? It's unclear how this plan could have expired. Has Debtor failed to make plan payments? There is no declaration or other evidence in support of the motion.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Daniel S. Radice

Represented By
Jeffrey N Wishman
Marcus G Tiggs

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12693 Shahrouz Shahrokhfar and Carmencita Shahrokhfar

Chapter 13

#105.00 Motion to Modify and 2) Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On March 18, Trustee filed this motion to dismiss. Debtor did not oppose the motion, but filed a motion to modify the chapter 13 plan. Trustee opposed the motion to modify, but Debtor did not set a hearing either of the motions as is required under the Local Bankruptcy Rules. The Court therefore entered an order setting the motion to dismiss and the motion to modify for hearing. Nothing new has been filed since the hearing was set.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Shahrouz Shahrokhfar

Represented By
Andrew S Mansfield

Joint Debtor(s):

Carmencita Shahrokhfar

Represented By
Andrew S Mansfield

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-12943 Alireza Alex Mesrinejad and Mojgan Taghipour

Chapter 13

#106.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alireza Alex Mesrinejad

Represented By
Kevin T Simon

Joint Debtor(s):

Mojgan Taghipour

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-13031 Marilyn Rafanan Jones

Chapter 13

#107.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 86

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marilyn Rafanan Jones

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-10389 Elnor Andal and Eulinda Andal

Chapter 13

#108.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elnor Andal

Represented By
Vahe Khojayan

Joint Debtor(s):

Eulinda Andal

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-10570 Laura Pena

Chapter 13

#109.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Pena

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-11077 Vincent Sunga Mallari and Loyola Lalic Mallari

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19

Docket 37

***** VACATED *** REASON: Withdrawal by Trustee - Doc. #46. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-11090 Jason R. Corralejo and Claudine P. Corralejo

Chapter 13

**#111.00 Motion to Extend the Time to File a Claim
Under Rule 3004 (Tsai, Eric)**

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Amtrust North America, Inc. ("Amtrust") filed this motion to extend the time to file a proof of claim under FRBP 3004 and FRBP 9006(b). Rule 3004 allows the Debtor or Trustee to file a proof of claim on behalf of a creditor who did not file a proof of claim within 30 days after the expiration of the claims bar date. Amtrust is neither a debtor nor trustee, and FRBP 3004 is therefore inapplicable. The applicable rule for extension of time to file a proof of claim is FRBP 3002(c).

Rule 9006(b)(1) allows for the enlargement of time, as stated by Amtrust, but FRBP 9006(b)(3) specifically states that the court may only enlarge time for taking action under FRBP 3002(c) to the extent and under the condition stated in that rule. FRBP 3002(c) lists several exceptions to the general claims bar date. However, none of these exceptions appear to be applicable to Movant's circumstances. See In re Calderon, 2013 WL 5797616, at *5 (B.A.P. 9th Cir. Oct. 28, 2013)("The bankruptcy court lacks any equitable power to enlarge the time for filing a POC unless one of the six situations in Rule 3002(c) exists. None apply to this case. Further, the excusable neglect standard set forth in Rule 9006(b)(3) does not apply to permit the court to extend the time for filing a POC under Rule 3002(c)...").

Amtrust has not articulated any grounds for this court to extend the deadline to file a proof of claim. Amtrust's claim does, however, seem to fall within the ambit of § 523(a)(3)(A). Furthermore, the creditor does not need the court's permission to file a proof of claim; however, such a claim might be subject to disallowance under § 502(b)(9). The motion is DENIED.

APPEARANCES ARE WAIVED

Party Information

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Jason R. Corralejo and Claudine P. Corralejo

Chapter 13

Debtor(s):

Jason R. Corralejo

Represented By
Gregory M Shanfeld
Amelia Puertas-Samara

Joint Debtor(s):

Claudine P. Corralejo

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#112.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#113.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12136 Raymond Jesse Garcia

Chapter 13

#114.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Jesse 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12337 Edwin I Guardia

Chapter 13

#115.00 Application of Attorney for Debtor for Allowance of Fees and Expenses Following Dismissal of Chapter 13 Case Subject to Rights and Responsibilities Agreement.

Period: 10/18/2018 to 6/25/2019,
Fee: \$12810.00,
Expenses: \$214.00.

Docket 87

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee filed a pleading indicating that she had no opposition to the fees, but there are not sufficient funds in the case to pay the amount requested. Debtor filed this opposition to the fees of his attorney, Alla Tenina, under the Rights and Responsibilities Agreement. The case was dismissed at confirmation.

Debtor filed this case pro se on September 19, 2018. Ms. Tenina first filed a document in the case on October 17, 2018. Debtor states that he wrote Tenina checks at the beginning of the case for \$4,000 for the bankruptcy filing and \$5,000 for the adversary proceeding as partial payment for a total of \$15,000 under the retained agreement. Debtor also says that he paid Tenina \$2,000 for a loan modification application, but that the application was not fully prepared (the docket does not support this allegation). Debtor requests that the court order Tenina to refund the \$5,000 he paid to Tenina for the adversary proceeding. No Adversary proceeding was filed in this case.

Debtor also attaches copies of two checks dated September 15, 2018: one for \$4,000, and one for \$5,000. This is consistent with Debtor's allegation that he paid \$4,000 for the bankruptcy and paid another \$5,000 toward the filing of an adversary proceeding. Additionally, Debtor attaches a check for \$2,000 dated May 1, 2019, which is consistent with Debtor's allegation that he paid Tenina \$2,000 for the loan modification application.

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Edwin I Guardia

Chapter 13

In addition to the retainer agreement, there is a Rights and Responsibilities agreement, which indicates that Debtor will pay Tenina \$5,000 for work that falls under the RARA, with additional work billed at \$400 per hour. It is unclear if Debtor knew that the \$5,000 paid to Tenina for the "adversary" which was never filed was being used to cover the costs of non-RARA services, such as the filing of objections to claims.

The \$9,000 amount paid to Tenina post-petition by Debtor was not scheduled as an asset of the estate on the date of filing. Were these non-estate funds? While the form, at paragraph 10, requires the attorney to disclose the "Source of Payment," Tenina indicated that it was "Debtor's deposit is in Attorney's Trust Account." This is not a sufficient explanation of the source of the payment. Furthermore Ms. Tenina certified a "Disclosure of Compensation of Attorney for Debtor." ECF Doc. 14, P. 8 or 17. That certification indicates that Ms. Tenina has agreed to accept \$5,000 for legal services, and that "prior to the filing of this statement I have received. . . \$4,000." It appears that that statement by Ms. Tenina was false, and that she in fact had received \$9,000 from Debtor at that point.

Ms. Tenina filed a reply, acknowledging that she received \$9,000 from the Debtor at the outset of her representation, and stating that that was disclosed in the fee application. Ms. Tenina also asserts that the retainer agreement provided by Debtor, indicating that Debtor would pay a \$15,000 flat fee for the bankruptcy and adversary (the "Original Retainer"), was superseded by a subsequent agreement, which she attaches the ("Second Retainer"). The Court notes that Ms. Tenina signed the Original Retainer, but not the Second Retainer. Tenina also indicates that she determined on October 16 that an adversary proceeding would likely not be successful, and that he would need to find another attorney to represent him in the adversary. She says that she communicated as much to Debtor at a October 17 meeting. She also states that she told Debtor that she could possibly file an objection to the claim of Bank of America/Wells Fargo once that claim was filed.

Regardless of which retainer agreement was intended to be in force, Ms. Tenina appears to have falsely stated in the Disclosure of Compensation of Attorney for Debtor that she had only received \$4,000 from Debtor, when in fact she had received \$9,000. Neither retainer agreement is consistent with the RARA because neither retainer agreement states the hourly rate Tenina would charge for additional work--which the RARA states will be billed at \$400 per hour. Furthermore, the email chain attached to Tenina's reply at exhibit 3 suggests that Debtor was unclear why a second retainer agreement was being sent. "Yesterday I sent you a NEW retainer. I

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Edwin I Guardia

Chapter 13

need you to sign and send that to me now please." There did not appear to be any clear explanation about the differences in the scope of representation between the Original Retainer and Second Retainer agreements.

Tenina's failure to clearly communicate to Debtor the change in the scope of her representation, her misrepresentation regarding the amount that had been paid to her by Debtor, and the fact that the undisclosed retainer funds were likely estate assets leads the Court to believe that Ms. Tenina's fees should be reduced from \$13,024.63 to \$7,000, representing the RARA fee plus the LMM application fee.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Edwin I Guardia

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12473 Stephen Anthony Cook

Chapter 13

#116.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Anthony Cook

Represented By
Lauren Rode

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

#117.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Daniel Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:18-12843 Francisco Romero

Chapter 13

#118.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Romero

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10420 John Joseph Strand

Chapter 13

#119.00 Motion by Debtor to Convert Chapter 13 Case to Chapter 11

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor brings this motion to convert his case to chapter 11 (the "Motion") on the grounds that he wants to reorganize his debt but is no eligible for chapter 13 due to the debt limits imposed by § 109(e).

(d) Except as provided in subsection (f) of this section, at any time before the confirmation of a plan under section 1325 of this title, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 11 or 12 of this title.

11 U.S.C.A. § 1307(d). Secured creditors 5064 Lankershim Blvd, LLC and 5066 Lankershim Blvd, LLC ("Lankershim") filed an opposition to the motion to convert, arguing that the motion to convert was filed in bad faith and should be denied under In re Marrama, 549 U.S. 365 (2007). Setting a aside the question of whether Marrama applies to conversion from 13 to 11, there are insufficient facts here to demonstrate the high burden of bad faith required under Marrama. A Debtor's conduct must be atypical to qualify as "bad faith" conduct sufficient to support dismissal of a Chapter 13 case or to deny conversion of case to Chapter 13 from Chapter 7. Id. at 127. Lankershim has not demonstrated atypical bad faith conduct; Lankershim primarily alleges that Debtor is unrealistic about the possibility of a successful reorganization under any chapter of bankruptcy. The Marrama standard is not so broad. The arguments raised by Lankershim are more appropriately addressed in a relief from stay context. The Court has already ordered adequate protection payments to Lankershim.

APPEARANCE REQUIRED

Party Information

Debtor(s):

John Joseph Strand

Represented By

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... John Joseph Strand

Thomas B Ure

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10479 Behzad Ranjbari Saisan

Chapter 13

#120.00 Objection to Homestead Exemption
fr. 6/25/19

Docket 26

***** VACATED *** REASON: Resolved by stip, Doc 29 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Behzad Ranjbari Saisan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10542 Julio C Molica and Nancy A Cueva

Chapter 13

#121.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(v)(2)], Period: to, Fee: \$2,160.00, Expenses: \$0.00.

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee filed an opposition to Resnik, Hayes, Moradi LLP's (the "Firm") application for compensation on the grounds that the Debtor has not consented to the fees. The fee application requested approval of \$2,160 in fees.

The fee application includes billing by a junior associate at the rate of \$400 per hour. This is unreasonable in light of Ms. Akhavan's level of experience. A more reasonable rate, and a rate that has been used by the firm in the past for Ms. Akhavan, is \$185 per hour. At this reduced rate, accepting the hours billed in the fee application as reasonable, the Court will reduce the total fee from \$2,160 to \$1,579.50

Appearance will be required as pro se debtors may appear to argue orally.

Party Information

Debtor(s):

Julio C Molica

Represented By
Matthew D Resnik

Joint Debtor(s):

Nancy A Cueva

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Julio C Molica and Nancy A Cueva

Chapter 13

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10570 Shayne Shurack Dickman

Chapter 13

#122.00 Objection to Homestead Exemption

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Chapter 13 trustee Elizabeth Rojas ("Trustee") filed an objection to Debtor's exemptions. Trustee incorrectly states that C.C.P. § 703 et. Seq. are the federal exemption scheme. The federal exemption scheme is located in 11 U.S.C. § 522(d); however, California is an "opt out" state under §522(b)(2), so Debtors in California may not claim the federal exemptions and are limited to exemptions available under state law.

Debtor claims two separate exemptions for "living room, bedroom, kitchen furniture." Debtor first claims a \$4,000 exemption under C.C.P. § 704.020 as well as a second exemption for \$0 under C.C.P. § 695.060. Section 698.060 states "a license issued by a public entity to engage in any business, profession, or activity is not subject to enforcement of a money judgment." This is not relevant in any way to the property claimed to be exempt. Trustee's motion is granted.

Trustee further argues that Debtor's claimed exemption in funds in a deposit account under C.C.P. § 704.110(d) is improper. Trustee states that § 704.110(d) "is not available to exempt equity in personal property." While this is not correct, see C.C.P. § 703.080 (tracing exempt funds), Trustee also argues that Debtor has not shown that funds qualify for § 704.110(d). Debtor has 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). Debtor has not carried their burden that they are entitled to exempt \$875 in the deposit account at issue. The motion is therefore GRANTED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Shayne Shurack Dickman

Represented By
Omero Banuelos

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Shayne Shurack Dickman

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#123.00 Motion RE: Objection to Claim Number 3 by Claimant U.S. Bank, National Association, et al. c/o PHH Mortgage Corporation, its Successors and/or Assigns.

Docket 26

***** VACATED *** REASON: Continued by stip. to 8/20/19 at 11am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bridget G Moran Smith

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10692 Anna Maria Liden

Chapter 13

#124.00 Objection to Homestead Exemption

Docket 19

***** VACATED *** REASON: Withdrawn -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Maria Liden

Represented By
Michael E Clark

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#125.00 Objection to Homestead Exemption

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee objects to Debtor's claim of exemption of \$15,000 for "household furnishings, appliances, provisions, wearing apparel, and other personal effects" under C.C.P. § 704.020. The statute allows an exemption for such property:

(1) If ordinarily and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor's family at the judgment debtor's principal place of residence. . . .

(b) In determining whether an item of property is "ordinarily and reasonably necessary" under subdivision (a), the court shall take into account both of the following:

- (1) The extent to which the particular type of item is ordinarily found in a household.
- (2) Whether the particular item has extraordinary value as compared to the value of items of the same type found in other households.

C.C.P. § 704.020(a)(1)-(b). Trustee argues that, pursuant to Debtor's testimony at the 341(a) hearing, "Debtor stated household items included antiques with possible extraordinary value." Trustee requests that the Court "deny the Debtor's exemptions of equity in her personal property and order the Debtor to commit the non-exempt equity to the plan under a liquidation analysis." This is too extreme. Trustee is asking the Court to deny an entire category of exemptions, some of which are certainly allowable, based upon the possibility that a portion of the exemption is not allowable. The Court will not do so, but it will order the Debtor to produce an itemized list (or more detailed schedules) of the antiques with a value for each. This motion can be continued as a holding date in case the parties need the court to determine whether any individual items are "ordinarily and reasonably necessary" within the meaning of § 704.020(a)(1).

APPEARANCE REQUIRED

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

CONT... Mary Kristin Burak

Chapter 13

Party Information

Debtor(s):

Mary Kristin Burak

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10781 Daniel Correa

Chapter 13

#126.00 Objection to Homestead Exemption

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This plan was confirmed on the consent calendar at the June 25 hearing. Is trustee going to withdraw this objection to claimed exemptions?

Party Information

Debtor(s):

Daniel Correa

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-10835 Luis Javier Alfonso

Chapter 13

#127.00 Objection to Homestead Exemption

Docket 19

***** VACATED *** REASON: Trustee file a withdrawal Doc. #26. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Javier Alfonso

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#128.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
2nd TD on 22344 Burton Street, Canoga
Park, CA 91304

Docket 22

***** VACATED *** REASON: Continued to 9/24 at 11 per stip, Doc. 31 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Harris Gladle

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#129.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
3rd TD on 22344 Burton Street, Canoga
Park, CA 91304

Docket 23

***** VACATED *** REASON: Continued to 9/24 at 11 per stip, Doc. 31 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Harris Gladle

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:17-10662 Ned Gilman

Chapter 13

#130.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:16-13161 Natalie Ebrahim

Chapter 13

#130.01 Motion for Authority to Refinance Real Property

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed this motion to refinance the property located at 9701 Paso Robles Ave., Northridge, CA 91325. Nationstar filed a non-opposition to the motion. Existing secured creditors will be paid in full. Motion is GRANTED.

Appearance required due to shortened time.

Party Information

Debtor(s):

Natalie Ebrahim

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

#131.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 3859 Sherwood
Place, Sherman Oaks, CA 91423

Docket 18

***** VACATED *** REASON: Cont'd per stip to 9/23 at 11:00 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Benjamin Sautter

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 30, 2019

Hearing Room 302

11:30 AM

1:13-17800 Maria Zulma Rodriguez

Chapter 13

#132.00 Motion for Escrow Account Reconciliation Statement
and Waiver of Unnoticed Escrow Charges or Refund of
Escrow Surplus

Docket 56

***** VACATED *** REASON: OUST Withdrew Motion - Doc. #63. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Zulma Rodriguez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

#1.00 Motion for relief from stay

U.S.BANK NATIONAL ASSOC.

Docket 56

Tentative Ruling:

Petition Date: 03/27/2015
Chapter 13 plan confirmed: 6/12/19
Service: Proper; co-debtor served. Opposition filed.
Property: 23648 Del Cerro Circle, Canoga Park, CA 91304
Property Value: \$694,000(per debtor's schedules)
Amount Owed: \$ 894,230.87
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$45,145.59 (7 payments of \$6,449.37).

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraph 2 (proceed under applicable 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 more payments have been made than the Movant than the motion accounts for, and the property is necessary for an effective reorganization because the Debtors live in the property.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Romeo J Pettinelli

Represented By
Eliza Ghanooni

Joint Debtor(s):

Gloria J Pettinelli

Represented By
Eliza Ghanooni

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:15-11681 Anahit Fstkchian

Chapter 13

#2.00 Motion for relief from stay

HSBC BANK USA N.A.

Docket 55

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anahit Fstkchian

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#3.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19

Docket 88

Tentative Ruling:

This hearing was continued so the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter: 13

Service: Proper. Opposition filed.

Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335

Property Value: \$336,788.84 (per debtor's schedules)

Amount Owed: \$319,819.55 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$7,426

Post-Petition Delinquency: \$30,343.53

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED

Party Information

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Seth Eric Simon

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK N.A

fr. 12/12/18

fr. MB cal, 2/27/19, 4/17/19; 5/22/19

Docket 46

Tentative Ruling:

At the hearing held on 5/22/19, Creditor requested a 60-day continuance so that it could be sure the final loan modification is reflected in its system. Once that process was complete, Creditor was to withdraw this motion? What is the status of this matter?

APPEARANCE REQUIRED

5/22/19 TENTATIVE BELOW

This hearing was continued from Feb. 27, 2019, so that Debtor could finalize a loan modification. On May 17, 2019, Creditor filed a Motion to Authorize Loan Modification, on negative notice. See ECF doc. 70. The objection period for the Loan Modification Motion expires on or about June 1, 2019. Are the parties amenable to a continuance of this hearing to June 5, 2019, to allow for the Loan Modification Motion to be resolved?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:16-13568 Shakiba Bahari-Mehr

Chapter 13

#4.01 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 6/12/19; 7/17/19

Docket 57

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shakiba Bahari-Mehr

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Erica T Loftis Pacheco

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

#5.00 Motion for relief from stay

HOLDING PEN, LLC

fr.5/15/19

Docket 76

Tentative Ruling:

Since the last hearing on 5/15/19, Creditor filed a *pro se* supplemental response to its Motion, including a notice that it claims shows that Debtor is not maintaining insurance for the real property. Creditor claims that it is being forced to cover the cost of insurance and that the lack of insurance is further grounds for relief from stay.

In his surreply, Debtor explains the circumstances of his payment of the insurance and that he paid the payment due on July 26, 2019. Surreply, Ex. B. Debtor includes a history of the payments made on account of this claim, which shows that Creditor received a payment for the claim and for interest, totaling \$11,611 on or about June 19, 2019. Id., Ex. C. Debtor argues that the evidence he has presented demonstrates that there are no grounds for relief from stay here.

APPEARANCE REQUIRED

5-15-19 TENTATIVE BELOW

Petition Date: 1/12/17

Chapter 13 plan confirmed: 7/25/17

Service: Proper. Opposition & Reply filed.

Property: 277 E. Camino Limon Verde, Sahuarita, AZ 85629

Property Value: \$125,000 (per debtor's schedules)

Amount Owed: \$39,566.31

Equity Cushion: 60%

Equity: \$85,434

Post-Petition Delinquency: percentage distributions from three plan payments (loan matured on 10/1/16).

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Georg Bruno Ehlert

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); **7** (waiver of the 4001(a)(3) stay); and **10** (binding and effective relief against any debtor for 180 days). Movant contends that its claim is not adequately protected because Debtor is not keeping current on his plan payments so Movant is not receiving payment via plan distributions. Movant also alleges that Debtor has failed to pay the second installment of 2018 property taxes.

Debtor opposes the Motion, arguing that he is current on his plan payments and that there is a more than sufficient equity cushion to protect Movant's claim. Debtor points out that Movant has been paid more than was provided for in the Amended Plan and that a Motion for Relief from Stay arguments presented here by Movant were Further, Debtor states that he will make the payment for the second installment of the 2018 taxes for this income-producing rental property.

Movant maintains in its reply that that the large equity cushion and the overpayment of the amount it is due under the Plan are not factors that should weigh against Debtor's failure to maintain plan payments.

Having reviewed the history of this case and the Trustee's reports, the Court is inclined to continue this hearing to May 21, 2019, at 11:00 a.m., to be considered with Trustee's Motion to Dismiss to see if Debtor can make up the delinquency.

APPEARANCE REQUIRED

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#6.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19, 6/5/19

Docket 57

Tentative Ruling:

The parties stipulated to continue this hearing from 6/5/19 to 7/31/19. Nothing has been filed since the last hearing. What is the status of this motion?
APPEARANCE REQUIRED

5/1/19 Tentative

At the 3/27/19 hearing, the parties indicated that they were working on an APO, and that if they couldn't work it out, the Court would set a date for an evidentiary hearing. What is the status of an APO or a refinance?

3/27/19 Tentative

Petition Date: 5/18/2017

Chapter 13 Plan confirmed: 04/26/2018

Service: Proper. Original borrower was served. Opposition filed but POS does not list Movant.

Property: 16459 Nordhoff Street, North Hills, California 91343

Property Value: \$593,213 (per debtor's amended schedule C)

Amount Owed: \$550,859.09 (per RFS motion)

Equity Cushion: Unk

Equity: \$ Unk

Post-Petition Delinquency: \$12,724.34 (2 preconfirmation payments of \$2,424.01; 2 postconfirmation payments of \$2,424.01; 2 post confirmation payments of \$2,439.86; less suspense account or partial paid balance: \$1,851.42)

Last payment was received on 8/17//2018

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Hilda Correa

Chapter 13

paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to William Sierra); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection). Movant is unaware of the method by which Debtor has acquired an interest in the property.

Debtor opposes the Motion, arguing that: (1) more payments have been to Movant than the Motion accounts for; and (2) the property is fully provided for in the chapter 13 plan. Debtor states she is current on all plan payments and post-petition mortgage payments, and if any petition arrearages exist that it will be cured by the hearing date. Debtor also states that she purchased the property in August 2005 and continues to be her primary residence.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:17-11646 Elizabeth S. Silva

Chapter 13

#7.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 6/26/19

Docket 28

***** VACATED *** REASON: Resolved per APO (doc. 33) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth S. Silva

Represented By
Ali R Nader

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-10018 Betty D Frey

Chapter 13

#8.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 6/5/19, 6/26/19

Docket 68

Tentative Ruling:

This hearing was continued so that the parties could discuss disputed accounting. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

6-26-19 TENTATIVE BELOW

At the 06/5/19 hearing, the Debtor indicated that she only owes the Movant for the June payment to remain current. Has the Movant received the June payment and, if so, does the payment resolve the delinquency?

APPEARANCE REQUIRED

6-5-19 TENTATIVE BELOW

Petition Date: January 4, 2018
Chapter 13 plan confirmed: 11/27/18
Service: Proper. Opposition filed.
Property: 18245 San Jose St., Northridge, CA 91326
Property Value: \$900,000 (per debtor's schedules)
Amount Owed: \$ 1,135,421.39 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$36,519.35 (1 payment of \$4408, 4 payments of \$5229.18, 2 payments of \$5278.69)

Relief requested 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 filed an opposition, indicating that she had paid \$19,000 of the delinquency to

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Betty D Frey

Chapter 13

movant, and would pay the remaining amount by the hearing date.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Betty D Frey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-11366 Irene Franklin

Chapter 13

#9.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

fr. 12/12/18, 1/16/19, 3/6/19; 4/10/19, 5/15/19, 6/26/19

Docket 22

Tentative Ruling:

This case was dismissed on 7/29/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED ON 7/31/19.

Party Information

Debtor(s):

Irene Franklin

Represented By
Sunita N Sood

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-11718 James Sarkis Giritlian and Joan Schaeffer Giritlian

Chapter 13

#10.00 Motion for relief from stay

HSBC BANK USA

Docket 48

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Sarkis Giritlian

Represented By
Daniel King

Joint Debtor(s):

Joan Schaeffer Giritlian

Represented By
Daniel King

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-12076 Patrick Anthony Britt and Jacqueline Maria Britt

Chapter 13

#11.00 Motio for relief from stay

TOWD POINT MORTGAGE
TRUST 2017-FRE2

Docket 27

Tentative Ruling:

Petition Date: 08/16/2018
Chapter 13 plan confirmed: 01/03/2019
Service: Proper; co-debtor served. Opposition filed.
Property: 18807 Sunburst St., Northridge, CA 913244
Property Value: \$571,000 (per debtor's schedules)
Amount Owed: \$424,509.16
Equity Cushion: 18%
Equity: \$146,490.84
Post-Petition Delinquency: \$8,402.40

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraph 2 (proceed under applicable 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 Mr. Britt has medical issues and is on a fixed income. Mrs. Britt states that she has been taking care of Mr. Britt and is having trouble finding even part time work. Debtors contend that they have made some payments after the relief from stay motion. Debtors assert that per the June statement from the lender, they are \$6,000 in arears and would like to make up the payments over a period of time.

It appears that Movant is protected by an equity cushion in the property. Can the parties work out an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Patrick Anthony Britt

Represented By

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Patrick Anthony Britt and Jacqueline Maria Britt
David S Hagen

Chapter 13

Joint Debtor(s):

Jacqueline Maria Britt

Represented By
David S Hagen

Movant(s):

Towd Point Mortgage Trust 2017-

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#12.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 4/3/19, 5/1/19, 6/26/19

Docket 27

Tentative Ruling:

At the 6/26/19 hearing, the parties stated that they are working on terms for a loan modification. What is the status of the loan modification efforts?

APPEARANCE REQUIRED

6-26-19 TENTATIVE BELOW

At the 5/1/19 hearing, the parties stated that they are working on terms for a loan modification. What is the status of the loan modification efforts?

APPEARANCE REQUIRED

5/1/19 TENTATIVE BELOW

At the previous hearing, the parties indicated that Debtor was still two payments behind. What is the status of this motion?

APPEARANCE REQUIRED

April 3, 2019 Tentative

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Sonia Figueroa

Chapter 13

Movant alleges cause for 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); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-12718 Maria Guadalupe Garcia Andrade

Chapter 13

#13.00 Motion for relief from stay

US BANK NATIONAL ASSO.

Docket 33

Tentative Ruling:

Petition Date: 11/06/2018
Chapter 13 plan confirmed: 04/09/2019
Service: Proper; co-debtor served. Opposition filed.
Property: 11654 Gladstone Ave., Sylmar, CA 91342
Property Value: \$465,000 (per debtor's schedules)
Amount Owed: \$336,639.90
Equity Cushion: 20%
Equity: \$128,360.10
Post-Petition Delinquency: \$9,081.50

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraph 2 (proceed under applicable 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).

Debtor opposes the motion, arguing that she has tendered more payments than alleged by Movant and requests an accounting. Additionally, Debtor requests that Movant amend their Proof of Claim to include post-petition arears and allow Debtor to modify her confirmed Chapter 13 Plan to accommodate the same. Alternatively, Debtor requests to work out an adequate protection stipulation order over 12-months to repay the correct amount in default.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Maria Guadalupe Garcia Andrade

Represented By
Donald E Iwuchuku

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Maria Guadalupe Garcia Andrade

Chapter 13

Movant(s):

US BANK NATIONAL

Represented By
Hitesh A Gavli
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10820 Daniel Rolfe Perlman

Chapter 7

#14.00 Motion for relief from stay

U.S. NATIONAL BANK ASSOC.

Docket 10

Tentative Ruling:

This motion for relief from stay was filed on June 26, 2019. A discharge was entered in this chapter 7 case on July 15, 2019, thereby terminating the automatic stay under 11 U.S.C. 362(c)(2)(C). The motion is therefore DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Daniel Rolfe Perlman

Represented By
Eliza Ghanooni

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

#15.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING, LLC

Docket 57

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10131 Thomas C. Butler

Chapter 13

#16.00 Motion for relief from stay

RLF MORTGAGE CORP.

Docket 35

Tentative Ruling:

Petition Date: 01/18/2019

Chapter 13

Service: Proper; co-debtor served. No opposition filed.

Property: 7134 Stansbury Ave., Los Angeles, CA 91405

Property Value: \$603,766 (per debtor's schedules)

Amount Owed: \$ 140,512.91 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$6,572.10

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):

Thomas C. Butler

Represented By
Daniela P Romero

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10287 Paris Fuerte

Chapter 13

#17.00 Motion for relief from stay

THE RAMA FUND LLC

Docket 28

Tentative Ruling:

Petition Date: 02/06/2019
Chapter 13 plan confirmed: 06/04/2019
Service: Proper; co-debtor served. Opposition filed.
Property: 10176 Morehart Ave., Pacoima, CA 91331
Property Value: \$435,000(per debtor's schedules)
Amount Owed: \$ 327,248.17 (per RFS motion)
Equity Cushion: 17%
Equity: \$107,751.83
Post-Petition Delinquency: \$9,117.59

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 (relief from the co-debtor stay); 7 (waiver of the 4001(a)(3) stay); and 9 (relief under 362(d)(4)). Movant contends that grounds for *in rem* relief exist because this is the second bankruptcy filing affecting this property. The subject property was affected by a chapter 13 bankruptcy filed by Debtor's non-filing spouse, Lisandra Fuerte, 1:18-bk-10638-MT (the "2018 BK"). The 2018 BK was dismissed on 10/29/18, after relief from stay was granted due to default under an APO.

Debtor opposes the motion, arguing that the property is necessary for reorganization, and the cost of moving would leave less money available to creditors. Debtor seeks to enter an APO with the Movant.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Paris Fuerte

Represented By
Elena Steers

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Paris Fuerte

Chapter 13

Movant(s):

The Rama Fund, LLC

Represented By
Martin W. Phillips

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10519 Keeley Garth

Chapter 13

#18.00 Motion for relief from stay

U.S.BANK N.A. successor trustee
LASALLE BANK NATIONAL

Docket 36

Tentative Ruling:

Petition Date: 03/06/2019
Chapter 13
Service: Proper. No opposition filed.
Property: 11853 Chadron Ave., Pacoima, CA 91331
Property Value: \$457,950 (per debtor's schedules)
Amount Owed: \$426,578.61 (per RFS motion)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$3,407.61

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); 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):

Keeley Garth

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-10611 Juan Manuel Arias

Chapter 13

#19.00 Motion for relief from stay

CAB WEST, LLC

Docket 26

Tentative Ruling:

Petition Date: 03/15/2019
Chapter: 13 plan confirmed: 06/04/19
Service: Proper. No opposition filed.
Property: 2017 Ford Escape
Property Value: \$0 (per debtor's schedules)
Amount Owed: \$ 10,873.50
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$1,638.90

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):

Juan Manuel Arias

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#20.00 Evidentiary Hr.g re: Motion for relief from stay

WILMINGTON TRUST, NA

fr. MB cal, 2/27/19; 3/13/19, 3/27/19, 6/26/19

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):

Juan Lozano Mata

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11115 Melvin Gomez and Mirilian Elizabeth Marroquin

Chapter 13

#21.00 Motion for relief from stay

AMERICAN HONDA FINANCIAL CORP

Docket 25

*** VACATED *** REASON: Dismissed - hm

Tentative Ruling:

This case was dismissed on 7/30/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Melvin Gomez

Represented By
Donald E Iwuchuku

Joint Debtor(s):

Mirilian Elizabeth Marroquin

Represented By
Donald E Iwuchuku

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11080 Amarpal Singh Gharial and Amrita Gharial

Chapter 7

#21.01 Motion for relief from stay

SUBWAY RESTAURANTS LLC

fr. 7/17/19

Docket 16

Tentative Ruling:

Before the hearing scheduled for 7/17/19, Subway (Movant) & BVK (property lessor) stipulated to continue this hearing to 7/31/19 because they anticipated negotiating a reinstatement of the Master Lease (the personal property at issue in this Motion), subject to certain terms & conditions. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

Proposed tentative 7/17/19

Petition Date: 05/01/2019

Chapter: 7

Service: Not Proper. No opposition filed.

Property: Sublease of 23659 Calabasas Road, Calabasas, CA 91302

Property Value: N/A, (property not listed in debtor's schedules)

Amount Owed: N/A, (not listed in RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A, (not listed in RFS motion)

Movant requests 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) and 6 (waiver of 4001(a)(3) stay).

Movant did not serve Debtor individually as required by LBR 4001-1(C)(i). The Court will continue this hearing to 7/31/19 to allow Movant to properly serve Debtor.

NO APPEARANCE REQUIRED

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Amarpal Singh Gharial and Amrita Gharial Chapter 7

Party Information

Debtor(s):

Amarpal Singh Gharial

Represented By
Raj T Wadhvani

Joint Debtor(s):

Amrita Gharial

Represented By
Raj T Wadhvani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11622 Yury Korchinsky

Chapter 7

#21.02 Motion for relief from stay

REXFORD INDUSTRIAL REALTY, L.P.

Docket 8

Tentative Ruling:

Petition Date: 07/02/2019

Chapter: 7

Service: Proper. No opposition filed.

Movant: Rexford Industrial Realty, L.P.

Property Address: 18324 Oxnard St., Unit 4., Tarzana, CA 91356

Type of Property: nonresidential

Occupancy: lease in default

Foreclosure Sale: N/A

UD case filed: 05/07/2019

UD Judgment: 07/02/2019

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2). GRANT relief as requested in paragraphs 2 (proceed under non-bankruptcy law); 4 (annulment of automatic stay retroactive bankruptcy petition date); 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):

Yury Korchinsky

Pro Se

Movant(s):

United States Trustee (SV)

Represented By
Lane M Nussbaum

Diane C Weil (TR)

Represented By
Lane M Nussbaum

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Yury Korchinsky

Chapter 7

Trustee(s):

Diane C Weil (TR)

Represented By
Lane M Nussbaum

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11567 Daniel Torres

Chapter 13

#21.03 Motio for relief from stay

PUERTO ESCONDIDO LLC

Docket 8

Tentative Ruling:

Petition Date: 06/26/2019

Chapter 13

Service: Proper. No opposition filed.

Property: 6253 North Muscatel Ave., Temple City, CA 91775

Property Value: \$750,000 (per debtor's schedules)

Amount Owed: \$641,205.38 (per RFS motion)

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: \$8,250

Debtor's case was dismissed on 07/15/2019 for failure to file information after the instant motion was filed and therefore the automatic stay is no longer in effect. 11 U.S.C. 362(c)(2)(B).

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

Party Information

Debtor(s):

Daniel Torres

Pro Se

Movant(s):

Puerto Escondido LLC

Represented By
Martin W. Phillips

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11631 Vahid Naziri

Chapter 13

#21.04 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems

Docket 6

Tentative Ruling:

On July 2, 2019, Debtor filed this Chapter 13 case. Debtor has 1 previous bankruptcy case that was dismissed a short time ago. The first dismissed Chapter 13 case, 19-bk-11452, was filed on June 11, 2019 and dismissed on July 22, 2019 for failure to file information.

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 due to Debtor's attorney inadvertently not filing part 1 of form 122C1. Debtor contends he has a credible reason to file the Chapter 13 petition to attempt to protect his assets from ongoing civil cases and a pending sale by the Chapter 7 Trustee in his wife's case, 18-12174-MT. Debtor argues that the property is necessary for reorganization. Debtor wishes to continue to pay the post-petition monthly mortgages and pay for the plan payments proposed in the Chapter 13 plan.

No opposition filed.

APPEARANCE REQUIRED DUE TO SHORTENED TIME

Party Information

Debtor(s):

Vahid Naziri

Represented By
Levi Reuben Uku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.05 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #729
Hollywood CA 90028

Docket 14

Tentative Ruling:

Petition Date: 07/03/2019

Chapter: 7

Service: Proper on shortened time. No opposition filed.

Movant: RWBP Highland, LP

Property Address: 1724 North Highland Ave. #729, Hollywood, CA 90028

Unit #729 (RFS Motion, ECF doc. 14)

Unit #617 (RFS Motion, ECF doc. 16)

Unit #329 (RFS Motion, ECF doc. 18)

Unit #431 (RFS Motion, ECF doc. 19)

Unit #203 (RFS Motion, ECF doc. 17)

Unit #742 (RFS Motion, ECF doc. 15)

Unit #525 (RFS Motion, ECF doc. 13)

Unit #325 (RFS Motion, ECF doc. 12)

Type of Property: residential

Occupancy: month to month

Foreclosure Sale: N/A

UD case filed: 04/23/2019

UD Judgment: N/A

Movant alleges cause for binding and effective relief because it alleges this case was filed in bad faith as part of a scheme to delay, hinder, or defraud creditors. Movant alleges that it has been attempting to evict lessee Barry Dadon from the above-listed units since April 23, 2019. On or about 7/1/19, Movant contends that Debtor filed Prejudgment Claim(s) of Right to Possession and Motions to Quash Service of Summons and Complaint. Two days later, on or about 7/3/19, Debtor filed this chapter 7 case. A review of Debtor's schedules shows that she does not list any of these residential properties as her address nor does she assert that she has a

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

CONT... Melissa Hope Brown

Chapter 7

leasehold interest in them. Debtor did, however, list 14 different UD action on her Statement of Financial Affairs, including the eight UD actions that are the subject of these Motions for Relief. No response has been filed by 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); 6 (waiver of 4001(a)(3) stay); 7 (designated law enforcement officer may evict any occupant, without further notice); 9 (relief binding and effective for 180 days against any debtor without further notice); and 10 (Binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years).

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.06 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #617
Hollywood CA 90028

Docket 16

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.07 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #329
Hollywood CA 90028

Docket 18

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.08 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #431
Hollywood CA 90028

Docket 19

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.09 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #203
Hollywood CA 90028

Docket 17

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.10 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #742
Hollywood CA 90028

Docket 15

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.11 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #525
Hollywood CA 90028

Docket 13

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#21.12 Motion for relief from stay

RWBP HIGHLAND, LP
1724 N. Highland Ave. #325
Hollywood CA 90028

Docket 12

Tentative Ruling:

See tentative ruling for cal. #21.05

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

RWBP Highland, LP

Represented By
Joseph Cruz

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11115 Melvin Gomez

Chapter 13

Adv#: 1:19-01059 Linfield et al v. Gomez et al

#22.00 Status Conference re: Complaint objecting to discharge pursuant to 11 u.s.c. section 523(a)and 727

Docket 1

***** VACATED *** REASON: Dismissed - hm**

Tentative Ruling:

This case was dismissed with a 180-day bar to refile on July 30, 2019, so this adversary will also be dismissed.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Melvin Gomez

Represented By
Donald E Iwuchuku

Defendant(s):

Melvin Gomez

Pro Se

Mirilian Elizabeth Marroquin

Pro Se

Joint Debtor(s):

Mirilian Elizabeth Marroquin

Represented By
Donald E Iwuchuku

Plaintiff(s):

Michael Linfield

Pro Se

Bethany Marshall Linfield

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#23.00 Status Conferencere re: First Amended Complain

Docket 9

*** VACATED *** REASON: Stip. cont. to 8/28/19 @1pm (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Lesly Davis

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:16-11814 Paul Allen Smith

Chapter 7

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

#24.00 Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17, 6/13/18, 12/19/18
5/22/19, 6/12/19, 6/26/19

Docket 1

Tentative Ruling:

The parties need to submit a proper judgment and order. The form stipulation and order is insufficient.

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
William Harold Brownstein

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #25.00** 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

fr. 11/7/18

Docket 1

***** VACATED *** REASON: Stip. to cont. to 9/25/19 @10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

LDI Ventures, LLC, a California	Pro Se
Dimitri Lioudkovski	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Arthur Aristakesyan	Pro Se
Mkrtchyan Investments, LP, a	Pro Se
Prime Capital Group, Inc., a	Pro Se
Kirill Kizyuk	Pro Se

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

CONT... Nazaret Kechejian

Chapter 13

Greg Mkrchyan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

Adv#: 1:19-01015 Gamm et al v. Rodriguez

#26.00 Status Conference Re: Amended Complaint to Determine Debts to be Non-Dischargeable Pursuant to Section 523(a) of the Bankruptcy Code.

Docket 11

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): October 4, 2019

Expert witness designation deadline (if necessary):per FRCP

Case dispositive motion filing deadline (MSJ; 12(c)): 11/1/19

Pretrial conference: 11/6/19 at 11 am

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) :10/30/19

*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 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

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CONT... Eric Rodriguez 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.

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

Defendant(s):

Eric Rodriguez

Represented By
David Brian Lally

Plaintiff(s):

Veronica Gamm

Represented By
Frank E Marchetti

Marina Noorali

Represented By
Frank E Marchetti

Fredy Harrison

Represented By
Frank E Marchetti

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:13-11008 Robert Marc Hindin

Chapter 11

#27.00

Motion by Reorganized Debtor for Entry of Discharge

Docket 183

Tentative Ruling:

Service proper. No objections filed. Having reviewed the Motion for Entry of Discharge, the Court finds that Reorganized Debtor has completed all of the payments required under the Plan. Motion GRANTED.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 7/31/19.

Party Information

Debtor(s):

Robert Marc Hindin

Represented By
M. Jonathan Hayes
Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:15-13795 Alisa Terkarapetian

Chapter 7

#28.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Diane C. Weil

Attorney for Trustee:
Danning Gill Diamond & Kollitz

Docket 78

Tentative Ruling:

APPEARANCE REQUIRED

While it is unclear whether debtor has standing to object to the fee applications, the court sua sponte has a duty to review all fee applications. This is especially true where most of the assets in the estate go to professional fees. Debtor is incorrect on many issues and mischaracterizes the record, but that does not change the result completely. The trustee and the attorney's activities here are duplicative in some respects. The trustee gets a statutory fee to do certain basic trustee duties and gets a statutory percentage. Where she hires counsel and their work duplicates hers, counsel fees must be cut. Here, it appears the trustee has agreed to some reduction in her fee.

Secondly, all work must be done that is reasonable, and where the professional fees are likely to eat up any recovery, the time spent on the recovery must be scrutinized. Some of debtor's complaints about the fees are valid and the court will take them into consideration.

\$5,279 is an excessive amount for the category of asset analysis of recovery under these circumstances where the trustee should have done the initial analysis.

\$1690 for BDK supervision of AED makes no sense, given the experience level of AED.

Case administration continued for almost two years after the settlement with not much activity other than lots of little entries conferring and charging fees.

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10:00 AM

CONT... **Alisa Terkarapetian**

Chapter 7

The number of times this simple case was touched by different attorneys and paralegals, along with transition memos and people reviewing documents that appear to have been duplicative of trustee's review or other attorney's review also seems to have added up the fees.

\$4,094 for preparation of a simple employment application is also excessive, especially in light of the nature of the asset to be pursued.

DGDK also does not respond to the basic point that there were many conferences between AED and BDK and simply calls the objection unintelligible. There is no explanation as to why a case of this simplicity required so much conferring.

While the debtor is wrong about where the money should go where is it is not used to pay fees, the general point is well taken that the fees are somewhat excessive both because of the standards under section 330(a)(3) and the specific entries detailed above. Whatever fees are not approved go into paying other claims in the estate. Since it is not a surplus estate, they do not get returned to debtor.

The fee request of \$45,633 is reduced to \$40,000. This is based on the reasonableness of fees for this result. The trustee fee is reduced to \$6,000. All expenses are approved. This fee plus the trustee fee is a reasonable amount in light of the nature of the case and the work that appears to have been actually necessary on the case.

The distribution to unsecured creditors should be adjusted accordingly. Otherwise, the TFR is approved.

Party Information

Debtor(s):

Alisa Terkarapetian

Pro Se

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, July 31, 2019

Hearing Room 302

10:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#29.00 Hearing re Declaration of Default under
Adequate Protection Order

Docket 103

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#30.00 Chapter 11 Plan of Reorganization

fr. 2/6/19, 4/3/19, 5/15/19

Docket 75

*** VACATED *** REASON: Cont'd to 9/18/19 per order #149. If

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
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Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#31.00 Scheduling and Case Management Conference

fr. 3/28/18; 10/24/18; 2/6/19, 2/27/19, 4/3/19, 5/15/19

Docket 1

***** VACATED *** REASON: Cont'd to 9/18/19 per order #149. If**

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-10313 Harold H Choe

Chapter 7

#32.00 Motion of Chapter 7 Trustee Objecting to the Claims of Exemption by the Debtor in IRAs as Set Forth in Debtors Amended Schedule C Filed May 24, 2019

Docket 44

Tentative Ruling:

On February 1, 2018, Harold Choe ("Debtor") filed a voluntary chapter 7 petition. On May 24, 2019, Debtor filed an amended Schedule C, listing the property he claimed as exempt. ECF doc. 37. On June 24, 2019, Trustee filed her objection to Debtor's following claims of exemption: (1) claim of exemption in the amount of \$53,478 in Debtor's "IRA [E Trade]" pursuant to C.C.P. §704.115(a)(1) & (2) and (b); and (2) claim of exemption in the amount of \$75,283.00 in Annie Choe, Debtor's non-filing spouse's ("Mrs. Choe") "IRA [E Trade]" pursuant to C.C.P. §704.115(a)(1) & (2) and (b) (together, the "Exemptions"). (the "Objection," ECF doc. no. 44). In the Objection, Trustee alleges that the Exemptions do not satisfy the requirements for exemption under C.C.P. §704.115(a)(1) & (2) and (b) because the IRA contributions do not qualify under the Internal Revenue Code for deduction from Debtor's income for tax purposes and are therefore not exempt.

On July 17, 2019, Debtor filed an opposition to the Objection (the "Debtor Opposition," ECF doc. 46). Debtor contends that he made contributions to Debtor's E Trade IRA on an annual basis during his employment and that one contribution was made post-retirement but returned by E*Trade. The Debtor Opposition is supported by a declaration by Debtor, but no documentary evidence was provided. In addition, on July 17, 2019, Debtor filed an amended Schedule C, asserting different claims of exemption in the IRAs (the "July 17 Amended Schedule C," ECF doc. 47).

On July 17, 2019, Mrs. Choe filed her opposition to the Objection, wherein she argues that stay-at-home mothers are entitled to contribute to their own IRAs and that she only contributed to her IRA on an annual basis only during the time of Debtor's employment. ECF doc. no. 48. Notwithstanding this, Mrs. Choe also argues that she was not properly served with the Objection so this Court does not have jurisdiction to consider the

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10:00 AM

CONT...

Harold H Choe

Chapter 7

Objection as relates to Mrs. Choe's IRA. Mrs. Choe's opposition is likewise supported by her declaration, but no documentary evidence.

STANDARD

California Civil Procedure Code ("CCP") section 704.115 provides in relevant part:

ARTICLE 3. Exempt Property.

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 from a private retirement plan are exempt.

CCP section 704.115.

"[I]ndividual retirement accounts ... are specifically excepted from ERISA's anti-alienation requirement." See Rawlinson v. Kendall (In re Rawlinson), 209 B.R. 501, 503 (9th

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CONT...

Harold H Choe

Chapter 7

Cir. BAP 1997) *quoting* Patterson v. Shumate, 504 U.S. 753, 763 (1992). As such, these plans are not excluded from the bankruptcy estate, and may be subject to the reach of the bankruptcy trustee or creditors.

Under California law, IRAs may be exempted from creditor claims pursuant to CCP § 704.115(a)(3). To qualify for an exemption in an IRA, the source of the funds in the IRA must have come from "compensation." See In re Smith, 570 B.R. 844, 850 (Bankr. D. Idaho 2017) *citing* IRC § 219(b)(1)(A). "Compensation is a term defined to mean 'earned income.'" Id. *citing* 26 U.S.C. § 219(f)(1).

CCP §704.115(a)(3), as shown above, defines the term "private retirement plan" and limits the exemption to amounts held in the plan that are exempt from federal income taxation under Section 408 or 408A of the Internal Revenue 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.

On July 19, 2019, Trustee contends that her counsel contacted counsel for E*Trade in an effort to obtain statements for the IRAs to determine the timing and amounts of contributions to each of the IRAs. On July 20, 2019, Trustee states that E*Trade's counsel advised that E*Trade would likely provide, without the need for the issuance of a subpoena, the full extent of statements, up to the past 7 years (the extent of retention of statements by E*Trade), on the condition that both Debtor and Mrs. Choe consent to the release of the statements.

On July 22, 2019, Trustee's counsel contacted counsel for both Debtor and Mrs. Choe seeking their consent. Trustee's Reply, Ex. 6. While only Mrs. Choe's counsel responded to the inquiry by Trustee's counsel, as of the filing of her Reply, Trustee contends that neither counsel has consented to the release of the IRAs' statements.

As Trustee is seeking documentary evidence from E*Trade regarding the assertions made by Debtor and Mrs. Choe in their respective declarations as to the timing and validity of both Debtor's and Mrs. Choe's contributions to the IRAs, the Court finds cause to continue the hearing on the Objection. Parties should be prepared to discuss the continued hearing date at which the Court will conduct an evidentiary hearing on the issues raised by the Objection.

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10:00 AM

CONT... Harold H Choe

Chapter 7

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#33.00 First Interim Fee Application for Compensation for Legal Services Rendered and Reimbursement Of Expenses on Behalf of Law Office of Lionel E. Giron for Debtor In Possession For Period of August 29, 2018 through June 26, 2019 for Lionel Giron, Debtor's Attorney, Period: 8/29/2018 to 6/26/2019, Fee: \$14,252.25, Expenses: \$602.95.

Docket 72

Tentative Ruling:

Service proper. No opposition filed. Having reviewed the 1st Interim Fee Application of Lionel Giron, the Court finds that \$13,592.25 in fees and \$602.95 in expenses are reasonable and are approved as provided for in the *Stipulation by United States Trustee and Law Office of Lionel Giron to a Reduction in Fees Requested in Application for Payment of Interim Fees and/or Expenses*, ECF doc. 80.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron
Crystle Jane Lindsey

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11733 Manuela Barragan

Chapter 7

#33.01 Order to show cause re: Dismissal with 180-Day
bar to refiling

Docket 2

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Manuela Barragan

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

10:00 AM

1:19-11733 Manuela Barragan

Chapter 7

#33.02 Status Conference re: Ch 7 Involuntary Petition

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuela Barragan

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:19-11395 Moses Vahan Sahakian

Chapter 13

#33.03 Motion for relief from stay

LINDEN APARTMENTS, LLC

fr. 7/17/19

Docket 15

Tentative Ruling:

7-17-19 TENTATIVE BELOW

Petition Date: 06/04/2019

Chapter: 13

Service: Proper. No opposition filed.

Movant: Linden Apartments, LLC

Property Address: 23460 Cinema Dr. #A

Type of Property: nonresidential

Occupancy: lease in default

Foreclosure Sale: N/A

UD case filed: 05/03/2019

UD Judgment: N/A

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.

Party Information

Debtor(s):

Moses Vahan Sahakian

Pro Se

Movant(s):

Linden Apartments, LLC

Represented By
Barry L O'Connor

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11:00 AM

CONT... Moses Vahan Sahakian

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#34.00 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; 12/12/18, 2/27/19; 5/22/19

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
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Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#35.00 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, 2/12/18, 2/27/19; 5/22/19

Docket 1

Tentative Ruling:

It is unclear that there is anything to do at this status conference other than continue this while we await the various Malibu city departments to complete yet another lengthy and expensive permit process. I have left it on calendar in case there is something other than what is in debtor's very complete status report.

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L Rodriguez

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, July 31, 2019

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

#36.00 Status Conference Re:
Complaint to Determine Dischargeability
of Debt

fr. 12/19/18, 4/1/19; 4/3/19, 5/22/19, 6/12/19

Docket 1

***** VACATED *** REASON: Moved to 1 p.m. to be heard with the MSJ -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Nelson Osmin Alvarenga

Pro Se

Olga Marqueea

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

**United States Bankruptcy Court
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11:00 AM

CONT... Nelson Osmin Alvarenga

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#37.00 Application for Compensation for
The Orantes Law Firm, P.C.

Period: 11/2/2018 to 2/4/2019,
Fee: \$34,241.00,
Expenses: \$1,387.48

fr. 5/15/19

Docket 117

***** VACATED *** REASON: Resolved per stip, Doc. 163 -CT**

Tentative Ruling:

The Orantes Law Firm, P.C. ("Orantes") filed a final fee request under 11 U.S.C. § 330 in connection with his former representation of the debtor. Orantes Debtor, through Orantes, filed this case on November 2, 2018. On December 3, 2018, Debtor filed Debtor's Application for Authority to Employ the Orantes Law Firm, P.C. as General Insolvency Counsel (the "Employment Application").

Orantes requests fees in the amount of \$34,241 and \$1,387.48 in expenses. Chapter 11 Trustee Nancy Zamora ("Trustee") opposes the fee application, requesting that the entire fee application be denied. Trustee argues that Orantes failed to adequately disclose that its engagement letter with the Debtor granted Orantes a security interest in the \$35,000 retainer. Failure to disclose this lien, Trustee argues, Orantes violated Rule 2014(a).

While the body of the Employment Application did not disclose the existence of a security interest in the retainer, the security interest was disclosed in the engagement letter attached as Exhibit 1 to the Employment Application. Orantes' statement of disinterestedness also disclosed the existence of the lien. Doc. 20. Despite Trustee's characterization of the statement in the Statement of Disinterestedness as an admission that Orantes was not disinterested, an estate professional obtaining a security interest does not per se disqualify the professional

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11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 11

as not "disinterested" under § 327. In re Dick Cepek, Inc., 339 B.R. 730, 740 (B.A.P. 9th Cir. 2006). Orantes correctly cites additional authority in its reply to this effect.

Trustee's attempt to analogize this situation to In re Paris, 568 B.R. 810, 814 (Bankr. CDCA 2017) is an unfair characterization of this situation. Orantes did disclose what he was required to disclose. No objection was made to the reasonable and necessary nature of the work billed. Counsel attempted a reorganization; the work was necessary at the time; later developments made this approach untenable - this does not translate into a denial of payment for the work that was done. It was secured by a permissible lien that was never objected to and is allowed. Thus, fees and costs will be approved and may be made from the retainer.

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

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

Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

#37.01 Order to Show Cause re Dismissal

Docket 5

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):

Anzhey Vsevolodo Barantsevich

Pro Se

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

Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

Adv#: 1:19-01079 Barantsevich et al v. P4C Global, Inc. et al

#37.02 Notice of Removal

fr. 8/21/19

Docket 1

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):

Anzhey Vsevolodo Barantsevich	Pro Se
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Defendant(s):

P4C Global, Inc.	Represented By Ronald A DiPietra
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OEM Battery Depot, LLC	Represented By Ronald A DiPietra
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Steven Hopwood	Represented By Ronald A DiPietra
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Plaintiff(s):

Anzhey Vsevolodo Barantsevich	Represented By David B Golubchik Lindsey L Smith
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Zoom, Inc.	Pro Se
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Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 31, 2019

Hearing Room 302

11:00 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

Adv#: 1:19-01079 Barantsevich et al v. P4C Global, Inc. et al

#37.03 Motion For Remand Pursuant To 28 U.S.C.
§ 1452(B), 28 U.S.C. § 1334(C)(1) & (2)

Docket 6

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):

Anzhey Vsevolodo Barantsevich Pro Se

Defendant(s):

P4C Global, Inc. Represented By
Ronald A DiPietra

OEM Battery Depot, LLC Represented By
Ronald A DiPietra

Steven Hopwood Represented By
Ronald A DiPietra

Plaintiff(s):

Anzhey Vsevolodo Barantsevich Represented By
David B Golubchik
Lindsey L Smith

Zoom, Inc. Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

#37.04 Status Conference Re: Chapter 7 Involuntary
Petition Against an Individual.

fr. 8/21/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anzhey Vsevolodo Barantsevich

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 31, 2019

Hearing Room 302

1:00 PM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#38.00 Motion For Summary Judgment

Docket 49

Tentative Ruling:

I. Procedural Posture

On June 20, Nelson Osmin Alvarenga ("Defendant" or "Debtor") filed this motion for summary judgment in this dischargeability action under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) (the "Motion"). Plaintiffs previously filed a Motion for Summary Judgment ("Plaintiff's MSJ"), which was denied due to numerous flaws and disputed issues of material fact. ECF Doc. 45-46. The Court granted summary judgment in favor of Alvarenga's wife, defendant Olga Marquez ("Marquez"). The Court now has an opportunity to determine whether Defendant has satisfied the standard for summary judgment. Plaintiffs failed to file a timely opposition to the Motion.

II. Facts

This dispute arises from a sale of a restaurant business ("La Teclana") and subsequent actions taken relating to the California On-Sale Beer License ("Beer License") used by that business. Plaintiffs claim that Alvarenga Marquez sold La Teclana to Plaintiffs. Plaintiffs' action asserts that they paid \$53,800 to purchase La Teclana, including the furnishings and the Beer License. Defendant disputes this characterization based upon the language of a contract signed on or around June 27, 2016 (the "Sale Contract"). Dec. of Alvarenga, Ex. 1. The Sale Contract indicates that the "Property Being Sold" would be the property indicated in the attached bill of sale ("Bill of Sale"). The Bill of Sale lists various utensils, appliances, and furniture, but notably absent from the Bill of Sale is any mention of the Beer License. Id.

On or around July 1, 2016, Debtors and Marquez signed a "Liability Release Form," releasing Debtors from liability in connection with the business (La Teclana), including sales of alcohol under the Beer License. Dec. of Alvarenga, Ex. 3. On November 16, 2016, Abarca, Marquez, and Alvarenga entered into a contract to sell the Beer License. Dec. of Alvarenga, ¶ 44. On December 6, 2016, the parties completed escrow in connection with the sale of the Beer License. Id. at Ex. 4 (the "Escrow Instructions Document"). The Escrow Instructions Document that evidences the sale indicates that the purchase price was \$1,500, and that it was the "buyer's

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CONT... Nelson Osmin Alvarenga

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responsibility to pay the license renewal fee" on or before April 30, 2017. Id. The "License Transfer Request," also signed on December 6, 2016, indicates that Defendant and surrendered the Beer License so that a temporary permit could be issued to Abarca. Id.

On April 5, 2017, before the transfer of the license had been completed by the Alcoholic Beverage Control, Alvarenga cancelled the Beer License. Dec. of Alvarenga, ¶ 45. Plaintiffs have claimed that they were significantly harmed by the cancellation of the Beer License, which forms the keystone of their nondischargeability action. Alvarenga has submitted a declaration stating that he cancelled the Beer License because he learned that Plaintiffs were unlawfully selling alcohol to minors and selling alcohol after 2:00 a.m., and that he feared prosecution due to Plaintiffs' actions. Id. at 45, 48. Elsewhere, Plaintiffs have disputed the truth of Alvarenga's claim that they were violating the terms of the liquor license. However, for purposes of this Motion, due to Plaintiffs' failure to respond, it is undisputed that this was the reason for Alvarenga cancelling the beer license. Fed. R. Civ. P. 56(e).

Plaintiffs seek a nondischargeable judgment under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) against Alvarenga and Marquez in connection with the cancellation of the license before it was fully transferred to Plaintiffs.

II. Standard

In order to succeed on a motion for summary judgment under Federal Rule of Civil Procedure 56, made applicable to adversary actions in bankruptcy by Federal Rule of Bankruptcy Procedure 7056, the movant 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. 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).

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Entry of summary judgment is required "against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." Celotex Corp. v. Catrett, 477 U.S. 317, 322–23 (1986). A party seeking summary judgment always bears the initial responsibility of informing the court of the basis for its motion and identifying those portions of the record which it believes demonstrate the absence of a genuine issue of material fact. Id. The "burden on the moving party may be discharged by 'showing'—that is, pointing out to the district court—that there is an absence of evidence to support the nonmoving party's case." Id. at 325. The burden then shifts "to the non-moving party to designate specific facts showing that there is a genuine issue for trial." Sluimer v. Verity, Inc., 606 F.3d 584, 586 (9th Cir. 2010). "To carry this burden, the non-moving party must do more than simply show that there is some metaphysical doubt as to the material facts. . . The mere existence of a scintilla of evidence ... will be insufficient; there must be evidence on which the jury could reasonably find for the non-moving party." Id. (internal citation omitted).

III. Analysis

Parol Evidence

Defendant argues that, because the Sales Contract had an integration clause and did not mention the liquor license, the parol evidence rule prohibits Plaintiffs from alleging that that contract included a promise to transfer the liquor license. While Plaintiff has not raised the issue, case law establishes that the parol evidence rule may not be used as a shield to prevent the proof of fraud, even if the evidence shows a promise directly at variance with the promise of the writing. Riverisland Cold Storage, Inc. v. Fresno-Madera Prod. Credit Assn., 55 Cal. 4th 1169, 1182 (2013). Defendant cannot defeat a claim for fraud under § 523(a)(2)(A) by relying on the parol evidence rule. No party has addressed this area of law in its briefs. The Court will not grant summary judgment on the basis of Defendant's parol evidence argument.

§ 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). The Ninth Circuit has held that a creditor's claim of nondischargeability based on Section 523(a)(2)(A) must satisfy five elements: (1) the debtor made false statement

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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).

To begin with, it is unlikely that Plaintiffs' claim, as pled, would have survived a motion to dismiss under Rule 12(b)(6) or a motion for judgment on the pleadings under Rule 12(c). As the Court indicated in its ruling on the Plaintiffs' MSJ, it is unclear from reading the complaint what the false statement under § 523(a)(2)(A) is alleged to be. At the hearing on the Plaintiff's MSJ, plaintiff's attorney explained that the misrepresentation was that the Sales Contract included the sale of the Beer License. Even assuming, for purposes of this Motion, that the sale of the Beer License was contemplated by the Sales Contract, Plaintiffs' claim still fails.

Plaintiffs' fraud claim has a fundamental flaw: no evidence has been presented that could lead a finder of fact to conclude that a) the debtor knew the representation to be false at the time it was made, or that b) the debtor acted with the intent to deceive the creditor. Typically, such scienter requirements are reserved for trial. "Where intent is at issue, summary judgment is seldom granted; however, summary judgment is appropriate if all reasonable inferences defeat the claims of one side, even where intent is at issue." In re Gertsch, 237 B.R. 160, 165 (9th Cir. BAP 1999). Here, Plaintiffs have neither produced any evidence nor proposed any theory to support the allegation that, at the time a representation was made, Defendant had knowledge of the falsity of his representation or any intent to defraud Plaintiffs. It is simply too far-fetched to believe that Defendant made a promise to transfer the Beer License in July 2017 with no intent to follow through, then entered into a second contract to sell the Liquor License in November 2017, then, five months later, cancelled the liquor license for no apparent financial gain. See 4 Collier on Bankruptcy ¶ 5223.08[1][d] ("intent may be inferred from the fact that the debtor failed to take any steps to perform under the contract"). No reasonable finder of fact could infer intent to defraud nor knowledge of falsity where the Defendant lacked any motive to defraud and took affirmative steps toward performing under the alleged contract.

An example of evidence that might lead to an inference of intent to defraud would be facts indicating that Defendant intended to sell the Beer License to Plaintiffs, then turn around and sell the same license to a third party. Another example would be evidence indicating that Defendant knew that the Beer License could not legally be transferred, but moved forward with the sale regardless. These would be compelling

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and familiar narratives in fraud cases: a defendant intentionally making misrepresentations motivated by financial gain. Here, Plaintiffs profess that they *cannot understand* Defendant's intent in cancelling the Beer License. Plaintiff's attorney admitted as much at the oral argument on Plaintiff's MSJ:

Court: "The representations under 523(a)(2) have to be false at the time they were made-- in order to get the purchase price for the restaurant they have to intended to defraud the buyers at the time... the, uh, the Abarcas. What evidence have you presented that at the time they made that alleged representation that they intended to defraud?"

Plaintiff's Attorney: "I, I do not have that fact put in evidence before your honor because my clients would not have paid \$53,800--and trust me there's twelve tables and this little bitty [inaudible]. . .

. . . .

Plaintiff's Attorney: "Why did he do it? I don't know why he cancelled it. But there's no evidence whatsoever that the cancellation was a benefit to Mr. Alvarenga unless he and his wife wanted to start a new restaurant. I don't know, and I promise you that the--I have given for the evidence that there were no reports. I have gone to the police station and asked if there were any reports of misuse of the beer license and there has been no reference to the police about this small restaurant since the clients Abarca and Pineda took it over--none. So, I don't know why he did it. But I think he owes my clients--and I think [inaudible] I think he owes my clients \$53,800 because they didn't get anything from him that was nearly worth that kind of money. Pots and pans and tables and chairs--and they replaced the tables and chairs and improved the pots and pans at their own expense. I think this case should be settled by a payment for \$53,800, and I promise you as quickly as they would write that check, and the check cleared their bank, we would dismiss this case.

This is not the only instance of Plaintiffs admitting that they have no evidence of the required scienter elements of § 523(a)(2)(A). Attached as exhibit 12 to Defendant's declaration is Plaintiff Abarca's responses to interrogatories.

INTERROGATORY NO. 2: State all facts supporting your allegations that Defendant made the misrepresentation to you with the intent to deceive or defraud you.

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Nelson Osmin Alvarenga

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RESPONSE TO INTERROGATORY NO. 2: Objection. It is impossible for Plaintiffs to determine Defendant's intent in this or any other matter. If Defendant ALVARENGA had disclosed his true intent to cancel License No. 422889 after Plaintiffs had paid him \$53,800 for the business; after Plaintiffs had paid a professional to prepare the paperwork required to transfer License No. 422889 and after Plaintiffs had invested \$37,065.64 in renovations, new furnishings and equipment for the Restaurant, Plaintiffs would not have purchased the business.

. . . .
INTERROGATORY NO. 5: State all facts supporting your allegations that Defendant knew the representation was false at the time he allegedly made it.

RESPONSE TO INTERROGATORY NO. 5: Plaintiffs do not rely on any representation. Defendants were the beneficiary [sic.] of a Hold Harmless agreement that they requested (Exhibit 3 to the Complaint) and they executed the documents required to transfer License No. 422889. Defendant Alvarenga has offered various, inconsistent and false statements in an attempt to justify cancelling License No. 422889.

Dec. of Alvarenga, Ex. 12. The Court overrules Plaintiffs' objection to Interrogatory 2 as lacking merit. Intent to defraud and knowledge of falsity are not incidental to a claim for fraud--they are its crux. While direct evidence of intent or knowledge is rare, that does not make it impossible to determine a person's intent. As one California Court has stated, "[t]o be sure, fraudulent intent must often be established by circumstantial evidence. . . . However, if plaintiff adduces no further evidence of fraudulent intent than proof of nonperformance of an oral promise, he will never reach a jury. Tenzer v. Superscope, Inc., 39 Cal. 3d 18, 30-31 (1985). Ultimately, that is what Plaintiffs have alleged: Defendant did not perform on an oral promise. While Plaintiffs have produced *some* evidence of the existence of that promise, they have failed to provide any evidence that that promise was made with intent to defraud.

If Plaintiffs had filed an opposition, they likely would have claimed that there is a dispute of material fact as to Defendant's intent. However, under a rule 56 standard, the dispute must also be *genuine*. It is not enough for Plaintiffs to say that they dispute the claim that Defendant did not act with the requisite mental state; Plaintiff must produce some evidence that could raise a reasonable inference that Defendant acted with the requisite intent. "A genuine dispute of material fact exists if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Sierra Med. Servs. All. v. Kent, 883 F.3d 1216, 1222 (9th Cir. 2018). No such

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evidence has been produced despite discovery being concluded. In fact, as described above, Plaintiffs have stated repeatedly that they have no explanation for Defendant's alleged wrongful actions. Without any such evidence, or even an articulated theory, no reasonable trier of fact could find that Defendant acted with the requisite intent under § 523(a)(2)(A).

Lastly, because Plaintiffs failed to file an opposition, the Court may take it as an undisputed fact under FRCP 56(e)(2) that Defendant cancelled the Beer License out of fear of prosecution and because Plaintiffs took too long to effectuate the transfer. This is especially appropriate here because the Court is not aware of any other materials in the record that could raise a genuine dispute on this issue. This alone defeats the intent and knowledge prongs of § 523(a)(2)(A). "The district judge is not required to comb the record to find some reason to deny a motion for summary judgment." Forsberg v. Pac. Nw. Bell Tel. Co., 840 F.2d 1409, 1418 (9th Cir. 1988).

While ruling on issues of scienter is disfavored on summary judgment, the Court finds that it is appropriate here. There is no genuine disputed issue of material fact as to whether Defendant knowingly made a misrepresentation with intent to defraud Plaintiffs, and Defendant is entitled to judgment as a matter of law. See Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986) ("The moving party is entitled to a judgment as a matter of law because the nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.").

§ 523(a)(6)

Section 523(a)(6) excepts from discharge any debt of the debtor "for willful or malicious injury to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). Under § 523(a)(6), Debtors' actions would need to equate with "willful and malicious" injury within the meaning of the Code. The first step of this inquiry is whether there is "willful" injury, which must entail a deliberate or intentional injury. Kawaauhau v. Geiger, 523 U.S. 57, 61-62 (1998). In the Ninth Circuit, the intent required to be considered "willful" is either the subjective intent of the actor to cause harm or the subjective knowledge of the actor that harm is substantially certain to occur. In re Su, 290 F.3d 1140, 1144-45 (9th Cir. 2002). The second step of the inquiry is whether Debtors' conduct was "malicious." The relevant test for such "malicious" conduct is: 1) a wrongful act; 2) done intentionally; 3) which necessarily causes injury; and 4) without just cause and excuse. In re Sicroff, 401 F.3d 1101, 1105-1106 (9th Cir. 2005). The Supreme Court has stated that when a wrongful act

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is voluntarily committed, with knowledge that the act is wrongful and will necessarily cause injury, constitutes a willful and malicious injury within the meaning of § 523(a)(6). In re Jerich, 238 F.3d 1202, 1207 (9th Cir. 2001).

The Ninth Circuit has repeatedly recognized that "a simple breach of contract is not the type of injury addressed by § 523(a)(6)" and held that "an intentional breach of contract is excepted from discharge under § 523(a)(6) only when it is accompanied by malicious and willful tortious conduct." In re Riso, 978 F.2d 1151, 1154 (9th Cir. 1992). "Where intent is at issue, summary judgment is seldom granted; however, summary judgment is appropriate if all reasonable inferences defeat the claims of one side, even where intent is at issue." In re Gertsch, 237 B.R. at 165.

For purpose of § 523(a)(6), the relevant act is the cancellation of the Beer License, rather than the promise to transfer the beer license. Defendant correctly argues that the claim under § 523(a)(6) suffers from similar deficiencies as the claim under § 523(a)(2)(A). Plaintiffs' attorney admits that plaintiffs do not know why Defendant cancelled the Beer License. The interrogatories also indicate that Plaintiff could not state any facts supporting their allegation that Defendant had the requisite intent to commit a willful and malicious injury against Plaintiffs. Dec. of Alvarenga, Ex. 12, interrogatory no. 7. All evidence reviewed in both Plaintiffs' MSJ and the current one support at best a breach of contract action. No facts appear to support a § 523(a)(6) claim.

Defendant has met his burden of showing "that there is an absence of evidence to support the nonmoving party's case." Celotex Corp. v. Catrett, 477 U.S. at 325. The burden therefore shifts to the Plaintiffs "to designate specific facts showing that there is a genuine issue for trial." Sluimer v. Verity, Inc., 606 F.3d at 586. No such facts have been presented due to Plaintiff's failure to respond to the Motion. Even if the Court were to consider the "Non-Opposition of Noe Del Transito Abarca and Beatriz Adriana Pineda to Request to Continue Pre-Trial Conference and Trial," which contains some references to declarations that appear to be in response to the summary judgment motion, none of the cited statements address the intent requirement that an act under § 523(a)(6) be "willful" and done with "malice." Furthermore, the history of this transaction, which indicates that

The Court also notes that the truth or falsity of the claim that Plaintiffs were violating the terms of the Beer License is not dispositive in determining Defendant's intent. Plaintiffs have disputed the claim, particularly in their own summary judgment motion, that they violated the terms of the Beer License. However, there is no dispute that Defendant *believed* that Plaintiffs were violating the terms of the beer

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license nor is there any evidence that raises an inference that Defendant acted with the intent required for malice. The Motion is GRANTED.

IV. Conclusion

Defendant has shown that no evidence exists in the record to support necessary elements of Plaintiffs' claims under § 523(a)(2)(A) and (a)(6). The Motion is therefore GRANTED and summary judgment is entered in favor of Defendant.

Party Information

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Nelson Osmin Alvarenga

Represented By
David Brian Lally

Olga Marquea

Represented By
David Brian Lally

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 7, 2019

Hearing Room 302

9:30 AM

1:19-11754 Carolina Torres

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carolina Torres

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, August 7, 2019

Hearing Room 302

9:30 AM

1:19-11757 Larry Mark Gotlieb

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Mark Gotlieb	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
Chief Judge Maureen Tighe, Presiding
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Wednesday, August 7, 2019

Hearing Room 302

9:30 AM

1:19-11796 Miriam Claudia Munoz

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miriam Claudia Munoz	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:19-11771 Maria De Jesus Ortiz Bustos

Chapter 7

#3.01 Motion for relief from stay

6360 VAN NUYS, LLC

Docket 12

Tentative Ruling:

Petition Date: 7/16/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: 6360 Van Nuys LLC

Property Address: 13234 Herrick Ave. Unit D, Sylmar, CA 91342

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 5/8/19

UD Judgment: 6/26/19

Writ of Possession issued: 7/10/19

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); **7** (law enforcement officer may evict).

DENY relief requested in paragraph **4** (annulment) as no facts were alleged that would provide grounds for such relief; **5** (co-debtor stay) as no such stay arises in a chapter 7 bankruptcy; and **8** (relief under § 362(d)(4)) because Movant is not a secured creditor entitled to such relief.

DENY relief requested in paragraphs **9**; **10**; and **11** (binding and effective relief), as there are not sufficient facts alleged that would provide grounds for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME

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CONT... Maria De Jesus Ortiz Bustos

Chapter 7

RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Maria De Jesus Ortiz Bustos	Pro Se
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Trustee(s):

David Seror (TR)	Pro Se
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Central District of California
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Hearing Room 302

10:00 AM

1:19-11782 Carlos Jose Selva and Deborah Ann Selva

Chapter 13

#3.02 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 20206 Londelius Street, Winnetka, CA 91306

Docket 13

Tentative Ruling:

On 7/16/19, Debtor filed this chapter 13 case. Debtor had ? previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-13153, was a chapter 13 that was filed on 11/27/17 and dismissed on 6/28/19 for failure to make plan payments.

Debtors now moves for an order continuing the automatic stay as to all creditors. Debtors argue that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments because they experienced a reduction in their business income. Debtor states that since the First Filing was dismissed, they are now seeking a consolidation of their federal student loans, to be paid outside their proposed plan, which will enable them to propose a 100% plan. Debtor claims that the property is necessary for a successful reorganization because this is their primary residence.

Service proper. No opposition filed.

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

Party Information

Debtor(s):

Carlos Jose Selva

Represented By
Elena Steers

Joint Debtor(s):

Deborah Ann Selva

Represented By
Elena Steers

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

CONT... Carlos Jose Selva and Deborah Ann Selva

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:19-11395 Moses Vahan Sahakian

Chapter 13

#3.03 Motion for relief from stay

LINDEN APARTMENTS, LLC

fr. 7/17/19, 7/31/19

Docket 15

Tentative Ruling:

APPEARANCE REQUIRED

7-17-19 TENTATIVE BELOW

Petition Date: 06/04/2019

Chapter: 13

Service: Proper. No opposition filed.

Movant: Linden Apartments, LLC

Property Address: 23460 Cinema Dr. #A

Type of Property: nonresidential

Occupancy: lease in default

Foreclosure Sale: N/A

UD case filed: 05/03/2019

UD Judgment: N/A

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.

Party Information

Debtor(s):

Moses Vahan Sahakian

Pro Se

Movant(s):

Linden Apartments, LLC

Represented By

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

CONT... Moses Vahan Sahakian

Barry L O'Connor

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#4.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. MB cal, 2/27/19, 5/1/19

Docket 64

***** VACATED *** REASON: Reset to 8/28/19 @10am (eg)**

Tentative Ruling:

At the February 27 hearing, the Court continued this hearing to monitor the Debtor's progress with the loan modification process. The orders allowing Debtor to commence the LMM program were entered on April 16 and 17. Has there been any further progress?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:18-12174 Hengameh Zadeh

Chapter 7

#5.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

5/15/19

Docket 67

***** VACATED *** REASON: Reset to 8/28/19 @10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#6.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18; 5/22/19; 6/14/19

Docket 16

***** VACATED *** REASON: Moved to 8/28/19 @ 10:00 per order # 53. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#7.00 Status Conference Re: Complaint to
Determine Value of Real Property, Determine
the Extent of Secured Claims and to Extinguish
the Second Position Lien of Creditor the Bank
of New York Mellon C/O Bank of America N.A.

Docket 4

***** VACATED *** REASON: Moved to 8/28/19 @ 10:00 per order #7. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

Does 1-10 Inclusive

Pro Se

THE BANK OF NEW YORK

Pro Se

Plaintiff(s):

Michael Vara

Represented By
Alfred J Verdi

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

#7.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 13588 Wingo St., Pacoima, CA 91331

Docket 12

Tentative Ruling:

On 7/15/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-11667-VK, was a chapter 13 that was filed on 6/30/18 and dismissed on 6/13/19 for failure to make plan payments.

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 plan payments because he was on disability for three months and was not eligible to work overtime. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, he is making more money because he got a raise and is now eligible to work overtime. 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.

Party Information

Debtor(s):

Christopher Michael Niblett

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

1:19-11868 Christopher Daniel Christopherson

Chapter 7

#7.02 Motion for relief from stay

EILEEN KEANE

Docket 9

Tentative Ruling:

Petition Date: 7/25/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: Eileen Keane

Property Address: 878 White Pine Ct. Oak Park, CA 91377

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 7/3/19

UD Judgment: n/a (Trial continued to 8/21/19)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay); **7** (law enforcement officer may evict).

DENY relief requested in paragraph **5** (co-debtor stay) as no such stay arises in a chapter 7 bankruptcy; and **8** (relief under § 362(d)(4)) because Movant is not a secured creditor entitled to such relief.

DENY relief requested in paragraphs **9** and **10** (binding and effective relief), as there are no facts alleged that would provide grounds for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 7, 2019

Hearing Room 302

10:00 AM

CONT... Christopher Daniel Christopherson

Chapter 7

Debtor(s):

Christopher Daniel Christopherson

Represented By
Michael H Raichelson

Movant(s):

Eileen Keane

Represented By
Brian Nomi

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, August 7, 2019

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

#8.00 Status conference re complaint for:
non-dischargeability of debt

fr. 12/12/18, 2/27/19; 3/13/19, 5/1/19

Docket 5

***** VACATED *** REASON: Moved to 8/28/19 @10:00 per order #39. If**

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
Arthur Carvalho Jr

Irene Silber

Represented By
Timothy R Hanigan

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

Wednesday, August 7, 2019

Hearing Room 302

11:00 AM

CONT... Ian Ellis Silber

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Thursday, August 8, 2019

Hearing Room 302

1:00 PM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#1.00 Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18;
12/18/18, 2/20/19; 6/6/19/ 7/16/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 9, 2019

Hearing Room 302

9:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#1.00 Motion for Extension of Time to File Plan and
Disclosure Statement in Small Business Case

fr. 8/21/19

Docket 132

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young
Amelia Puertas-Samara

Movant(s):

Happy Jump, Inc.

Represented By
Mark T Young
Amelia Puertas-Samara

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

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11008 Adam Castro

Chapter 7

**#1.00 Reaffirmation Agreement Between Debtor
and Ford Motor Credit Company LLC**

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 4/25/19

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 Ford Mustang

Debtor's valuation of property (Sch. B): \$7,500

Amount to be reaffirmed: \$7,290.74

APR: 9%

Contract terms: \$376.73

Monthly Income (Schedule I): \$3,055.84

Monthly expenses: (Schedule J): \$3,065

Disposable income: <\$9.16>

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 explains that he cut his entertainment expenses by \$50. This payment is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 11, 2019, whichever is later.

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

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Adam Castro

Chapter 7

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Adam Castro

Represented By
Michael Jay Berger

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11290 Jeremy B Stone

Chapter 7

**#2.00 Reaffirmation Agreement Between Debtor
and Toyota Motor Credit Corporation**

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 5/23/19

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 Toyota Prius

Debtor's valuation of property (Sch. B): \$15,383

Amount to be reaffirmed: \$19,756

APR: 1.9%

Contract terms: \$517.20 per month for 41 months

Monthly Income (Schedule I): \$2,874.63

Monthly expenses: (Schedule J): \$2,969

Disposable income: <\$94.37>

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 cut his expenses. This payment is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 9, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Jeremy B Stone

Chapter 7

Party Information

Debtor(s):

Jeremy B Stone

Represented By

Allan D Sarver (Pro Bono)

Allan D Sarver

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11433 Linda Joyce Stern

Chapter 7

**#3.00 Reaffirmation Agreement Between Debtor
and Bank of America, N.A.**

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/8/19

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 Kia Soul

Debtor's valuation of property (Sch. B): \$5,533

Amount to be reaffirmed: \$3,015

APR: 5.34%

Contract terms: \$238.89 per month for 13 months

Monthly Income (Schedule I): \$2,209

Monthly expenses: (Schedule J): \$2,248.50

Disposable income: <\$39.50>

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 a right to rescind agreement anytime prior to discharge, or until September 16, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Linda Joyce Stern

Chapter 7

Debtor(s):

Linda Joyce Stern

Represented By
Jeffrey J Hagen

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11440 Hector Ochoa

Chapter 7

**#4.00 Reaffirmation Agreement Between Debtor and
Lendmark Financial Services, LLC**

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/10/19

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: 2001 Nissan Maxima

Debtor's valuation of property (Sch. B): \$553 (damaged in hit & run accident)

Amount to be reaffirmed: \$3,141.25

APR: 35.90%

Contract terms: \$147.92 per month for 28 months

Monthly Income (Schedule I): \$2,236

Monthly expenses: (Schedule J): \$3,751

Disposable income: <\$514.65>

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 looking for additional work to increase her income and that she needs the vehicle to go to work and transport her child. This payment is provided for in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 29,

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... **Hector Ochoa**
2019, whichever is later.

Chapter 7

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Hector Ochoa

Represented By
R Grace Rodriguez

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11448 Theron Lynn Derrick and Brandy Catherine Derrick

Chapter 7

**#5.00 Reaffirmation Agreement Between Debtor
and WESCOM CENTRAL CREDIT UNION**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/11/19

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: no property identified- reaffirmation identifies a credit card for which two vehicles (also financed by this lender) are collateral (see Reaffirmation Agreements, ECF doc. 8 and 11)

Debtor's valuation of property (Sch. B): \$14,331 (2007 Chevrolet Tahoe); and \$27,262 (2015 Lexus NX) - total value of collateral = \$41,593

Amount to be reaffirmed: \$8,055

APR: 20.15% adjustable

Contract terms: \$241 per month until paid

Monthly Income (Schedule I): \$4,677.57

Monthly expenses: (Schedule J): \$5,237

Disposable income: <\$559.43>

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. Payment for this credit card not listed on Sch. J.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Theron Lynn Derrick and Brandy Catherine Derrick Chapter 7

Debtor has a right to rescind agreement anytime prior to discharge, or until August 27, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Theron Lynn Derrick

Represented By
Kevin T Simon

Joint Debtor(s):

Brandy Catherine Derrick

Represented By
Kevin T Simon

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11448 Theron Lynn Derrick and Brandy Catherine Derrick

Chapter 7

**#6.00 Reaffirmation Agreement Between Debtor
and WESCOM CENTRAL CREDIT UNION**

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/11/19

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: no property identified- reaffirmation identifies a credit card for which two vehicles (also financed by this lender) are collateral (see Reaffirmation Agreements, ECF doc. 8 and 11)

Debtor's valuation of property (Sch. B): \$14,331 (2007 Chevrolet Tahoe); and \$27,262 (2015 Lexus NX) - total value of collateral = \$41,593

Amount to be reaffirmed: \$5,024.47

APR: 20.15% adjustable

Contract terms: \$150 per month until paid

Monthly Income (Schedule I): \$4,677.57

Monthly expenses: (Schedule J): \$5,237

Disposable income: <\$559.43>

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. Payment for this credit card not listed on Sch. J.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Theron Lynn Derrick and Brandy Catherine Derrick Chapter 7

Debtor has a right to rescind agreement anytime prior to discharge, or until August 27, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Theron Lynn Derrick

Represented By
Kevin T Simon

Joint Debtor(s):

Brandy Catherine Derrick

Represented By
Kevin T Simon

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11550 Waldo Blanco Vieyra and Gloria E Vieyra

Chapter 7

#7.00 Motion for Approval of Reaffirmation Agreement with 21st Mortgage Corporation (mobile home)

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/21/19

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 Clayton Manufactured Home

Debtor's valuation of property (Sch. B): \$179,054

Amount to be reaffirmed: \$158,078

APR: 10.12% (fixed)

Contract terms: \$1,709.72

Monthly Income (Schedule I): \$5,783.51

Monthly expenses: (Schedule J): \$5,775.75

Disposable income: \$7.76

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?

This payment is included in Debtor's Sch. J under "Rental or home ownership expenses"

Debtor has a right to rescind agreement anytime prior to discharge, or until July 23, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Waldo Blanco Vieyra and Gloria E Vieyra

Chapter 7

Party Information

Debtor(s):

Waldo Blanco Vieyra

Represented By
R Grace Rodriguez

Joint Debtor(s):

Gloria E Vieyra

Represented By
R Grace Rodriguez

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11550 Waldo Blanco Vieyra and Gloria E Vieyra

Chapter 7

**#8.00 Reaffirmation Agreement Between Debtor
and Ally Bank**

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/21/19

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 Jeep Patriot

Debtor's valuation of property (Sch. B): \$20,000

Amount to be reaffirmed: \$15,579.82

APR: 16.84% (fixed)

Contract terms: \$413.20 oer month for 54 months

Monthly Income (Schedule I): \$5,783.51

Monthly expenses: (Schedule J): \$5,775.75

Disposable income: \$7.76

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?

This payment is included in Debtor's Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until July 23, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Waldo Blanco Vieyra and Gloria E Vieyra

Chapter 7

Party Information

Debtor(s):

Waldo Blanco Vieyra

Represented By
R Grace Rodriguez

Joint Debtor(s):

Gloria E Vieyra

Represented By
R Grace Rodriguez

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

1:19-11519 Eric E Estrada

Chapter 7

**#8.01 Reaffirmation Agreement Between Debtor and
U.S. Bank National Association**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition date: 6/20/19

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 Chevrolet Silverado

Debtor's valuation of property (Sch. B): \$18,500

Amount to be reaffirmed: \$17,932.28

APR: 4.38% (fixed)

Contract terms: \$557.48 per month for 39 months

Monthly Income (Schedule I): \$1,800

Monthly expenses: (Schedule J): \$1,755

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?

Payment included in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 5, 2019, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

8:30 AM

CONT... Eric E Estrada

Chapter 7

Party Information

Debtor(s):

Eric E Estrada

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#52.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 115

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Pella Parker

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#53.00 Debtor's Motion for Determination of Final Cure and Payment of all Post-Petition Mortgage Payments.

fr. 6/25/19, 7/30/19

Docket 125

***** VACATED *** REASON: Resolved per Stip, Doc. 140 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is the status of this motion?

6/25/19 Tentative

Federal Rule of Bankruptcy Procedure 3002.1(h) provides that "On motion of the debtor or trustee filed within 21 days after service of the statement under subdivision (g) of this rule, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts."

The Court determines that, as admitted by Debtor, he has not paid all required postpetition amounts. The issues with Ocwen/HSBC will have to be dealt with separately.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Movant(s):

Frank J. Merwald

Represented By
Elena Steers
Elena Steers
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

CONT... Frank J. Merwald

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#54.00 Motion for Determination of Final Cure and Mortgage Payment
re: Rule 3002.1 re HSBC Bank USA, NA

fr. 6/25/19, 7/30/19

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

6/25/19 Tentative

HSBC did not file an opposition. HSBC's proof of claim states that Notices should be sent to Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, PO Box 24605, West Palm Beach, FL 33416. The proof of service attached to the notice of motion (Doc 129) does not include service on Ocwen. This matter will be continued to allow time for Debtor to properly serve HSBC.

Ocwen, when it appears, can also file a declaration explaining what happened with respect to the Notice of Mortgage Payment Change filed May 10, 2017 that resulted in a sudden doubling of Debtor's required mortgage payments.

Further, when this plan became infeasible after the sudden and dramatic increase in Mortgage payments, why didn't Debtor's counsel bring a motion to modify the chapter 13 plan? This plan has been infeasible for years, but the Debtor continued making payments without any realistic hope of receiving a discharge.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

CONT... Frank J. Merwald

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-11682 Mitchell Whitfield and Tracy Whitfield

Chapter 13

#55.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Refunds

Docket 82

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Mitchell Whitfield

Represented By
Stella A Havkin

Joint Debtor(s):

Tracy Whitfield

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12566 Gabriel Rufus and Shirley Rufus

Chapter 13

#56.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Gabriel Rufus

Represented By
Devin Sawdayi

Joint Debtor(s):

Shirley Rufus

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12567 Terry Byrd Pitt

Chapter 13

#57.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Terry Byrd Pitt

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12591 Robert Troy Harriman and Dolores Villanueva

Chapter 13

#58.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 78

***** VACATED *** REASON: Notice of w/drawal filed 8/7/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Troy Harriman

Represented By
David Samuel Shevitz

Joint Debtor(s):

Dolores Villanueva

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12736 Alan M. Walsh and Terry L. Walsh

Chapter 13

#59.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 65

*** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #72. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alan M. Walsh

Represented By
Stephen Parry

Joint Debtor(s):

Terry L. Walsh

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12798 Emmanuel Perez, III

Chapter 13

#60.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 63

*** VACATED *** REASON: Trustee filed a withdrawal - doc. #65. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emmanuel Perez III

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12829 Victor Mora and Lessly Mora

Chapter 13

#61.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 33

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #35. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Mora

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Lessly Mora

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-12965 Ricardo Alfonso Masin

Chapter 13

#62.00 Debtor's Opposition to Ch. 13 Trustee's Notice of Intent to Increase the Percentage to Unsecured Creditors.

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ricardo Alfonso Masin

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13290 Guadalupe Estela Corona

Chapter 13

#63.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 106

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Guadalupe Estela Corona

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13398 Engelberto Garcia De Alba

Chapter 13

#64.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 88

***** VACATED *** REASON: Trustee filed a withdrawal on 8/14/19. - Doc.
#93. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Engelberto Garcia De Alba

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13455 Nicolasa Martinez

Chapter 13

#65.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Nicolasa Martinez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13497 Aleksandra Vartapetova

Chapter 13

#66.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 59

*** VACATED *** REASON: Withdrawal filed by trustee - doc. 61. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aleksandra Vartapetova

Represented By
Michael Poole

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13544 Luz Maria Rodriguez

Chapter 13

#67.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 77

*** VACATED *** REASON: Motion withdrawn, Doc 82 -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luz Maria Rodriguez

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13643 Felipe de Jesus Reyes

Chapter 13

#68.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Felipe de Jesus Reyes

Represented By
Brett F Bodie

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13670 Mariam Keshishyan

Chapter 13

#69.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 62

***** VACATED *** REASON: Trustee filed withdrawal - doc #64. rt**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mariam Keshishyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13718 Nina L. Novak

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 100

*** VACATED *** REASON: Motion withdrawn, Doc 104 -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nina L. Novak

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13760 VANESSA PAOLA OJINAGA

Chapter 13

#71.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 124

*** VACATED *** REASON: Ntc. of w/d filed 8/1/19 (eg)

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

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-13940 Maria Polanco de Amaya

Chapter 13

#72.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 60

*** VACATED *** REASON: Withdrawn, Doc 62 -CT

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Polanco de Amaya

Represented By
Susan Jill Wolf

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14048 Girard H. Boardman

Chapter 13

#73.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Girard H. Boardman

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14129 Kya Supreme Bradley

Chapter 13

#74.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Kya Supreme Bradley

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14146 Elisha Zeev Majerczyk

Chapter 13

**#75.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns**

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Elisha Zeev Majerczyk

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14171 Caridad Gadia Corpus

Chapter 13

#76.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Caridad Gadia Corpus

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14219 Carmine Antoniello

Chapter 13

#77.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14262 Sharon Lynn Dilmani

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Sharon Lynn Dilmani

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14357 Missy Woodward

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Missy Woodward

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14403 Gaylor Shawan Dunn

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 41

***** VACATED *** REASON: Ntc. of w/drawal filed 8/15/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gaylor Shawan Dunn

Represented By
Stuart R Simone

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#81.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 63

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14868 Marjorie Ann Stoddard

Chapter 13

#82.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 185

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Marjorie Ann Stoddard

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14889 Guy Pierre Hector and Brenda Buell Hector

Chapter 13

#83.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 72

*** VACATED *** REASON: Trustee filed withdrawal - doc #74. rt

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14928 Edwin W. Diego

Chapter 13

#84.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 100

*** VACATED *** REASON: Trustee filed withdrawal - doc #104. rt

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin W. Diego

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14932 Irving Antonio Solorzano and Rosie Ann Solorzano

Chapter 13

#85.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14932 Irving Antonio Solorzano and Rosie Ann Solorzano

Chapter 13

#86.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-14950 Arlene Binder

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 44

*** VACATED *** REASON: Nt. of w/drawal filed 8/14/19 (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arlene Binder

Represented By
Brett F Bodie

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15003 Pardeep Gupta

Chapter 13

#88.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Pardeep Gupta

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15110 Marlene Colon

Chapter 13

#89.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Refunds

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Marlene Colon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15135 Rosa Maria Hernandez

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Rosa Maria Hernandez

Represented By
Sydell B Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15223 Saul O Aviles

Chapter 13

#91.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Saul O Aviles

Represented By
Eric C Morris

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15237 Per Gunnar Sjofors

Chapter 13

#92.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 58

*** VACATED *** REASON: Trustee filed withdrawal - doc #60. rt

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Per Gunnar Sjofors

Represented By
Nima S Vokshori

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15377 Monica Nieves

Chapter 13

#93.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 78

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #81. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Nieves

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15423 David F Shin

Chapter 13

#94.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

David F Shin

Represented By
Tyson Takeuchi
Scott Kosner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15455 Sirous Salem

Chapter 13

#95.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Sirous Salem

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15499 Maria Trujillo

Chapter 13

#96.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Maria Trujillo

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15586 Rebecca Eva Arvizu

Chapter 13

#97.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Rebecca Eva Arvizu

Represented By
Todd Mannis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15605 Rolando Chavez and Irma Chavez

Chapter 13

#98.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Rolando Chavez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Irma Chavez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15638 Concepcion Ruiz

Chapter 13

#99.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 63

*** VACATED *** REASON: Trustee filed withdrawal - doc #66. rt

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Concepcion Ruiz

Represented By
Steven L. Kimmel

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:14-15665 Luis Gerardo Castillo

Chapter 13

#100.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #52. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Gerardo Castillo

Represented By
Daniel F Jimenez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-10526 Lourdes Will and John L Will

Chapter 13

**#101.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lourdes Will

Represented By
Daniel King

Joint Debtor(s):

John L Will

Represented By
Daniel King

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-10669 Steven Ward Rubain

Chapter 13

#102.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 60

***** VACATED *** REASON: Withdrawal filed by trustee - doc. #62. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Ward Rubain

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-10798 Omid Navid and Mahnaz Dana

Chapter 13

#103.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 96

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #102. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Omid Navid

Represented By
Farbood Majd

Joint Debtor(s):

Mahnaz Dana

Represented By
Farbood Majd

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-10864 Luis Alberto Paz De La Vega-Mayandia and Margarita

Chapter 13

#104.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19, 7/30/19

Docket 51

***** VACATED *** REASON: Trustee filed withdrawal - doc #54. rt**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Paz De La Vega-

Represented By
Ali R Nader

Joint Debtor(s):

Margarita Mirtha Calle-Zanabria

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-11258 Heintje Albert Saerang

Chapter 13

#105.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 37

***** VACATED *** REASON: Trustee filed withdrawal - doc. #39. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heintje Albert Saerang

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#106.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 7/30/19

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

What is the status of this motion?

7/30/19 Tentative

Debtors filed a motion to modify their chapter 13 plan under § 1329(a) (the "Motion"). Despite receiving a loan modification, Debtors fell behind on plan payments due to inconsistent income. Debtors' Motion seeks to suspend 7.22 plan payments and reduce monthly payments from \$3,288 to \$2,972.

Elizabeth Rojas, chapter 13 trustee ("Trustee") filed an opposition to the Motion, recommending that the modification be disapproved because 1) Debtors have not provided evidence that the 2017 and 2018 refunds were taken by the taxing authorities to pay 2016 tax liability; 2) Debtors have not provided 2017 state tax returns to the Trustee; 3) Debtors have not provided Trustee current evidence of income; and 4) Debtors have not explained why their amended schedule J includes childcare and education costs for adult children.

APPEARANCE REQUIRED

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

**CONT... David Scott Dobbie and Jackie Ellen Dobbie
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#107.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 5/21/19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-11926 Jacquelyn McQueen David

Chapter 13

#108.00 Notice of Motion of United States Trustee Objecting to Notices of Mortgage Payment Change Filed In Connection with Proof of Claim 6.

fr. 4/23/19; 6/25/19

Docket 34

***** VACATED *** REASON: Resolved per order #48. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn McQueen David

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-12070 Bernice Holtz Hart

Chapter 13

#109.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 2/7/19; 4/23/19, 7/30/19

Docket 39

***** VACATED *** REASON: Trustee filed withdrawal - doc #47. rt**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice Holtz Hart

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-12686 Gregory Medina

Chapter 13

#110.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 30

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #32. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Medina

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-13357 Sergio Montes and Juana Yanira Montes

Chapter 13

**#111.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns**

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

If the motion is not withdrawn or resolved with the Trustee before the hearing, the motion is continued to September 24.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Sergio Montes

Represented By
Kevin T Simon

Joint Debtor(s):

Juana Yanira Montes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:15-13833 Jorge Navarro

Chapter 13

#112.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 38

***** VACATED *** REASON: Ntc. of w/drawal filed 8/14/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Navarro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-10441 Luz Maria Alvarez

Chapter 13

#113.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w)
to modify plan or suspend plan payments

fr. 7/30/19

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the previous hearing, this matter was continued to allow debtor time to provide current paystubs. Has Debtor provided the paystubs?

7/30/19 Tentative

Trustee filed an opposition to Debtor's motion to modify on the grounds that debtor has failed to provide evidence of income and tax returns for 2016, 2017, and 2018. The motion does contain a copy of Debtor's amended schedule I, which constitutes some evidence of income.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Luz Maria 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

**#114.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 113

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-11148 Anita Paula Vogdt

Chapter 13

#115.00 Motion to Reconsider

Docket 91

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Anita Paula Vogdt

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-11148 Anita Paula Vogdt

Chapter 13

#116.00 Motion to Withdraw as Attorney of Record

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Anita Paula Vogdt

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-11417 Farshid Tebyani

Chapter 13

#117.00 Trustee's Motion to Dismiss Case

fr. 4/23/19, 6/25/19, 7/30/19

Docket 77

***** VACATED *** REASON: Trustee filed withdrawal - doc #86. rt**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to modify on June 19. Trustee filed a conditional approval. No order has been lodged as of July 24.

APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

#118.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee and Debtor stipulated to amend the plan. Will Trustee be withdrawing the motion?

Party Information

Debtor(s):

Mark David Cave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#119.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 109

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Rene Tejada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:17-10702 Vicente Rafael Arteaga

Chapter 13

#120.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the June 25 hearing, Debtor's attorney indicated that the debtor couldn't be reached and there were \$300 left to cure the delinquency under the plan. What is the status of this motion?

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

#121.00 Motion for Turnover of Property

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No opposition filed. Service proper. The first position deed of trust on Debtor's home is held by Deutsche Bank and serviced by Nationstar, LLC. The second position deed of trust against that property is held by U.S. Bank and is currently serviced by Specialized Loan Servicing (SLS). Debtor obtained an order avoiding the second position lien as fully unsecured. The confirmed chapter 13 plan indicates that the second position lien will be paid at 4% with the general unsecured creditors and that the arrears of approximately \$84,000 on the first position lien will be cured. Debtor fell behind on payments to Deutsche Bank post-confirmation and Deutsche responded by filing a Motion for Relief from the Automatic Stay (the "MFR"). Debtor and Deutsche stipulated to continue the MFR hearing once, and a continued hearing was held on April 11, 2018.

At the April 11 hearing before Judge Barash on the MFR, movant's counsel appeared and indicated that he had not been in touch with Debtor's counsel. Movant further stated that Debtor was still three post-petition payments in default and requested that the Court grant relief from the automatic stay per the motion. The Court granted the motion, noting that it was a shame that Debtor did not appear and that the arrearages were relatively small.

After relief from stay was granted to SLS, and before the Court approved a stipulation reinstating the automatic stay, the Chapter 13 Trustee ceased making distributions to Deutsche and began making increased distributions to SLS. This is due to the language in the order on the MFR, which states as follows:

In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this order. The secured portion of Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must

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CONT...

Nicole Karen Lee

Chapter 13

return to the trustee any payment received from the trustee on account of Movant's secured claim after entry of this order.

ECF Doc. 40. Debtor argues that funds disbursed to SLS on account of its unsecured claim for the avoided second position lien should be turned over. The Motion states that the order was entered as a result of a mistake on the part of the parties. Debtor represents in the Motion that "the parties were still in the middle of negotiating an adequate protection order," but "none of the parties advised the Court of the same, and the Court granted the MFR at a continued hearing on the MFR held on April 11, 2018." This is an inaccurate summary of events, as explained above. Deutsche appeared at the hearing on the MFR and requested that the motion be granted. Debtor did not appear.

Debtor argues that SLS has been unjustly enriched by receiving more under the Plan than was initially promised, and that the Court should order turnover of funds received by SLS under §§ 542 and 105. Debtor has provided no authority indicating that funds properly distributed by the chapter 13 trustee to a creditor can form the basis for "unjust enrichment" or turnover under § 542(a). It appears that a more proper path would have been for Debtor to file a motion for reconsideration of the MFR under FRCP 60(b), but the time for doing so has passed. Debtor is significantly in arrears under the Plan according to a trustee's Motion to Dismiss.

The Motion is denied.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nicole Karen Lee

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:17-10982 Nicole Karen Lee

Chapter 13

#122.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Karen Lee

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-11133 Nelson Ariel Sazo and Patricia Sazo

Chapter 13

**#123.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 7/30/19

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to modify the plan and Trustee filed an opposition recommending disapproval of the motion to modify. Is Debtor going to lodge an order per LBR 3015-1(w)(3)(B)?

Party Information

Debtor(s):

Nelson Ariel Sazo

Represented By
Devin Sawdayi

Joint Debtor(s):

Patricia Sazo

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-11764 Jeffrey Arthur Craddock

Chapter 13

#124.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 66

***** VACATED *** REASON: Ntc. of w/drawal filed 8/14/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#125.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19; 4/23/19, 6/25/19, 7/30/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

6/25/19 Tentative

There has been no change since the last hearing. What is the status of the motion to modify?

Fr. 4/23/19

Debtor filed motion to modify. Trustee responded to the motion, arguing that it should be denied because Debtor failed to provide evidence of current income and no budget had been filed. Debtor subsequently filed an amended schedule I on March 27. No order has been lodged on that motion to modify, no hearing has been set, and Trustee has not supplied any new comments. What is the status of the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:17-12308 Allan Apan

Chapter 13

#126.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19, 7/30/19

Docket 43

***** VACATED *** REASON: Trustee filed withdrawal - doc #59. rt**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor's motion to modify was granted on June 27. Does Trustee intend to withdraw the motion?

Cont'd from 6/25/19

Debtor filed a motion to modify and Trustee filed its comments thereto on April 30, 2019. Nothing new has been filed since then. What is the holdup with the motion to modify?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Allan Apan

Represented By
James Geoffrey Beirne

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-13031 Marilyn Rafanan Jones

Chapter 13

#127.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 86

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marilyn Rafanan Jones

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:18-10018 Betty D Frey

Chapter 13

#128.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 72

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Betty D Frey

Represented By
Gregory M Shanfeld

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:18-10570 Laura Pena

Chapter 13

#129.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 7/30/19

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Pena

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#130.00 Objection to claim no. 2
by LDI Ventures, LLC.

fr. 10/23/18; 2/26/19

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has filed a motion in the adversary seeking leave to file an amended complaint in response to LDI's motion to dismiss. A hearing on that motion for leave to file an amended complaint is scheduled for September 11. This matter will be continued to September 11 trail to adversary.

NO APPEARANCE REQUIRED ON AUGUST 20

2/26/19 Tentative

This matter is trailing the related adversary proceeding, 18-01101 (the "Adversary"). Nothing new has been filed in either the lead case or the Adversary since the previous Adversary status conference. The next status conference in the Adversary is scheduled for July 31, 2019. The plan cannot be confirmed and this objection to claim cannot be resolved until after the Adversary is resolved. This objection to claim will therefore be continued to August 20, 2019.

NO APPEARANCE REQUIRED

10/23/19 Tentative

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

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CONT... Nazaret Kechejian

Chapter 13

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:18-11203 Barjinder Singh

Chapter 13

#131.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 6/25/19

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Nothing new has been filed. What is the status of the motion to modify?

Cont'd fr 6/25/19

Debtor's opposition indicates reduction in income and a closure of one of Debtor's business locations. Debtor indicates that he will bring a motion to modify, but that it is difficult to determine his current income.

Party Information

Debtor(s):

Barjinder Singh

Represented By
D Justin Harelik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#132.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19, 7/30/19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor and trustee stipulated to modify the plan. Will the trustee be withdrawing the motion?

Party Information

Debtor(s):

Thomas Vy Nguyen

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

#133.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fredy A. Caballero

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#134.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-10628 Kaaren Yeghiazarian

Chapter 13

#135.00 Motion to Commence Loan Modification
Management Program

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Wells Fargo filed an Opposition to Debtor's Motion to Commence the Loan Modification Management program. Debtor has filed the following cases:

1:11-bk-14939-VK: dismissed 11/14/12 for failure to make plan payments
1:12-bk-20509-VK: Dismissed 11/14/13 for failure to make plan payments
1:13-bk-14625-AA: Dismissed 7/9/14 for failure to make plan payments
1:14-bk-10970-MB: Chapter 13 discharge received 1/18/17
1:18-bk-11499-MB: Dismissed 7/2/18 for failure to file information
1:18-bk-12165-MT: Dismissed with a 180-day bar on 9/13/18
1:19-bk-10628-MT: Instant case filed six days after bar to refiling elapsed

Wells Fargo filed a motion for relief from the automatic stay, which was granted on June 3, 2019. Wells Fargo also states that because Debtor's spouse is the borrower on the loan, there will be technical problems with any loan modification review process.

Debtor has not responded to Wells Fargo's Opposition. The Court is inclined to deny the motion to commence the LMM program as relief from stay has already been granted and it appears that this Debtor has repeatedly abused the automatic stay.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Kaaren Yeghiazarian

Represented By
Matthew D Resnik

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CONT... Kaaren Yeghiazarian

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#136.00 Motion RE: Objection to Claim Number 3 by Claimant U.S. Bank, National Association, et al. c/o PHH Mortgage Corporation, its Successors and/or Assigns.

fr. 7/30/19

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

U.S. Bank's limited opposition to the objection to claim indicates that there were some errors in the original documents in support of its proof of claim, though the total numbers itself were correct. U.S. Bank has amended its claim and states that the amendment resolves Debtor's objection. Is debtor satisfied with the amendments? Also, how did U.S. Bank submit an accounting that omitted such a large amount of payments?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Bridget G Moran Smith

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-10984 Ernesto Martinez and Gabriela Martinez

Chapter 13

**#137.00 Chapter 13 Trustee's Objection to Homestead
Exemption**

Docket 24

***** VACATED *** REASON: Ntc. of w/drawal filed 8/14/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto Martinez

Represented By
R Grace Rodriguez

Joint Debtor(s):

Gabriela Martinez

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#138.00 Motion RE: Objection to Claim Number 2 by Claimant
JPMorgan Chase Bank.

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. On July 27, Debtor filed an adversary proceeding against Chase bank. This objection to claim will trail that adversary. Counsel for Chase also filed a motion to continue the hearing on this objection to claim until September 10 or later. This matter will be continued to September 18, 2019 at 10:00 a.m. to be heard with the adversary status conference.

NO APPEARANCE REQUIRED ON AUGUST 20

Party Information

Debtor(s):

Fred Feraydoon Humble	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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11:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#139.00 Motion RE: Debtor's Objection to Creditor, LVNV Funding, LLC, Claim Number 1,3,4 by Claimant

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. LVNV filed an unsecured claim for \$27,562.81 for "money loaned." The claim attached documents evidencing the transfer of a claim, but does not detail the nature of the claim. Debtor argues that LVNV Funding ("LVNV") has violated the Fair Debt Collection Practices Act in collecting this charged off debt. Debtor's pro se objection to claim seems to be structured as a class action under the FDCPA.

The documents submitted in support of the proof of claim indicate that the debt was charged off on July 24, 2005, and that the last payment was June 3, 2005. This would make the debt well past the four year statute of limitations under California law. Such debt is not enforceable against the debtor or the property of the debtor, and the claim is therefore disallowed under § 502(b)(1). See Midland Funding, LLC v. Johnson, 137 S. Ct. 1407 (2017). The Court will not rule on the FDCPA claim, as that must be brought as an adversary proceeding. The Objection to Claim is SUSTAINED in part and OVERRULED in part.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Fred Feraydoon Humble

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-11036 Doris Corcoran

Chapter 13

#140.00 Motion RE: Objection to Claim by Claimant
LVNV Funding, LLC.

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor objects to the claim of LVNV on the basis that the debt was charged off by more than twenty years ago with the last activity being October 31, 2005, more than thirteen years ago. The relevant statute of limitations is four years per C.C.P. § 337. No opposition was filed. The claim is unenforceable under state law and, therefore, disallowed under § 502(b)(1).

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Doris Corcoran

Represented By
David S Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:19-11147 Raul Rodriguez Arellano and Guadalupe Rodriguez

Chapter 13

#141.00 Chapter 13 Trustee's Objection to Homestead
Exemption

Docket 32

*** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #41. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Rodriguez Arellano

Represented By
Giovanni Orantes

Joint Debtor(s):

Guadalupe Rodriguez

Represented By
Giovanni Orantes

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:19-11159 Craig Huxley

Chapter 13

**#142.00 Chapter 13 Trustee's Objection to Homestead
Exemption**

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee objects to Debtor's claimed exemption in song compositions allegedly worth \$5,000 under C.C.P. § 704.060 (Personal property necessary to and used in exercise of trade, business, or profession). That subsection allows an exemption of "(a) Tools, implements, instruments, materials, uniforms, furnishings, books, equipment, one commercial motor vehicle, one vessel, and other personal property. . . if reasonably necessary to and actually used by the judgment debtor in the exercise of the trade, business, or profession by which the judgment debtor earns a livelihood." C.C.P. § 704.060(a)(1). No opposition has been filed.

The question for the Court is whether song compositions constitute personal property reasonably necessary to and actually used in the exercise of the profession by which the judgment debtor earns a livelihood. "The question of whether section 704.060 applies generally poses a question of fact in the trial court to be determined upon common-sense principles, in view of the circumstances of the particular case." Kono v. Meeker, 196 Cal. App. 4th 81, 87 (2011)(holding that inventory items are not "tools of the trade"). Debtor works as a musician/producer according to Debtor's schedule I. Debtor has not filed any opposition. In order to determine whether Debtor's compositions are more akin to inventory or property used for Debtor's profession, more information may be required on how Debtor earns money from the compositions.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Craig Huxley

Represented By
Shai S Oved

**United States Bankruptcy Court
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CONT... Craig Huxley

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:19-11165 Mercedes R. Morales

Chapter 13

**#143.00 Chapter 13 Trutee's Objection to Homestead
Exemption**

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee argues that Debtor has not provided sufficient support for her claim of exemption of \$100,000 as Debtor is 63 years old and earns \$75,112.92 per year according to her schedule I. C.C.P. 704.730(a)(2) allows an exemption for \$100,000 "if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead a member of a family unit, and there is at least one member of the family unit who owns no interest in the homestead or whose only interest in the homestead is a community property interest with the judgment debtor."

Debtor's schedules do not indicate that there are any other members of the family unit residing with her. Debtor is apparently too young and earns too much money to be entitled to the enhance \$175,000 exemption. See C.C.P. 704.730(a)(3). Debtor has not filed an opposition. Unless Debtor can provide some evidence that she is entitled to the \$100,000 or \$175,000 exemptions, Debtor's homestead exemption will be limited to \$75,000 per C.C.P. 704.030(a)(1).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mercedes R. Morales

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-11537 Armen Melikyan

Chapter 13

#144.00 Motion for Order Compelling Attorney to File
Disclosure of Compensation and Disgorgement
of Fees Pursuant to 11 U.S.C. § 329

Docket 9

***** VACATED *** REASON: Ntc. of w/drawal filed 8/6/19 (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armen Melikyan

Represented By
Sammy Zreik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#144.01 Order to Show Cause why Debtor's Attorney
Philomena Nzegge Should Not have Fees
Disgorged for Failure to Comply with Rights
and Responsibilities Agreement

Docket 63

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Since the entering of the OSC, attorney Philomena Nzegge has filed a Motion to Withdraw as Attorney of Record. Nzegge states that through her representation of Debtor in connection with three motions for relief from the automatic stay, the relationship between Debtor and herself broke down. Nzegge states that she cannot reveal more information without disturbing client confidentiality. Debtor has not filed any written opposition. Debtor may make any opposition orally at the hearing.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-11625 Linda Akerele Alele

Chapter 13

#144.02 Motion to Withdraw as Attorney of Record

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

See Calendar 144.01

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Tuesday, August 20, 2019

Hearing Room 302

12:00 PM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#145.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18; 4/23/19, 6/25/19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Per the status report filed in the adversary July 29, this matter will be continued to
September 24 at 11:00 a.m.

NO APPEARANCE REQUIRED ON AUGUST 20

6/25/19 Tentative

Appearance Required

4/23/19 Tentative

This matter will be heard at 1:00 p.m. at the same time as the OSC and adversary
status conference.

NO APPEARANCE REQUIRED AT 11:00 A.M.

10/23/18 Tentative

There is no need to rule on this claim until the state court litigation is completed.
This can be continued a few months to see what the Superior Court rules

Party Information

Debtor(s):

Hamid Farkhondeh

Represented By
Stella A Havkin

Joint Debtor(s):

Mary Dadyan

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

12:00 PM

CONT... Hamid Farkhondeh and Mary Dadyan

Chapter 13

Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

12:00 PM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#146.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19; 4/23/19, 6/25/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Per the status report filed July 29, this matter will be continued to September 24 at 11:00 a.m.

NO APPEARANCE REQUIRED ON AUGUST 20

Cont'd fr 6/25/19

The state court trial was continued to July 22. Will July 30 or 31 work for a continued SC?

APPEARANCE REQUIRED

4/10/19 Tentative

The Joint Status Report submitted by the parties indicates that the state court trial begins on May 10. Plaintiffs request that this matter be continued to April 23, 2019 to coincide with the Order to Show cause scheduled for that day. Defendants request that the hearing be continued to May 10, 2019.

This matter will be continued to April 23, 2019 at 1:00 p.m.

NO APPEARANCE REQUIRED on 4-10-19.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 20, 2019

Hearing Room 302

12:00 PM

CONT... Hamid Farkhondeh

Chapter 13

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11840 William Hughes Gaines

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 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Hughes Gaines	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11848 Deborah Denise Hyman

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Denise Hyman	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11899 Raymond Johnson

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Johnson

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11929 Ricardo Fuentes Quintanilla

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 -

Party Information

Debtor(s):

Ricardo Fuentes Quintanilla	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11935 Maria Estela San Vicente

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Estela San Vicente	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11970 Kathy McCabe

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 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathy McCabe

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

9:30 AM

1:19-11982 William Edward Cline

Chapter 13

#0.07 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 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Edward Cline	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#1.00 Motion for relief from stay

U.S.BANK N.A., SUCCESSOR TRUSTEE
BANK OF AMERICA, et., al.

Docket 708

Tentative Ruling:

Likely to be continued by stipulation

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#2.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19, 5/1/19, 6/5/19, 6/26/19; 7/17/19

Docket 77

Tentative Ruling:

APPEARANCE REQUIRED

6/26/19 Tentative

At the 06/5/19 hearing, the parties indicated they will seek the assistance of the Court's LMM program. On June 16, 2019, Debtor filed a Motion to Commence LMM Program. The time for objection under LBR 9013-1(o) runs on or about July 1, 2019. Given the status of the LMM Motion, the Court finds cause to continue this hearing to July 17, 2019, to allow for the LMM Motion to be resolved.

NO APPEARANCE REQUIRED ON 6/26/19

6/5/19 TENTATIVE BELOW

At the last hearing, the parties indicated that the creditor had the package to review. Nothing has been filed since the last hearing. What is the status of this matter? This has been continued several times without any clear progress.

APPEARANCE REQUIRED

5/1/19 Tentative

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Chapter 13

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:16-11278 Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

#3.00 Motion for relief from stay

BMW BANK OF NORTH AMERICA

Docket 63

Tentative Ruling:

Petition Date:

Chapter:

Service: Proper. No opposition filed.

Property:

Property Value: \$ (per debtor's schedules)

Amount Owed: \$

Equity Cushion: 0.0%

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):

Armine Charkhchyan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Andranik Charkhchyan

Represented By
Rosie Barmakszian

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:16-12898 Jose Ramon Mendoza and Norita Del Carmen Mendoza

Chapter 13

#4.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 6/5/19; 7/17/19

Docket 59

***** VACATED *** REASON: Resolved per APO (doc. 65) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ramon Mendoza

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Norita Del Carmen Mendoza

Represented By
Jaime A Cuevas Jr.

Movant(s):

THE BANK OF NEW YORK

Represented By
Jamie D Hanawalt
Alexander K Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-10662 Ned Gilman

Chapter 13

#5.00 Motion for relief from stay

Wells Fargo Bank

Docket 68

***** VACATED *** REASON: Stip. cont. to 9/18/19 @10am (eg)**

Tentative Ruling:

Pursuant to the stipulation filed August 16, this matter will be continued to September 18, 2019 at 10:00 a.m.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

Movant(s):

Wells Fargo Bank, N.A.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#6.00 Motion for relief from stay

QUICKEN LOANS INC.

Docket 65

Tentative Ruling:

Petition Date: 3/1/18
Chapter 13 plan confirmed: 1/16/19
Service: Proper. Opposition filed.
Property: 12973 Correnti St., Pacoima, CA 91331
Property Value: \$497,595 (per debtor's schedules)
Amount Owed: \$343,381.76
Equity Cushion: 23%
Equity: <\$48,819.80>
Post-Petition Delinquency: \$13,824.08 (2 payments of \$1,650.89; 2 payments of \$1,359.50; 5 payments of \$1,380.66; post-petition advances of \$900)

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, explaining that he experienced a decrease in rental income as his tenant (his brother) suffered complications from his diabetes and was unable to work and thus unable to tender rent. Now that Debtor's brother is working again and paying increased rent, Debtor would like to cure the deficiency via APO.

Valley Economic Development Center ("VEDC"), a secured creditor in this case (see PoC 6-1) filed a response, noting that there is an equity cushion protecting Movant's claim. VEDC also filed a response to inform the parties and the Court that it is a debtor-in-possession in its own chapter 11 case (1:19-bk-11629-DS). While VEDC does not oppose Movant obtaining relief from stay in this chapter 13 case, to the extent that any action by Movant

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Joaquin Martinez Chapter 13

implicates or affects VEDC's interest in the Property, it is VEDC's position that Movant may have to obtain relief from the automatic stay in VEDC's bankruptcy case.

Have Debtor and Movant had the opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#7.00 Motion for relief from stay

LDI VENTURES, LLC

Docket 54

Tentative Ruling:

APPEARANCE REQUIRED

There appears to be adequate equity and a good faith basis to dispute the loan amount that this should be continued to permit the resolution of the underlying dispute.

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Movant(s):

LDI Ventures, LLC

Represented By
Eamon Jafari
Scott D Dyle
Yevgeniya Lisitsa

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-11525 Maria Sarabia

Chapter 13

#8.00 Motion for relief from stay

BANC OF CALIFORNIA DBA
BANC HOME LOANS

fr. 7/17/19

Docket 39

Tentative Ruling:

This hearing was continued from 7/17/19 so the parties could discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

7-17-19 TENTATIVE BELOW

Petition Date: 06/18/2018

Chapter 13 plan confirmed: 11/5/18

Service: Proper. Opposition filed 7/10/19.

Property: 327 North Alexander Street, San Fernando, CA 91340

Property Value: \$579,760 (per debtor's schedules)

Amount Owed: \$509,053.29 (per RFS motion)

Equity Cushion: 4%

Equity: \$79,065

Post-Petition Delinquency: \$4,338.42

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). Debtor opposes the Motion, arguing that the value of the property is \$609,000 providing a sufficient equity cushion. Debtor states in the Opposition that the parties are negotiating an APO. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Maria Sarabia

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Maria Sarabia

Donald E Iwuchuku

Chapter 13

Movant(s):

Banc of California dba Banc Home

Represented By

Mark S Krause

Erin M McCartney

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

#9.00 Motion for relief

DCA DRILLING AND CONSTRUCITON

Docket 42

Tentative Ruling:

Movant, a judgment creditor, requests relief under 11 U.S.C. 362(d)(1) to re-file a Motion to Amend Judgment in Ventura Superior Court. Pre-petition, Movant prevailed at trial against debtor Momentum Development, LLC ("Debtor"). Debtor filed for bankruptcy shortly before the Ventura County Superior Court could hear Movant's unopposed motion for attorney fees. Debtor did not identify any real property interests in its bankruptcy schedules. During a 2004 examination, however, Movant alleges that Debtor's testimony revealed (i) Debtor transferred more than 220 acres of real property located in or around San Bernardino to The Pyramid Center (a California non-profit) for little or no consideration and (ii) The Pyramid Center is the alter ego of Debtor. Movant contends that the value of the real property is believed to be approximately \$1,000,000.00. Movant filed a motion to amend judgment (the "Motion to Amend") in the State Action to add The Pyramid Center as a judgment debtor. Debtor objected to the Motion to Amend on the ground it violated the stay and Movant disagreed. The parties' attorneys met and conferred and Movant agreed to withdraw the Motion to Amend without prejudice so that it may obtain relief from the automatic stay here.

Debtor opposes the Motion, arguing that Movant has not articulated a reason under § 362(d)(1) why the stay should be lifted. Debtor explained that its principal Josef Dolezal is a debtor in his own individual bankruptcy, 1:18-bk-11460-MT. Debtor maintains that the Pyramid Center, is a non-profit that was created in 2006 as a "versatile platform for relaxation and multifaceted self-discovery" and it is wholly separate from Debtor Momentum, which is a media company selling DVD's related to personality Jordan Maxwell. Debtor points out that the Property was transferred to the Pyramid Center five and a half years before Momentum filed bankruptcy. Debtor argues that Movant is purporting that there has been a transfer that may trigger a claim, on the one

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Momentum Development LLC

Chapter 7

hand, but on the other hand, Movant claims that it is somehow entitled to adjudicate the appropriateness of this transfer in the underlying state court action between Movant and Momentum by way of a motion to amend a judgment. Debtor argues that Movant does not have standing to assert any claim in that such a claim would be part of the Bankruptcy Estate

Movant clarifies in its reply that its basis for relief from stay under § 362(d)(1) is that Debtor filed the bankruptcy in bad faith. See In re Plumberex Specialty Products, Inc., 311 B.R. 551, 557 (2004). Movant's position is that the transfer occurred after Debtor and Movant had entered into a contract and after a dispute over money had erupted between them. See, RFS, Ex. A, 1:14- 25. Movant urges the Court to that infer Debtor filed the bankruptcy in order to avoid an adverse ruling on the motion for attorney fees. Unlike the debtor in Plumberex, Movant contends that Debtor is fully capable of satisfying any and all debts because it maintains that Pyramid is the *alter ego* of Dolezal and owns 220 + acres of real property. Further, Movant states that it is not attempting to usurp any powers or rights of the Trustee or prosecute a fraudulent transfer action and that Debtor cites to no authority to support its proposition that only a bankruptcy trustee has standing to amend a judgment creditor's state court judgment.

The court is likely to continue this matter to see if the trustee decides to take any action. It appears this matter is more properly a motion to dismiss rather than RFS. If the debt is unsecured, creditors need to await the administration of the case.

Party Information

Debtor(s):

Momentum Development LLC

Represented By

Michael H Raichelson

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12225 Cheryl Lynne Tuch

Chapter 13

#10.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 4/10/19, 6/5/19; 7/17/19

Docket 26

***** VACATED *** REASON: Motion withdrawn Doc 52 -CT**

Tentative Ruling:

On 7/19/19, an Order Granting Motion for Authority to Sell Real Property was entered, ECF doc. What is the status of the sale & this Motion?
APPEARANCE REQUIRED

7-17-19 TENTATIVE BELOW

The parties indicated at the previous hearing that, on May 26, 2019, Debtor had accepted a cash offer to buy the Property. Nothing has been filed since the June 5 hearing. What is the status of this motion?

APPEARANCE REQUIRED

Cont'd fr 6/5/19

The parties indicated at the April 10 hearing that this house was listed for sale. What is the status of this motion?

APPEARANCE REQUIRED

Continued From 4/10/19

Petition Date: August 31, 2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 5826 Saloma Ave, Van Nuys, CA 91411

Property Value: \$789,000 (per debtor's schedules)

Amount Owed: \$414,099 (per RFS motion)

Equity Cushion: 44.0% (assuming 8% cost of sale)

Equity: \$374,901

Post-Petition Delinquency: \$7,961.90

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Cheryl Lynne Tuch

Chapter 13

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 (waiver of the co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion. Debtor states that she will be listing the property for sale shortly, and that Movant is adequately protected by the large equity cushion on the property. Here, it appears that there is a sufficient equity cushion to protect the creditor, notwithstanding the missing post-petition payments. Can the parties work out an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Cheryl Lynne Tuch

Represented By
Steven A Alpert

Movant(s):

Wilmington Savings Fund Society,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

#11.00 Motion for relief from stay

US BANK

Docket 38

Tentative Ruling:

Petition Date: 10/30/18

Chapter 13 plan confirmed: 6/5/19

Service: Proper; co-debtor served. No opposition filed.

Property: 15911 Foothill Bl. Sylmar, CA 91342

Property Value: \$450,000 (per debtor's schedules)

Amount Owed: \$337,470.83

Equity Cushion: 17%

Equity: \$112,530.00

Post-Petition Delinquency: \$5,011.97 (3 payments of \$2,504.98, less
suspense balance of \$2,502.97)

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 the co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment it received was on or about 6/19/19.

There appears to be a sufficient equity cushion in this case and the Order Confirming Debtor's Chapter 13 Plan was entered on June 5, 2019. Have the parties had the opportunity to discuss whether the deficiency can be cured via APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Rolando Drilon Quimson

Represented By

Joshua L Sternberg

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Rolando Drilon Quimson

Chapter 13

Movant(s):

U.S. BANK, NA AS LEGAL TITLE

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10043 Douglas Henry Baylis

Chapter 13

#12.00 Motion for relief from stay

HSBC BANK USA, NATIONAL ASSOC.

Docket 38

Tentative Ruling:

Petition Date: 1/9/19

Chapter 13 plan confirmed: 5/21/19

Service: Proper; co-debtor served. Opposition filed.

Property: 15942 Vose St. Van Nuys, CA 91406

Property Value: \$500,000 (per debtor's schedules)

Amount Owed: \$689,255

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$10,513.26 (2 pre-confirmation payments totaling \$6,958.44; 2 post-confirmation payments totaling \$6,958.44, less suspense balance of \$3,403.62)

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 it received was on or about 6/24/19.

Debtor opposes the Motion, arguing that he believes he has only missed one payment, May 2019, but that he has made the July and August payment. Debtor wishes to cure any remaining delinquency via APO. Have the parties had the opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Douglas Henry Baylis

Chapter 13

Debtor(s):

Douglas Henry Baylis

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10103 Wilfredo Mateo Joaquin

Chapter 13

#13.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORP.

Docket 32

Tentative Ruling:

Petition Date: 1/15/19

Chapter 13 plan confirmed: 6/5/19

Service: Proper. No opposition filed.

Property: 2016 Honda CR-V

Property Value: \$15,000 (per debtor's schedules)

Amount Owed: \$18,757.45

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: 2 payments of \$384.46 (\$768.92)

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):

Wilfredo Mateo Joaquin

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10125 Debra Jean Beach and Andrew Goodman

Chapter 13

#14.00 Motion for relief from stay

CAB WEST LLC

fr. 6/5/19; 7/17/19

Docket 32

Tentative Ruling:

This hearing was continued from 7/17/19 because there remained some amount left to be paid. No new financing was obtained despite a long opportunity to do so. It appears to be time to grant relief. APPEARANCE REQUIRED

7-17-19 TENTATIVE BELOW

On June 7, 2019, Debtors moved to incur debt to purchase the subject vehicle for \$16,623, to be paid over 60 months. On July 5, 2019, an Order Granting Debtors' Motion to Incur Debt was entered (doc. 46). Does the resolution of the Motion to Incur Debt also resolve this Motion?

APPEARANCE REQUIRED

6-5-19 TENTATIVE BELOW

Petition Date: January 18, 2019

Chapter: 13

Service: Proper. No opposition filed.

Property: 2016 Ford Fusion

Property Value: \$ N/A, LEASE (per debtor's schedules)

Amount Owed: \$ 16,623

Equity Cushion: N/A, Lease

Equity: N/A, Lease

Post-Petition Delinquency: N/A, lease matured

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.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Debra Jean Beach and Andrew Goodman

Chapter 13

Party Information

Debtor(s):

Debra Jean Beach

Represented By
Larry D Simons

Joint Debtor(s):

Andrew Goodman

Represented By
Larry D Simons

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10574 Rachid Ahmad Ghossein

Chapter 13

#15.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

Docket 36

Tentative Ruling:

Petition Date: 3/13/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 2010 Mercedes Benz GL Class 550

Property Value: \$15,000 (per debtor's schedules)

Amount Owed: \$15,550.65

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,606.36 (4 payments of \$651.59)

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):

Rachid Ahmad Ghossein

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10817 Zachary T. Elamir

Chapter 7

#16.00 Motion for relief from stay

ADRIAN THOMAS

fr. 6/5/19

Docket 14

***** VACATED *** REASON: Withdrawal filed on 7/11/19 - Doc #33. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zachary T. Elamir

Represented By
Raymond H. Aver

Movant(s):

Adriana Nicolescu Thomas,

Represented By
Eric V Anderton

Adrian Thomas, as Special

Represented By
Eric V Anderton

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10984 Ernesto Martinez and Gabriela Martinez

Chapter 13

#17.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

Docket 27

***** VACATED *** REASON: Resolved per stip, doc 35 -CT**

Tentative Ruling:

Petition Date: 4/23/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 14417 Clymer St. Mission Hills, CA 91345

Property Value: \$557,580 (per debtor's schedules)

Amount Owed: \$430,146

Equity Cushion: 15%

Equity: \$85,480.14

Post-Petition Delinquency: \$2,586.48 (3 payments of \$2,862.16)

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). With the equity cushion here, have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ernesto Martinez

Represented By
R Grace Rodriguez

Joint Debtor(s):

Gabriela Martinez

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, August 21, 2019

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10:00 AM

CONT... Ernesto Martinez and Gabriela Martinez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11013 Jeffrey Steven Summers

Chapter 7

#18.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES INC

Docket 19

Tentative Ruling:

Petition Date: 4/25/19

Converted to Chapter 7: 6/13/19

Service: Proper. Opposition filed.

Property: 2012 Chevrolet Equinox

Property Value: \$11,475 (per Movant's evidence - NADA Guide)

Amount Owed: \$14,818

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,929.82 (more than 8 payments of \$348.77)

Debtor filed a notice of non-opposition on August 7, 2019 (ECF doc. 22).

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 IN WITHIN 7 DAYS.

Party Information

Debtor(s):

Jeffrey Steven Summers

Represented By
Lionel E Giron

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Jeffrey Steven Summers

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11275 Martin Augusto Goncalves Goes

Chapter 7

#19.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 14

Tentative Ruling:

Petition Date: 5/21/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Toyota Prius

Property Value: \$18,300 (per Movant's evidence - NADA Guide)

Amount Owed: \$16,448.16 (LEASE)

Equity: \$1,851.84

Delinquency: \$1,127.72

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 Augusto Goncalves Goes

Represented By

Eric J Gravel

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11345 Juan Cabrera

Chapter 7

#20.00 Motion for relief from stay

SANTANDER CONSUMER USA INC
DBA CHRYSLER CAPITAL

Docket 19

Tentative Ruling:

Petition Date: 5/29/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2010 Honda Civic

Property Value: \$6,900 (per Movant's evidence - NADA Guide)

Amount Owed: \$10,836

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,272.74

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):

Juan Cabrera

Represented By
Shirlee L Bliss

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11395 Moses Vahan Sahakian

Chapter 13

#21.00 Motion for relief from stay

24555 TOWN CENTER DRIVE, LLC

Docket 19

Tentative Ruling:

Petition Date: 6/4/19

Ch: 13

Service: Proper. No opposition filed.

Movant: 24555 Town Center Drive, LLC

Property Address: 24575 Town Center Drive #2202 Valencia, CA 91355

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 6/10/19

UD Judgment: n/a

Movant alleges cause for annulment of the stay because it filed an unlawful detainer complaint against Debtor without notice or knowledge of this bankruptcy case.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief as requested in paragraphs **2** (proceed under 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):

Moses Vahan Sahakian

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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10:00 AM

CONT... Moses Vahan Sahakian

Chapter 13

Movant(s):

24555 Town Center Drive 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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10:00 AM

1:19-11395 Moses Vahan Sahakian

Chapter 13

#22.00 Motion for relief from stay

VALENCIA MARKETPLACE LLC

Docket 26

Tentative Ruling:

Petition Date: 6/4/19

Ch: 13

Service: Proper; co-debtor served. No opposition filed.

Movant: Valencia Marketplace, LLC

Property Address: 25708 The Old Road, Space Pad 4-A, Valencia, CA 91381

Type of Property: non-residential

Occupancy: holdover after lease terminated due to default

Foreclosure Sale: n/a

UD case filed: 4/19/19

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), **5** (relief from co-debtor stay); 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 binding and effective relief requested in paragraphs **9** and **11** because there is not sufficient facts alleged for the Court to find that this case was filed in bad faith.

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
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10:00 AM

CONT... Moses Vahan Sahakian

Chapter 13

Debtor(s):

Moses Vahan Sahakian

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11422 Joe Kearney

Chapter 13

#23.00 Motion for relief from stay

PATRICIA LEUPOLD

Docket 26

Tentative Ruling:

Petition Date: 6/6/19
Chapter: 13
Service: Proper. Opposition filed.
Movant: Patricia Leupold
Relief Sought to: Pursue Pending Litigation XX Commence Litigation

Case Name: Patricia Leupold v. Joe Kearney Construction, et al
Court/Agency: Los Angeles Superior Court, Stanley Mosk
Date Filed: 12/19/17
Judgment Entered: N/A
Trial Start Date: 6/26/19 (vacated due to bankruptcy filing)
Action Description: Breach of Contract; breach of implied warranty;
negligence; intentional and negligent misrepresentation;
elder/financial abuse; claim on bond; disgorgement unfair
business practices; revocation/suspension of contractor's
license

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific 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). Movant alleges cause for relief because the state law causes of action are better resolved in the superior court and that the timing of the filing of this case shows that it was filed in bad faith to delay or interfere with the state court action.

Debtor opposes the Motion, arguing that there are so many bankruptcy implications to the State Complaint and the Cross-Complaint, that relief should be denied. For the reasons stated below, the Court will grant relief

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10:00 AM

CONT... Joe Kearney
from stay.

Chapter 13

Legal Standard

Under 11 U.S.C. 362(d)(1) and on request of a party in interest, "the court shall grant relief from stay...for cause." The bankruptcy code does not define cause, outside of lack of adequate protection. Instead, cause is defined on a case-by-case basis. In re Tucson Estates, Inc., 912 F.2d 1162, (9th Cir. 1990). Bankruptcy courts have discretion in determining whether cause exists to modify the stay. In re MacDonald, 755, F.2d 715 (9th Cir. 1985). Cause may exist where a bankruptcy court may abstain from deciding issues in favor of an imminent state court trial involving the same issues. Id. "Courts have identified various factors relevant to determining whether the stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum. These factors are closely related to those that a bankruptcy court must consider in deciding whether to exercise abstention under 28 U.S.C. 1334(c)(1)." In re Plumberex, 311 B.R. 551, 558 (Bankr. C.D. Cal. 2004).

A number of factors are commonly analyzed to determine whether cause exists to grant relief from the stay. In re Am. Spectrum Realty, Inc., 540 B.R. 730, 737 (Bankr. C.D. Cal. 2015) (citing In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984)). Not all of the Curtis factors will be relevant, and some factors will carry more weight than others. Id. The following factors are implicated here:

1. Whether Relief Will Result in a Partial or Complete Resolution of the Issues

Debtor argues that relief from stay will not completely resolve the issues raised in the State Court Complaint. Specifically, Debtor contends that the state court will not be in a position to resolve the claims objection filed by the Debtor nor can it resolve the causes of action which will undoubtedly result in dischargeability litigation under 11 U.S.C. § 523. Debtor maintains that it does not make sense to exclude other necessary parties (the chapter 13 trustee) from the claim objection process.

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CONT...

Joe Kearney

Chapter 13

Movant counters that relief will result in a complete resolution of the issues, including the adjudication of the causes of action in both the Complaint and the Cross-Complaint. Movant specifies that she will not be pursuing nondischargeability claims under § 523(a)(2) or (a)(4) against Debtor, and only seeks to liquidate her claim against Debtor. Leupold specifies in the Motion that the stay will remain in effect with respect to enforcement of any judgment against Debtor or property of Debtor's bankruptcy estate. Thus, there is no concern about the state court lacking jurisdiction to preside over and adjudicate such claims or the parties having to unnecessarily duplicate their efforts in two forums. Instead, Movant maintains that all of the issues between the parties can be adjudicated in the state court. Even if Movant chooses to pursue a § 523(a)(6) claim against Debtor, such claim cannot be brought at this time. Compare 11 U.S.C. § 1328(a)(2), with § 1328(c)(2). There is no deadline for a creditor to file a complaint under § 523(a)(6) in a chapter 13 case until the debtor seeks a hardship discharge. See Fed. R. Bankr. P. 4007(d). This factor weights in favor of granting relief.

2. The Lack of Any Connection with or Interference with the
Bankruptcy Case

Debtor argues that the state court action is "inextricably" connected to this bankruptcy because it could result in a drastic increase in the claims amount and it will impact determinations of dischargeability. Movant maintains that a determination of dischargeability is not her goal, that Debtor is close to confirming a chapter 13 plan, and that liquidating her claim in state court will not have an effect on Debtor's chapter 13 administration.

Debtor does argue that if Movant is successful, her claim in this case may make Debtor ineligible for chapter 13 because of the debt limit under § 109. This is unlikely since the claim is contingent and unliquidated, so it does not control the debt limits on the date of filing. This issue is addressed in the "prejudice to other creditors" section. This factor is neutral.

-

3. Whether Litigation in Another Forum would Prejudice the Interests of
Other Creditors, the Creditors' Committee and Other Interested
Parties

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CONT... Joe Kearney

Chapter 13

Debtor contends that the damages sought, if successful, will increase the claims in this case from \$117,819 to over \$1,117,819, resulting in Debtor being pushed past the chapter 13 debt limit. Debtor believes granting relief will severely diminish the returns to creditors in this or any other bankruptcy as currently, Debtor has proposed a 100% payment.

Movant questions the basis of this argument because whether the litigation between Movant and Debtor is resolved in this Court or the state court, a favorable ruling for her in either forum will necessarily increase the amount of claims against Debtor. Thus, the fact that a judgment in Movant's favor in the State Court Action will result in more allowed claims should not be a factor in determining whether to grant or deny relief from stay. It is yet undecided what portion of the liquidated claim, if any, will be allowed under § 502. Furthermore, Debtor's chapter 13 eligibility cannot be impacted as a debtor's chapter 13 eligibility is based on the amount of his noncontingent, liquidated debts *on the petition date*. See 11 U.S.C. § 109(e)(emphasis added); see Scovis v. Henrichsen (In re Scovis), 249 F.3d 975, 982 (9th Cir. 2001).

Debtor also argued that granting relief would prejudice the ability of the Chapter 13 trustee, Elizabeth Rojas ("Trustee") ability to participate in the litigation. Debtor notes that the Cross-Complaint is an asset of the Estate and is not Debtor's to prosecute. The Trustee is not named as a party in the State Complaint. Debtor contends that unless and until the Trustee abandons the Cross-Complaint, a provision will have to be made for the Trustee's participation in litigating the Cross-Complaint. This concern seems to be resolved by the recently filed *Stipulation to Revest Bankruptcy Estate's Interest in Claim Against Patricia Leupold to the Debtor*, ECF doc. 35, 8/19/19, which provides that the Cross-Complaint is revested in Debtor for purposes of reaching settlement or judgment in any pending or future litigation with Leupold. If Debtor obtains any form of monetary settlement or judgment in the matter, Debtor shall inform Trustee and the parties shall seek further Court approval via a stipulation for disposition of funds. Id. This factor weighs in favor of granting relief.

4. The Interest of Judicial Economy and the Expedious and

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Joe Kearney

Chapter 13

Economical Determination of Litigation for the Parties & Whether the Foreign Proceedings Have Progressed to the Point where the Parties are Prepared for Trial

This factor weighs heavily in favor of granting relief. Debtor's argument here is premised on his belief that the state court action will not resolve issues related to the objection to claim or dischargeability. For the reasons explained above, issues of dischargeability are not going to be salient here.

Movant explains in her reply the advanced stage of the litigation in the state court action. There, with respect to both Movant's Complaint and Debtor's Cross-Complaint, Movant contends that (1) the pleadings have already closed, (2) the parties have already conducted discovery, and (3) the parties had already been scheduled to go to trial on June 26, 2019. If relief from stay is granted, the next step in the State Court Action would be for the state court to simply set a new trial date. Additionally, Movant believes the state court is likely to be more familiar with the applicable laws and issues as they arise purely under state law (primarily, California common law and construction law). The state court is also likely to be more familiar with the parties and the general facts in the litigation given that the State Court Action has been pending for over one-and-a-half years. Overall, the litigation can move more swiftly towards a conclusion to the benefit of the parties. It is common for bankruptcy courts to trail an objection to claim proceeding where there is an ongoing state court proceeding to liquidate the claim. The liquidation of the claim, with the safeguards against enforcement of any judgment acceded to by Movant, would set the stage for an expeditious objection to claim proceeding here.

5. The Impact of the Stay on the Parties and the "Balance of Hurt"

The parties agree that the claims at issue must be liquidated – the disagreement is as to which forum is appropriate. The Court recognizes the fact that litigation in State Court will result in the expenditure of money and efforts on Debtor's behalf, and this may affect reorganization. Money and effort have already been expended in the State Court Litigation. It makes little sense to put this individual creditor in the position of having to start all over in this Court, when the state court is prepared to set a trial date and

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CONT... **Joe Kearney**
liquidate the claim.

Chapter 13

Conclusion

Upon evaluation of the factors above, cause exists to grant relief from stay. 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).

APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Hearing Room 302

10:00 AM

1:19-11461 Jorge Hernandez

Chapter 7

#24.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP.

Docket 9

***** VACATED *** REASON: Resolved per stipulation - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Hernandez

Represented By
Armando Galvan

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#25.00 Motion for relief from stay

JENNIE STABILE

Docket 28

Tentative Ruling:

Petition Date: 7/3/19

Ch: 7

Service: Proper. No opposition filed.

Movant: Jennie Stabile

Property Address: 19934 Kittridge St. Winnetka, CA 91306

Type of Property: residential

Occupancy: month-to-month tenancy in default, by lessee David Dadon

Foreclosure Sale: n/a

UD case filed: 11/21/18

UD Judgment: n/a (trial continued from 7/8/19 to 9/6/19)

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.

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

Jennie Stabile

Represented By
Paul E Gold

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CONT... Melissa Hope Brown

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#25.01 Motion for relief from stay

ESSEX PORTFOLIO, LP

Docket 55

Tentative Ruling:

Petition Date: 7/3/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: Essex Portfolio, LP

Property Addresses:

1355 Flower St. #712, Los Angeles, CA 90015 (RFS Motion, ECF doc. 55)

1355 Flower St. #502 Los Angeles, CA 90015 (RFS Motion, ECF doc. 54)

1360 S. Figueroa St. #620 Los Angeles, CA 90015 (RFS Motion, ECF doc. 53).

1359 S. Flower St. #LW-2 Los Angeles, CA 90015 (RFS Motion, ECF doc. 56)

Type of Property: residential

Occupancy: holdover after leases in default

Foreclosure Sale: n/a

UD case filed: 1/31/19

UD Judgment: n/a

Movant alleges cause for binding and effective relief because it alleges this case was filed in bad faith as part of a scheme to delay, hinder, or defraud creditors. Movant alleges that it has been attempting to evict lessee Barry Dadon from the above-listed units since January 31, 2019. On or about 7/1/19, Movant contends that Debtor filed Prejudgment Claim(s) of Right to Possession. Two days later, on or about 7/3/19, Debtor filed this chapter 7 case. A review of Debtor's schedules shows that she does not list any of these residential properties as her address nor does she assert that she has a leasehold interest in them. Debtor did, however, list 14 different UD action on her Statement of Financial Affairs, including the four UD actions that are

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CONT... **Melissa Hope Brown**

Chapter 7

the subject of these Motions for Relief. No response has been filed by 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); **6** (waiver of 4001(a)(3) stay); **7** (designated law enforcement officer may evict any occupant, without further notice); **9** (relief binding and effective for 180 days against any debtor without further notice); 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 and thus is not eligible for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

Essex Portfolio, LP

Represented By
Julian K Bach

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#25.02 Motion for relief from stay

ESSEX PORTFOLIO, LP

Docket 56

Tentative Ruling:

See TENTATIVE RULING for #25.01

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

Essex Portfolio, LP

Represented By
Julian K Bach

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11655 Melissa Hope Brown

Chapter 7

#25.03 Motion for relief from stay

ESSEX PORTFOLIO, LP

Docket 54

Tentative Ruling:

See TENTATIVE RULING for #25.01

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Movant(s):

Essex Portfolio, LP

Represented By
Julian K Bach

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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1:19-11655 Melissa Hope Brown

Chapter 7

#25.04 Motion for relief from stay

ESSEX PORTFOLIO, LP

Docket 53

Tentative Ruling:

See TENTATIVE RULING for #25.01

Party Information

Debtor(s):

Melissa Hope Brown

Represented By
Steven L. Kimmel

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11707 Steve Shillinger

Chapter 7

#26.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 11

Tentative Ruling:

Petition Date: 7/10/19

Ch: 7

Service: Proper. No opposition filed.

Movant: US Bank

Property Address: 4233 Woodcliff Rd. Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: holdover after foreclosure sale

Foreclosure Sale: 5/29/18

UD case filed: 9/20/18

UD Judgment: n/a (trial continued to 8/15/19)

Movant alleges cause for relief under 362(d)(4) due to multiple bankruptcies affecting the subject property, all of which were filed by four different debtors asserting an interest in the subject property. On 6/5/19, binding & effective RFS was granted as to the subject property in the case In re Jay Cohen, 1:19-bk-10698-VK.

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** (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).

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... Steve Shillinger

Chapter 7

Party Information

Debtor(s):

Steve Shillinger

Pro Se

Movant(s):

U.S. Bank National Association

Represented By
Nancy L Lee
Merdaud Jafarnia

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11796 Miriam Claudia Munoz

Chapter 13

#27.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

Docket 12

Tentative Ruling:

Petition Date: 7/17/19

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 15131 Tuba St. Mission Hills, CA 91345

Property Value: \$700,000 (per debtor's schedules)

Amount Owed: \$542,537

Equity Cushion: 14%

Equity: \$157,463

Post-Petition Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to multiple bankruptcies affecting, the subject property. Movant details ten different bankruptcies filed by either Debtor or co-borrower Felipe Santacruz over the last three years, and indicates that the account is in arrears for 52 payments, totaling \$153,078.

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); **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.

Party Information

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CONT... Miriam Claudia Munoz

Chapter 13

Debtor(s):

Miriam Claudia Munoz Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11868 Christopher Daniel Christopherson

Chapter 7

#27.01 Motion for relief from stay

EILEEN KEANE

fr. 8/7/19

Docket 9

Tentative Ruling:

This matter was continued from 8/7/19 so that Debtor had an opportunity to respond to the matter on its merits and to perhaps work out a consensual resolution with Movant. Debtor is 3 months in arrears (June, July, and August). Appearance counsel for Debtor stated that he believed Debtor would make an appearance in the UD matter at the continued hearing on 8/19. Debtor was to have filed any further response on or before 8/14/19. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

8/7/19 TENTATIVE BELOW

Petition Date: 7/25/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: Eileen Keane

Property Address: 878 White Pine Ct. Oak Park, CA 91377

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 7/3/19

UD Judgment: n/a (Trial continued to 8/21/19)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay); **7** (law enforcement officer may evict).

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CONT... Christopher Daniel Christopherson Chapter 7

DENY relief requested in paragraph **5** (co-debtor stay) as no such stay arises in a chapter 7 bankruptcy; and **8** (relief under § 362(d)(4)) because Movant is not a secured creditor entitled to such relief.

DENY relief requested in paragraphs **9** and **10** (binding and effective relief), as there are no facts alleged that would provide grounds for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Christopher Daniel Christopherson

Represented By
Michael H Raichelson

Movant(s):

Eileen Keane

Represented By
Brian Nomi

Trustee(s):

Amy L Goldman (TR)

Pro Se

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10:00 AM

1:19-11899 Raymond Johnson

Chapter 13

#28.00 Motion for relief from stay

ERWIN ST APARTMENTS CALIFORNIA LLC

Docket 7

Tentative Ruling:

Petition Date: 7/29/19

Ch: 13

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: Erwin St. Apartments California, LLC

Property Address: 21021 Erwin St. Apt. 451 Woodland Hills, CA 91367

Type of Property: residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 5/8/19

UD Judgment: n/a (trial continued to 9/3/19)

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).

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Raymond Johnson

Pro Se

Movant(s):

Erwin St Apartments California,

Represented By

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CONT... Raymond Johnson

Julian K Bach

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:16-13077 David Saghian

Chapter 7

#29.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 102

Tentative Ruling:

Petition Date: 10/26/16

Chapter: 7

Service: Proper. No opposition filed.

Property: 3715 Terrace View Place, Encino, CA 91436

Property Value: \$1,613,000 (per debtor's schedules)

Amount Owed: \$110,747 (2nd DoT)

Equity Cushion: 26%

Equity: \$569,293

Delinquency: \$32,118 (42 payments of \$993.64)

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):

David Saghian

Pro Se

Movant(s):

THE BANK OF NEW YORK

Represented By
Arnold L Graff

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10:00 AM

CONT... David Saghian

Chapter 7

Trustee(s):

Diane C Weil (TR)

Represented By
Michael G D'Alba
Eric P Israel
David Seror
Jessica L Bagdanov

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10:00 AM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

#30.00 Motion to Further Extend Discovery Cut Off for
Limited Purpose of Taking Defendants' Depositions

Docket 42

Tentative Ruling:

Debtor and his mother, defendants in this action by the T'ee for (1) Declaratory Relief; (2) Accounting; (3) Turnover; (4) Avoidance and Recovery of Transfers; (5) Revocation of Discharge, oppose this Motion. Debtor argues in his *pro se* opposition that this extension is due to T'ee having a disorganized transition of counsel from DGDK to Brutzkus Gubner, and her "unilaterally" scheduling depositions, attaching email communications with T'ee to support his contentions. Co-defendant, Debtor's mother, Parvaneh Saghian filed a joinder. GRANTED, as Trustee has limited her request to taking the Defendants' depositions because Defendants steadfastly maintain that they have no documents to turn over to T'ee.

Party Information

Debtor(s):

David Saghian Pro Se

Defendant(s):

David Saghian Pro Se

Parvaneh Saghian Represented By
Masoud Masjedi

Plaintiff(s):

Diane C. Weil, Chapter 7 Trustee Represented By
David Seror
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR) Represented By
Michael G D'Alba

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CONT... David Saghian

Chapter 7

Eric P Israel
David Seror
Jessica L Bagdanov

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10:00 AM

1:18-10094 Donald A Hilland

Chapter 7

Adv#: 1:18-01120 Zamora v. Ottosi et al

#31.00 Pre-trial conference re: removal of state court action to federal bankruptcy court (Los Angeles County Superior Court Case No BC621482)

fr. 1/2/19, 1/9/19; 6/26/19

Docket 1

***** VACATED *** REASON: Ntc. of Dismissal filed 8/15/19 (eg)**

Tentative Ruling:

How much discovery was done before the action was removed?

Discovery cut-off (all discovery to be completed): May 10

Expert witness designation deadline (if necessary): Will this be likely?

Case dispositive motion filing deadline (MSJ; 12(c)): Will this be likely?

Pretrial conference: June 26 at 10 am

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Donald A Hilland	Pro Se
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Defendant(s):

Does 1-25, Inclusive	Pro Se
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Paul H. Ottosi and Linda Ottosi	Pro Se
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Estate of Paul H. Ottosi	Pro Se
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CONT... Donald A Hilland

Chapter 7

Paul H Ottosi

Pro Se

Linda Ottosi

Pro Se

Plaintiff(s):

Nancy J. Zamora

Represented By
Toan B Chung

Trustee(s):

Nancy J Zamora (TR)

Represented By
Toan B Chung

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10:00 AM

1:18-11074 Len Teo Flores

Chapter 13

Adv#: 1:18-01119 Flores v. United States Department of Veterans Affairs and R

#32.00 Status conference re: complaint to determine dischargeability

fr. 1/23/19, 3/13/19, 4/17/19, 6/12/19

Docket 1

***** VACATED *** REASON: Chapter 13 dismissed 7/17/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Len Teo Flores

Represented By
Barry E Borowitz

Defendant(s):

United States Department of

Pro Se

United States Department of

Pro Se

Defense Finance and Accounting

Pro Se

Plaintiff(s):

Len Teo Flores

Represented By
Barry E Borowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:18-11821 Sonia D. Roman

Chapter 7

Adv#: 1:18-01110 Roman v. US Bank ELT Brazos ELA Inc. et al

#33.00 Status conference re complaint for:
dischargeability of student loan

fr. 1/9/19

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): This deadline was 7/26/19, per Scheduling Order, ad. ECF doc. 8. Do the parties require a further extended deadline?

Expert witness designation deadline (if necessary): September 27

Pretrial conference or date to hear dispositive motions: January 15, 2020 at 1 pm

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) :December 30 if pretrial stip, follow LBR if MSJ

*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... Sonia D. Roman

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.

Party Information

Debtor(s):

Sonia D. Roman

Represented By
Christine A Kingston

Defendant(s):

Pennsylvania Higher Education

Pro Se

US Bank ELT Brazos ELA Inc.

Pro Se

Plaintiff(s):

Sonia D. Roman

Represented By
Christine A Kingston

Trustee(s):

Amy L Goldman (TR)

Pro Se

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10:00 AM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

- #34.00** Status Conference Re: Complaint for
1 - Violation of Real Estate Settlement
Procedures Act, 12 C.F.R Sec. 1024 et seq
2 - Violations of the Fair Debt Collection
Practices Act (FDCPA), 15 USC Sec.
1692, et seq
3 - Negligence, California Civil Code Sec.
1714
4 - Quiet Title, California Code of Civil
Procedure Sec. 760.020
5 - Objection to Claim

fr.6/5/19

Docket 1

***** VACATED *** REASON: Cont'd to 8/28/19 @ 10:00 per order #22. If**

Tentative Ruling:

The court will enter an order continuing this matter to August 28, 2019.

NO APPEARANCE REQUIRED ON AUGUST 20

6/5/19 Tentative

The lead chapter 13 case will likely be either dismissed or completed within 90 days pursuant to the Order Granting Motion to Transfer Shares of Interest in Real Property for Benefit of the Estate. Would this be better resolved in District Court?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

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CONT... Salomon Llanos

Chapter 13

Defendant(s):

Citigroup Inc. Pro Se

Statebridge Company LLC Pro Se

Cascade Funding Mortgage Trust Pro Se

Plaintiff(s):

Salomon Llanos Represented By
John Habashy

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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10:00 AM

1:19-11166 Juan R Nungaray

Chapter 7

Adv#: 1:19-01076 FEDERAL HOME LOAN MORTGAGE CORPORATION v. Guzman et al

#35.00 Status Conference re: Notice of Removal from Los Angeles
Superior Courthouse to Bankruptcy Court Rule 9027

Docket 1

Tentative Ruling:

No status report filed by plaintiff. RFS has been granted. The parties should explain why this case should not be dismissed as improperly removed.

Party Information

Debtor(s):

Juan R Nungaray	Pro Se
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Defendant(s):

Jennifer Guzman	Pro Se
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Juan R Nungaray	Pro Se
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Plaintiff(s):

FEDERAL HOME LOAN	Represented By Serena Yun
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Trustee(s):

David Seror (TR)	Pro Se
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10:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

- #36.00** Status Conference re: Complaint for: 1) Fraud;
2) Civil Conspiracy;
3) Expungment of Mechanics Liens
4) Quiet Title;
5) Cancellatio of Instruments;
6) Slander of Title; 7) Elder Abuse;
8) Declaratory Relief
9) Injunctive Relief

Docket 1

Tentative Ruling:

No S/R
Appearance required

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Defendant(s):

Santa Fe General Construction, Inc.,	Pro Se
Jubilio Escalera	Pro Se
Chaidez Construction, Inc.	Pro Se
Cesar Chaidez	Pro Se
Lorena Lara	Pro Se
Humberto Lara	Pro Se
John White	Pro Se

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CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

Adv#: 1:19-01079 Barantsevich et al v. P4C Global, Inc. et al

#37.00 Notice of Removal

Docket 1

***** VACATED *** REASON: Order reset to 7/31/19 @ 11am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anzhey Vsevolodo Barantsevich	Pro Se
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Defendant(s):

P4C Global, Inc.	Represented By Ronald A DiPietra
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OEM Battery Depot, LLC	Represented By Ronald A DiPietra
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Steven Hopwood	Represented By Ronald A DiPietra
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Plaintiff(s):

Anzhey Vsevolodo Barantsevich	Pro Se
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Zoom, Inc.	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

#38.00 Status Conference Re: Chapter 7 Involuntary
Petition Against an Individual.

Docket 1

***** VACATED *** REASON: Cont'd to 10/23/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anzhey Vsevolodo Barantsevich

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#39.00 Motion for Entry of Default Judgment re
Third Deed of Trust

Docket 55

Tentative Ruling:

Having reviewed the Complaint, the Motion for Default Judgment, and the documents submitted in support thereof, the Motion is GRANTED and default judgment may be entered against Bayview Financial Trading Group, Bayview Loan Servicing, LLC, and M&T Mortgage Corporation.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC	Pro Se
Bayview Financial Trading Group	Pro Se
M&T Mortgage Corp.	Pro Se
Bayview Loan Servicing LLC	Pro Se
Benjamin Kolodaro	Pro Se
Nily Kolodaro	Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#40.00 Status Conference re: Complaint for 1) Cancellation of
Written Instruments; 2) Quiet Title and 3) Declaratory Relief

fr. 5/15/19

Docket 3

Tentative Ruling:

What is the status of the discussions with MERS?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

M&T Mortgage Corp.

Pro Se

Bayview Loan Servicing LLC

Pro Se

Nationstar Mortgage, LLC

Pro Se

Benjamin Kolodaro

Pro Se

Nily Kolodaro

Pro Se

Bayview Financial Trading Group

Pro Se

MORTGAGE ELECTRONIC

Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#41.00 Amended Disclosure Statement Describing Third Amended Plan of Reorganization

Docket 217

Tentative Ruling:

APPEARANCE REQUIRED

Can be approved based on additional disclosure. Conditioned upon filing proof that Gladys Husanu was served and at the proper address. It also should not have taken the effort it took to finally get the disclosure finally filed.

Class 2 MERS - Why does the disclosure statement say that Debtpr does not intend or propose to make any payment to the holder of this TD, but all rights of such holder/secured creditor, if any, shall not be deemed impaired by the Plan? How can they not be impaired?

The debtor may still have good faith issues preventing confirmation since there has been a finding under 362(d)(4) that the case was filed to hinder, defraud or delay creditors. Debtor admits to using fractional interest transfers and teh bankruptcy system simply to delay foreclosure. Just because debtor works out various deal with lenders after years of abusive conduct does not vitiate the bad faith. that said, these are plan confirmation issues that can be addressed later.

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#42.00 Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18; 4/3/19
5/15/19

Docket 1

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 :9/3/19

Ballots to be returned and
objections to confirmation to be filed no later than:9/25/19

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:10/9/19
Confirmation hearing to be held on:10/23/19 at 10 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):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:17-10262 Donald Frisius Snyder and Pamela Grace Snyder

Chapter 7

#43.00 Trustee's Final Report and Applications for Compensation

Docket 71

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 AUGUST 21, 2019.

Party Information

Debtor(s):

Donald Frisius Snyder

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Pamela Grace Snyder

Represented By
Jeffrey J Hagen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10077 Chokote Leukeu

Chapter 7

#44.00 Trustee's Final Report and Applications for Compensation

Docket 24

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 AUGUST 21, 2019.

Party Information

Debtor(s):

Chokote Leukeu

Represented By
R Grace Rodriguez

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-10274 Jose Santos Murcia and Vanessa Veronica Garcia

Chapter 7

#45.00 Trustee's Final Report and Application for Compensation
and Deadline to Object

Docket 18

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 AUGUST 21, 2019.

Party Information

Debtor(s):

Jose Santos Murcia

Represented By
Steven A Alpert

Joint Debtor(s):

Vanessa Veronica Garcia

Represented By
Steven A Alpert

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11622 Yury Korchinsky

Chapter 7

#46.00 Motion to Dismiss Case for Abuse and Motion (BNC)
Pursuant to 11 U.S.C. §§ 707(a) or 707(b)(3) with a 180-Day
Bar to Refiling Pursuant to 11 U.S.C. §§ 105(a) and 349(a)

Docket 12

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Yury Korchinsky

Pro Se

Trustee(s):

Diane C Weil (TR)

Represented By
Lane M Nussbaum

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:09-16565 David Schwartzman

Chapter 11

#47.00 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;
8/1/18; 3/6/19

Docket 1

Tentative Ruling:

Having reviewed Debtor's Post-Confirmation Status Report (ECF doc. 414), the Court finds cause to continue this post-confirmation status conference to **December 18, 2019, at 10:00 a.m.** Debtor to give notice of the continued status conference.

NO APPEARANCE REQUIRED ON 8/21/19

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:14-14747 Tony Servera Company, Inc.

Chapter 11

#48.00 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, 9/26/18, 2/6/19, 6/26/19

Docket 1

Tentative Ruling:

Having reviewed Debtor's Post-Confirmation Status Report (ECF doc. 230), the Court finds cause to continue this post-confirmation status conference to **December 18, 2019, at 10:00 a.m.** Debtor to give notice of the continued status conference.

NO APPEARANCE REQUIRED ON 8/21/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#49.00 Post confirmation status 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, 8/8/18, 3/6/19

Docket 1

Tentative Ruling:

Having considered Debtor's post-confirmation status report and finding good cause, the Court continues this post-confirmation status conference to **August 21, 2019 at 10:00 a.m.**

Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 3/6/19.

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#50.00 U.S. Trustee Motion to dismiss or convert under 11 U.S.C. § 1112(b)

Docket 86

***** VACATED *** REASON: Nt. of w/drawal filed 8/6/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#51.00 Status and case management conference

fr. 5/23/18; 11/7/18, 1/9/19, 3/27/19; 7/17/19

Docket 1

Tentative Ruling:

APPERANCE REQUIRED

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#52.00 Motion for Extension of Time to File Plan and
Disclosure Statement in Small Business Case

Docket 132

***** VACATED *** REASON: Moved to 8/9/19 @ 9:00 a.m. per order #136.
If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young
Amelia Puertas-Samara

Movant(s):

Happy Jump, Inc.

Represented By
Mark T Young
Amelia Puertas-Samara

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#53.00 Motion for order confirming chapter 11 plan

Docket 83

Tentative Ruling:

After having reviewed Debtor's 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.

Post-confirmation status conference will be held on May 6, 2019 at 10 am
Please advise if any date conflict.

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron
Crystle Jane Lindsey

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#54.00 Scheduling and case management conference
and filing of monthly report

fr. 12/12/18; 5/22/19, 6/26/19

Docket 28

Tentative Ruling:

6

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#55.00 Motion for relief from stay

NEW PENN FINANCIAL, LLC

fr. 2/6/19; 5/15/19

Docket 32

***** VACATED *** REASON: Resolved per stip., Doc. 49 -CT**

Tentative Ruling:

At the previous hearing, the parties indicated that they were working on a global stipulation to resolve this creditor's issues. The status report indicates that the lender has not responded to Debtor's proposal for plan treatment. What is Movant's position on this RFS and Debtor's proposed plan treatment?

APPEARANCE REQUIRED

2/6/19 Tentative

Petition Date: 09/10/2018

Chapter: 11

Service: Proper. Opposition filed.

Property: 10533 S Wilton Pl, Los Angeles, CA 90047-4351

Property Value: \$ 400,000 (per debtor's schedules)

Amount Owed: \$ 353,064.17 (per RFS motion)

Equity Cushion: 4.0%

Equity: \$46,935.83.

Delinquency: \$7,131.96

Movant alleges cause for 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).

Debtor opposes the Motion, arguing that the value of the property is \$450,000 because of the increase based on recent comps; the total amount of debt on the property is \$346,967; the property is necessary for an effective reorganization. Debtor contends that she stands ready to make payments and has segregated rents from the property into a separate account where such funds remain. No funds have been used for any other purpose. Debtor alleges that the only reason that no

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Catherine J. Watkins Chapter 11

payment has been made to date is the inability to get the lender to respond, however the rents have been segregated and are being held in the Debtor in Possession account.

Debtor has proposed a new 30-year loan at 4%; Debtor's counsel called lender numerous times attempting to work out an APO with no response. A continued hearing on Debtor's motion to impose plan treatment will be heard on 3/6/19 at 10:00 a.m.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

Movant(s):

New Penn Financial, LLC DBA

Represented By
S Renee Sawyer Blume

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#56.00 Motion for approval of Disclosure and Confirmation of Chapter 11 Plan.

Docket 59

Tentative Ruling:

Threshold Issues

Debtor's chapter 11 plan is not signed by the Debtor. Also, did Shellpoint Mortgage agree to be served at an address other than the address listed on the proof of claim? Shellpoint was served at a PO Box in Troy, MI, but the Proof of claim indicates that notices be sent to a PO Box in Greenville, SC. Shellpoint has agreed to vote in favor of the plan, ECF Doc. 49, but proper service upon the largest creditor is still required. Debtor also did not serve Synchrony bank, the only other creditor to file a proof of claim.

Background

Debtor previously received a chapter 7 discharge on April 6, 2015. Therefore, Debtor's primary creditor is the mortgage holder on her rental property. The purpose of this bankruptcy is to modify the terms of the mortgage on the rental property to an amount that is more manageable for Debtor.

No opposition to the plan has been filed.

Plan Summary

Debtor receives income from several sources. Debtor earns \$500 per month in employment income working as a distributor part time. Debtor additionally receives \$1,534.83 per month from social security and a rental property. Additionally, Debtor's son will also contribute \$1,000 per month towards the plan. Debtor's total income under the Schedule I attached to the disclosure statement is \$3,273.51. This is sufficient according to the schedule J attached to the disclosure statement to pay all of Debtor's obligations under the plan. The payments on the mortgage under the stipulation are approximately \$1,686 plus \$394 in escrow payments.

Debtor argues that there should be only one hearing on the disclosure statement and plan. There are a couple unanswered questions. First, the plan does not appear to provide for

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

CONT... Catherine J. Watkins

Chapter 11

debtor's counsel's fees. How will those be paid? Second, the plan indicates that there is no unsecured debt, but it does not address the \$721.95 claim filed by Synchrony Bank. Will the Debtor be paying this claim in full? The Court may hold a second hearing to allow Debtor to correct service issues and to make it clear that disclosure and plan confirmation will happen simultaneously.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:18-12276 Catherine J. Watkins

Chapter 11

#57.00 Scheduling and Case Management Conference

fr. 12/12/18, 3/6/19, 5/15/19

Docket 1

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: **August 30, 2019**

Ballots to be returned and objections to confirmation to be filed no later than: **September 18, 2019**

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: **September 25, 2019**

Confirmation hearing to be held on: **October 2**

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):

Catherine J. Watkins

Represented By
Michael R Totaro

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

10:00 AM

1:19-11646 Michael T Stoller

Chapter 11

#58.00 U.S. Trustee Motion to dismiss or convert case

Docket 24

***** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #46. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael T Stoller

Represented By
Matthew Abbasi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

11:00 AM

1:16-11598 Farideh Warda

Chapter 11

#59.00 Motion For Order Closing Case on Interim Basis.

fr. 6/5/19

Docket 251

Tentative Ruling:

The Court continued this matter from June 5 to allow Debtor an opportunity to resolve the claim of Resnik, Hayes, Moradi LLP and file a request for discharge. Has the claim of Resnik Hayes been resolved?

APPEARANCE REQUIRED

6/5/19 tentative

Debtor's former bankruptcy attorneys, Resnik Hayes Moradi LLP ("RHM"), filed a Notice of Opposition and Request for a Hearing on Debtor's Motion Closing Case on Interim Basis. RHM indicates that Debtor has not paid the administrative claim held by RHM and that it would have to pursue the default provision in the Debtor's Plan if payment was not made. Subsequently, RHM obtained an Abstract of Judgment (Doc. 256 and 259) and a Writ of Execution (Docs. 258 and 261). It is unclear why there are two copies of each on the docket.

Local Bankruptcy Rule 3022-1(b) allows Debtor to file a motion for an order closing the case on an interim bases where a chapter 11 estate that is substantially consummated, but not fully administered.

"Substantial consummation" is defined in the Bankruptcy Code as:

- (A) transfer of all or substantially all of the property proposed by the plan to be transferred;
- (B) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) commencement of distribution under the plan.

11 U.S.C.A. § 1101(2). Here, though distribution under the plan has commenced, all or substantially all of the property the plan proposes to transfer has not been transferred because the Debtor has not paid all professional fees as required by

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

11:00 AM

CONT... Farideh Warda

Chapter 11

Article I, Section A of the plan. See In re Thorpe Insulation Co., 677 F.3d 869, 882 (9th Cir. 2012). The Motion is DENIED.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Farideh Warda

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

11:00 AM

1:16-11598 Farideh Warda

Chapter 11

#60.00 Post confirmation status conference

fr. 4/4/18, 7/18/18, 9/12/18; 10/10/18; 6/26/19

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

11:00 AM

1:19-11567 Daniel Torres

Chapter 13

#61.00 Order to Show Cause why William Hill Should
Not be Held in Contempt for Violating Injunction
Against Acting as a Bankruptcy Petition Preparer.

Docket 13

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Daniel Torres

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#62.00 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, 8/15/18, 2/6/19,
2/27/19; 4/3/19, 5/15/19; 5/22/19

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 10/2/19 at 11:00
a.m. - hm**

Tentative Ruling:

- NONE LISTED -

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#63.00 Pre-Trial 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, 11/14/18; 1/23/19, 6/12/19,
7/16/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#64.00 Motion For Summary Judgment, Partial Summary
Judgment, or For Summary Adjudication of Issues.

Docket 77

*** VACATED *** REASON: Per order #119. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#65.00 Motion to Dismiss Adversary Proceeding

Docket 25

*** VACATED *** REASON: Amended Complaint filed - hm

Tentative Ruling:

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Represented By
Eamon Jafari

Kirill Kizyuk

Represented By
Eamon Jafari

Prime Capital Group, Inc., a

Represented By
Eamon Jafari

Mkrtchyan Investments, LP, a

Represented By
Eamon Jafari

Arthur Aristakesyan

Represented By
Eamon Jafari

Phantom Properties, LLC, a Nevada

Represented By
Eamon Jafari

Dimitri Lioudkovski

Represented By
Yevgeniya Lisitsa

LDI Ventures, LLC, a California

Represented By
Eamon Jafari
Yevgeniya Lisitsa

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

CONT... Nazaret Kechejian

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

1:18-12443 Raynard Edward Goins
Adv#: 1:19-01002 Horowitz v. Goins

Chapter 7

#66.00 Pretrial Conference Re: Complaint
to Determine Debt Exempted from
Discharge Pursuant to 11 USC
Section 523(a)(6)

fr. 3/13/19

Docket 1

***** VACATED *** REASON: Adv. Dismissed order entered 8/7/18 (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):

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Raynard Edward Goins

Represented By
Vernon R Yancy

Defendant(s):

Raynard Edward Goins

Pro Se

Plaintiff(s):

Gregory Horowitz

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 21, 2019

Hearing Room 302

1:00 PM

CONT... Raynard Edward Goins

Mark T Jessee

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

9:30 AM

1:19-12003 Jack Richard Rodarte

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack Richard Rodarte	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

9:30 AM

1:19-12017 Linda Ferguson

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 refiling.

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Ferguson	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

9:30 AM

1:19-12018 Stephen J Moody

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen J Moody	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

9:30 AM

1:19-12054 Jason Green

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 refileing.

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Green

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

#1.00 Motion for relief from stay

U.S.BANK NATIONAL ASSOC.

fr.7/31/19

Docket 56

***** VACATED *** REASON: Resolved per APO (ECF doc. 62) - 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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:15-13060 Alex Zamora

Chapter 13

#2.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/14/15

Chapter 13 plan confirmed: 12/17/15

Service: Proper; co-borrower served. Opposition filed.

Property: 14264 Astoria St. Sylmar, CA 91342

Property Value: \$430,000 (per debtor's schedules)

Amount Owed: \$78,213.56 (1st DoT)

Equity Cushion: 74%

Equity: \$241,776.44

Post-confirmation Delinquency: \$3,438.91 (2 payments of \$1,726.36, less suspense balance of \$13.81)

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 only three payments have been made since April 2019.

Debtor filed an opposition to the Motion, but did not include evidence in support. In the form Opposition, Debtor notes the sizeable equity cushion and contends that he will cure the deficiency at or before the hearing. Have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Alex Zamora

Chapter 13

Debtor(s):

Alex Zamora

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#3.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. MB cal, 2/27/19, 5/1/19; 8/7/19

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

At the 5/1/19 hearing, the Court continued this hearing to monitor the Debtor's progress with the loan modification process. The Order Granting Motion to Approve Trial Loan Modification was entered on 6/25/19. What is the status of this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:17-13197 Ovidio Tech and Dinora Tech

Chapter 13

#4.00 Motion for relief from stay

NANCY ESQUIVEL

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/29/17

Chapter 13 plan confirmed: 3/6/18

Service: Proper. No opposition filed.

Movant: Nancy Esquivel

Relief Sought to: Pursue Pending Litigation ___ Commence Litigation
XX Pursue Insurance ___ Other

Litigation Information

Case Name: Esquivel v. Tech (not yet commenced)

Court/Agency: Los Angeles County Superior Court

Date Filed: n/a

Judgment Entered: n/a

Trial Start Date: n/a

Action Description: Movant's alleged claims against Debtors consist of claims for negligence, breach of warranty of habitability, violations of LAMC 151.05 and 151.10, Violation of California Civil Code § 1942.4, Violation of California Civil Code § 789.3, and UCL claims under 17200. There are also claims for unpaid relocation fees under LARSO.

Grounds

Bad Faith ___ Claim is Insured ___ Claim Against 3rd Parties ___

Nondischargeable ___

Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum

XX

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... **Ovidio Tech and Dinora Tech**

Chapter 13

Other:

Movant alleges that On or about April of 2014 (prior to the filing of the instant bankruptcy), Debtors and Movant entered into an oral agreement for the rent of Debtor's illegally converted garage located on Debtors' property at 7428 Kraft Avenue, North Hollywood, CA 91605 ("Unit"). Movant had lived in the Unit for several years. On or about March 2019, however, while this bankruptcy was pending, Debtors commenced an unlawful detainer proceeding against Movant in the Los Angeles Superior Court (Case No. 19DUD00608) ("Unlawful Detainer Action" hereinafter), attempting to evict Movant as a result of an alleged failure to pay rent. Movant filed a Motion for Summary Judgement in the Unlawful Detainer Action, which alleges, in part, that the underlying rental agreement was null and void because the occupancy of the Unit was unlawful. As a result of this void agreement, and in light of the Los Angeles rent-control laws, Movant was allowed to remain in the Unit until she receives "relocation fees." Movant contends that these relocation fees have not yet been paid, and Movant still maintains a claim for these fees.

On May 9, 2019, the Los Angeles Superior Court entered a Judgment in the Unlawful Detainer Action finding in favor of Movant and against Debtors, awarding the Debtors \$0.00. After the conclusion of the Unlawful Detainer Action, Movant was in the process of preparing a state court Complaint against the Debtors in relation of the occupancy of the Unit. It is unclear if Debtors have insurance that will cover the claims of Movant. Before proceeding with filing the state court Complaint against Debtors, or submitting any claim to Debtors' insurance company (if any), Movant was notified that Debtors were in bankruptcy.

What has movant found out about insurance? What claims would be discharged or not? Is the movant still living in the unit?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ovidio Tech

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Ovidio Tech and Dinora Tech

Chapter 13

Kian Mottahedeh

Joint Debtor(s):

Dinora Tech

Represented By
Kian Mottahedeh

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-11765 Sarah Ellen Tortorello

Chapter 13

#5.00 Motion for relief from stay

JPMORGAN CHASE BANK

Docket 65

***** VACATED *** REASON: Resolved per APO (ECF doc. 70) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sarah Ellen Tortorello

Represented By
James Geoffrey Beirne

Movant(s):

JPMorgan Chase Bank, National

Represented By
Von Mai
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-12174 Hengameh Zadeh

Chapter 7

#6.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

5/15/19; 8/7/19

Docket 67

***** VACATED *** REASON: Cont'd per stipulation to 10/2/19 (doc. 81) -
hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-10855 Jose Roberto Hernandez

Chapter 13

#7.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 4/10/19

Chapter 13 plan confirmed: 7/22/19

Service: Proper; co-debtors served. No opposition filed.

Property: 5125 Leader Ave. Sacramento, CA 95841

Property Value: Unk. (not listed on debtor's schedules)

Amount Owed: \$186,063.01

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$4,910.60 (4 payments of \$1,227.65)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **3** (Movant may offer loss mitigation); and **6** (relief from the co-debtor stay); **7** (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 Roberto Hernandez

Represented By
Jeffrey N Wishman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Jose Roberto Hernandez

Chapter 13

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By

Mandy D Youngblood

Jennifer H Wang

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11771 Maria De Jesus Ortiz Bustos

Chapter 7

#8.00 Motion for relief from stay

6360 VAN NUYS, LLC

fr. 8/7/19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 8-7-19 so that Debtor had an opportunity to review the Motion on regular time and determine if she could secure new housing. Have the parties had an opportunity to discuss the terms of an orderly turnover of the rental property?
APPEARANCE REQUIRED

8/7/19 TENTATIVE BELOW

Petition Date: 7/16/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: 6360 Van Nuys LLC

Property Address: 13234 Herrick Ave. Unit D, Sylmar, CA 91342

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 5/8/19

UD Judgment: 6/26/19

Writ of Possession issued: 7/10/19

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))

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Maria De Jesus Ortiz Bustos

Chapter 7

(3) stay); **7** (law enforcement officer may evict).

DENY relief requested in paragraph **4** (annulment) as no facts were alleged that would provide grounds for such relief; **5** (co-debtor stay) as no such stay arises in a chapter 7 bankruptcy; and **8** (relief under § 362(d)(4)) because Movant is not a secured creditor entitled to such relief.

DENY relief requested in paragraphs **9; 10; and 11** (binding and effective relief), as there are not sufficient facts alleged that would provide grounds for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Maria De Jesus Ortiz Bustos

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11790 Enjoy Kittie Cat Boutique Inc

Chapter 7

#9.00 Motion for relief from stay

THE JMM REVOCABLE TRUST

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/17/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 8441 Minuet Pl., Panorama City, CA 91402

Property Value: \$518,000 (per Movant's BPO - Property not listed on Schedules)

Amount Owed: \$506,966.75

Delinquency: \$506,966.75 (loan matured on 9/1/18)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfer of the subject property and that this filing was part of a scheme to delay, hinder, or defraud Movant. The borrower under the Promissory Note secured by Deed of Trust is a non-debtor third party, Power Vision Investments, Inc. ("Borrower"). Upon default in payments on Movant's loan and property taxes, Borrower transferred 40% interest in the Property to Johana Vaquerano Perez. On November 17, 2017, Borrower and Johana Vaquerano Perez transferred 100% interest in the property to Enjoy Kittie Cat Boutique, Inc. ("Debtor").

The Deed that transferred the interest to Debtor states it "is a bona-fide gift and the Grantor received nothing in return." Neither Borrower nor Debtor has made any subsequent mortgage or property tax payments. Neither Borrower nor Debtor has ever provided a proof of property insurance.

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... **Enjoy Kittie Cat Boutique Inc** Chapter 7

On or about February 11, 2019, Movant caused issuance of Notice of Default due to default under the note. On June 20, 2019, Movant recorded a Notice of Trustee's Sale. The foreclosure date was scheduled for July 17, 2019. Movant received a fax with proof that Debtor commenced a Chapter 7 bankruptcy case on the morning of the foreclosure sale.

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); 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

Debtor(s):

Enjoy Kittie Cat Boutique Inc

Represented By
Shannon O.C. Nelson

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#10.00 Motion for relief from stay

MAGNUM PROPERTY INVESTMENT LLC and
STRATEGIC ACQUISITIONS INC.

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/26/19

Chapter: 13

Service: Proper. Opposition filed.

Property: 17548 Donmetz St. Granada Hills, CA 91344

Property Value: \$745,000 (per debtor's schedules)

Amount Owed: n/a

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: n/a

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 cause for binding and effective relief due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant purchased the Property at a foreclosure sale on or about July 26, 2019. In the third case filed affecting this Property, the lender filed a relief from stay and it was granted after Dwayne Calloway defaulted on his adequate protection payments. The order was entered on April 3, 2019 and included co-debtor relief as to Catherine Calloway. *In re Dwayne Calloway*, 1:18-bk-10613-MT, doc. 54. To again interfere with the foreclosure sale, Movant alleges that

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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Mary Elizabeth Calloway

Chapter 13

Mary Calloway has filed a chapter 13 case on July 26, 2019. Movant attaches evidence that the title chain does not show that Mary Calloway is on title and she was not on title when the lender obtained relief from stay in April 2019.

Movant alleges that the foreclosure sale took place on 7/26/19, at 12:46 p.m., without notice of this Debtor having any interest in the Property and/or having filed a bankruptcy petition. Movant notes that when the foreclosure sale took place on July 26, 2019, there was no indication at the sale that the bankruptcy prohibited the sale by the foreclosing trustee and Magnum and SAI were unaware of the bankruptcy filing. Movant believes the lack of notice of this bankruptcy to the foreclosing trustee is because the transfer never occurred, was not recorded and had no substance. Movant seeks annulment because the foreclosure trustee will not issue the Trustee's Deed Upon Sale ("TDUS") until the automatic stay is retroactively annulled.

Debtor Mary Calloway, self-represented, filed a response to the Motion, arguing that she is a joint tenant with a 1/3 interest in the Property. Debtor insists that she was not aware of the prior filings but that the foreclosure sale was reversed. Debtor states that she is awaiting reinstatement figures to bring the loan current, which she hopes to have prior to the hearing. Debtor attaches information about property insurance to her response, but the insurance lists Dwayne and Catherine Calloway as the name of the insured. The only evidence submitted to support Debtor's contention that she is a partial owner of this Property is her declaration stating, "I invested in the property in 2016 by tendering \$50,000, for an undivided interest in the property."

On reply, Movant notes that this is the seventh bankruptcy filing affecting the Property and casts doubt on Debtor's contention that she was unaware of the previous filings, as she is the mother and mother-in-law of the other repeat filers, with whom she lives. Lastly, Movant attaches an email from Melissa Vermillion, counsel for foreclosing lender, who confirmed that the sale has not been rescinded and is awaiting resolution of this Motion's request for annulment so that the Trustee's Deed Upon Sale can be issued.

APPEARANCE REQUIRED

**United States Bankruptcy Court
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Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Mary Elizabeth Calloway

Chapter 13

Debtor(s):

Mary Elizabeth Calloway

Represented By
Julius Johnson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11930 Vicente M Aguilar

Chapter 13

#11.00 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 7/31/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-11374-MT, was a chapter 13 that was filed on 5/23/17 and dismissed on 7/22/19 for failure to make plan payments.

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 plan payments because he was not receiving contribution income in the previous case. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, his son will contribute at least \$287 per month to help Debtor afford his monthly payment obligations. Debtor proposes to pay his unsecured creditors 100%. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS. RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Vicente M Aguilar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Vicente M Aguilar

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-11545 Ian Ellis Silber

Chapter 13

Adv#: 1:18-01104 Silber et al v. Silber et al

#12.00 Status conference re complaint for:
non-dischargeability of debt

fr. 12/12/18, 2/27/19; 3/13/19, 5/1/19, 8/7/19

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Pretrial conference: _____

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : _____

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.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Ian Ellis Silber

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-10037 Gayane Muradyan

Chapter 13

Adv#: 1:19-01053 Muradyan v. KB HOLDINGS & INVESTMENTS, LLC

#13.00 Status Conference Re: Complaint
for Injunctive Relief

fr. 7/17/19

Docket 1

***** VACATED *** REASON: Judgment entered Doc 17 -CT**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Discovery completed by 10/25/19
Case dispositive motions by 11/22/19
Pretrial 1/8/22 at 11 am

Party Information

Debtor(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Defendant(s):

KB HOLDINGS &

Pro Se

Plaintiff(s):

Gayane Muradyan

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#14.00 Status Conference Re: Complaint to
Determine Value of Real Property, Determine
the Extent of Secured Claims and to Extinguish
the Second Position Lien of Creditor the Bank
of New York Mellon C/O Bank of America N.A.

fr. 8/7/19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

THE BANK OF NEW YORK

Pro Se

Does 1-10 Inclusive

Pro Se

Plaintiff(s):

Michael Vara

Represented By
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#15.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18; 5/22/19; 6/14/19, 8/7/19

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The deadline for filing a disclosure statement and plan was extended through 9/13/19 (doc. 51). No status report was filed for this chapter 11 case. The chapter 11 status conference will be trailed to follow the disclosure statement hearing schedule or the adversary schedule, depending on the status of the case.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#16.00 Motion by Trustee to (1) Approve Sale of 17611 Enadia Way, Van Nuys;
(2) Approve Overbid Procedures; (3) Determine that Buyer is Entitled to
Protection Pursuant to 11 U.S.C. Sect. 363(m)

Docket 2280

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

David Seror, Chapter 7 Trustee ("Trustee") for the bankruptcy estate ("Estate") of Owner Management Service, LLC ("Debtor") moves for an order authorizing the sale ("Sale") of real property located at 17611 Enadia Way, Van Nuys, CA 91406 ("Property") to Christopher J. Barnes or assignee ("Buyer"), pursuant to 11 U.S.C. § 363, free and clear of liens, interests, claims, and encumbrances, with such liens, interests, claims, and encumbrances to attach to the Sale proceeds, with the same priority and rights of enforcement as previously existed [Docket No. 2280] (the "Motion").

A sale free and clear of the PennyMac Deed of Trust authorized by 11 U.S.C. § 363(f)(3) which states that "(f) Trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if—(3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property." Here, Trustee has proposed a sale of the Property for a purchase price of Five Hundred Twenty-Five Thousand Dollars (\$525,000) (the "Purchase Price").

Trustee has received only one response to the Motion, the late-filed Conditional Non-Opposition to the Motion [Docket No. 2287] (the "Response") of PennyMac Loan Services, LLC ("PennyMac"). PennyMac does not oppose the sale of the Property, so long as the order approving any sale contain the specific provisions outlined in Response. See, Response at pp. 4-5. Primarily, PennyMac demands that any sale order require that PennyMac be "paid in full."

The PennyMac Deed of Trust is a lien against the Property in the alleged amount of \$312,000 pursuant to the Title Report, and a total of \$384,872.59 under the Payoff Demand. Trustee asserts that there is a second Trust Deed on the Property in the amount of \$20,000 held by the Estate which Trustee shall reconvey through escrow.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps Chapter 7

Deducting the total encumbrances recorded against the Property from the Purchase Price, the price at which the Property is to be sold is greater than the aggregate value of the claimed liens against the Property, and so Trustee argues that a sale of the Property free and clear of the PennyMac Deed of Trust is authorized by 11 U.S.C. § 363(f)(3). Moreover, sufficient equity exists in the Property even under the Payoff Demand figure such that PennyMac's secured claim is adequately protected.

While Trustee has not disputed the PennyMac Deed of Trust, Trustee has further sought the authority to pay from escrow all amounts due to PennyMac, subject to his review and approval of an escrow demand statement at the time of closing. PennyMac submitted its payoff demand on August 7, 2019 (the "Payoff Demand"), after the Motion was filed, and the escrow closing documents have not yet been presented to Trustee for review. Trustee maintains that he should not be required to accept PennyMac's demand without the ability to make a determination that it is reasonable. For that reason, Trustee is seeking the authority to sell the Property free and clear of the PennyMac Deed of Trust (with the PennyMac Deed of Trust to attach to the proceeds of sale) should any dispute arise as to the amount of its lien.

Having reviewed the pleadings filed, the Court grants the Motion without the inclusion of the language requested in the Conditional Non-Opposition. The Property shall be sold free and clear of the PennyMac Deed of Trust, with the PennyMac Deed of Trust to attach to the sale proceeds, subject to resolution of any disputes arising from the PennyMac Payoff Demand. The provision providing for the PennyMac Lien to attach to the sale proceeds and the equity existing in the Property even under the Payoff Demand figure adequately protects PennyMac's secured claim.

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT...

Owner Management Service, LLC and Trustee Corps

Chapter 7

Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Talin Keshishian
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#17.00 Motion By Debtor For Order Authorizing And Instructing the Riverside County Sheriff's Office to Return Levied Funds to Debtor

fr. 7/17/19

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Since the last hearing, the parties have attempted to determine the status of the Funds described in the previous tentative. Debtor has also amended his schedules to exempt the property in full.

The writ of execution was a clear preference under § 547. Debtor has the ability to bring preference actions up to the amount of Debtor's claimed exemption in the property as long as the Trustee does not attempt to avoid such transfer. §522(h). The question of whether the creditor holds title to the property or merely possesses an execution lien is irrelevant to a preference action, as both are "transfer[s] of an interest of the debtor in property" within the meaning of § 547(b).

Creditors' asserted nondischargeability claim is not a defense to a preference action. Creditors have also filed "Objections to Amended Schedule C." Debtor may only avoid a preference under §522(h) to the extent the property can be exempted. However, Creditors provide no basis whatsoever for their objection, which comprises a single sentence.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Eric Rodriguez

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11497 Erlinda G. Aguilar

Chapter 7

#18.00 Motion for Setting Property Value Re: Fair Market Value of Collateral

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor files this motion to value a 2019 Toyota Carolla for purposes of redeeming the property under § 722. The amount of the lien is \$27,428.76 and the value of the car according to the Kelly Blue Book printout attached to the motion is \$16,285.

Section 722 allows an individual debtor to redeem personal property intended for personal use from a lien securing a dischargeable consumer debt if the property has been exempted or abandoned by paying the holder of the lien the amount of the allowed secured claim of that lienholder. 6 Collier on Bankruptcy ¶ 722.01. Debtor filed an amended schedule C to exempt the property. No opposition filed. The motion is GRANTED. The secured portion of the claim is \$16,285 and the unsecured portion is \$11,143.76.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Erlinda G. Aguilar

Represented By
Stephen Parry

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-11701 Sonia Velasco

Chapter 7

#19.00 Motion to Dismiss Case Pursuant to 11 U.S.C. §§ 707(a) or 707(b)(3) with an One-Year Bar to Refiling Pursuant to 11 U.S.C. §§ 109(g) and 105(a)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

UST moves to dismiss this case with a 1-year bar to refiling because Debtor's numerous prior incomplete filings, which have resulted in dismissal of the cases for failure to prosecute and failure to comply in these cases with U.S.C. § 521(a), support a finding that Debtor is utilizing the bankruptcy system to invoke the automatic stay without any intent to pursue this bankruptcy case in good faith. This is Debtor's SIXTH case in which she has failed to comply with the case commencement documents requirement. Moreover, UST argues that because of Debtor's filing history, Debtor is well aware of the negative consequences if Debtor fails to file the required documents in a bankruptcy case. This is additional support to find that this case was filed solely to buy time.

Service proper. No response filed.

Motion GRANTED. NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Sonia Velasco

Pro Se

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:13-13370 Jose Adolfo Montepeque and Maria Montepeque

Chapter 7

#20.00 Trustee's Final Report and Applications for Compensation

Docket 94

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 8/28/19.

Party Information

Debtor(s):

Jose Adolfo Montepeque

Represented By
Kevin T Simon
M. Jonathan Hayes

Joint Debtor(s):

Maria Montepeque

Represented By
Kevin T Simon
M. Jonathan Hayes

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Robbin L. Itkin
Alexandra S Kelly

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:17-12639 Dieter Rauter

Chapter 7

#21.00 Trustee's Final Report and Applications for Compensation

Docket 58

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 8/28/19.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-11871 Gene A Sheynker

Chapter 7

#22.00 Trustee's Final Report and Applications for Compensation

Docket 29

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 8/28/19.

Party Information

Debtor(s):

Gene A Sheynker

Represented By
David S Hagen

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 11

#23.00 Motion to Dismiss Debtor

Docket 54

Courtroom Deputy:

- NONE LISTED -

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):

John Joseph Strand

Represented By
Thomas B Ure

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:19-10420 John Joseph Strand

Chapter 11

#24.00 Chapter 11 Scheduling and Case Management Conference

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Proposed claim bar date: _____

Objections to claims deadline: _____

Avoidance actions deadline: _____

Proposed disclosure statement filing deadline: _____

Proposed disclosure statement hearing: _____

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE
INITIAL STATUS CONFERENCE

Party Information

Debtor(s):

John Joseph Strand

Represented By
Thomas B Ure

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

- #24.01** Status Conference Re: Complaint for
1 - Violation of Real Estate Settlement
Procedures Act, 12 C.F.R Sec. 1024 et seq
2 - Violations of the Fair Debt Collection
Practices Act (FDCPA), 15 USC Sec.
1692, et seq
3 - Negligence, California Civil Code Sec.
1714
4 - Quiet Title, California Code of Civil
Procedure Sec. 760.020
5 - Objection to Claim

fr.6/5/19, 8/21/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Pro Se

Statebridge Company LLC

Pro Se

Cascade Funding Mortgage Trust

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

10:00 AM

CONT... Salomon Llanos

Chapter 13

Plaintiff(s):

Salomon Llanos

Represented By
John Habashy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#25.00 Motion for Abandonment of Debtor's Asset
Known as 4551 Lindley Avenue, Tarzana,
CA 91356

Docket 169

***** VACATED *** REASON: Cont'd to 10/2/19 @ 10:00 per order #177. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#26.00 Motion For Summary Judgment, In the Alternative,
Motion for Partial Summary Judgment

fr. 7/17/19

Docket 13

***** VACATED *** REASON: order tocont. to 11/13/19 @ 1pm (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

continued to November 13 at 1 pm

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#27.00 Status Conferencere re: First Amended Complain

fr. 7/31/19

Docket 9

***** VACATED *** REASON: order to cont. to 11/13/19 @ 1pm (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

continued to November 13 at 1 pm

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#28.00 Motion for summary judgment

fr. 6/26/19

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Defendant(s):

Charles Street Investments, Inc.

Represented By
Stella A Havkin

Charles Street Investment, LLC, an

Represented By
Stella A Havkin

Inaam Rasheed Naeem, an

Represented By
Stella A Havkin

Cardenas Three LLC, a California

Represented By
Jacky Wang

Estate of Shahid Naeem, decedent

Represented By
Stella A Havkin

DOES 1 through 50, inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Joint Debtor(s):

Svetlana Buzina

Represented By
R Grace Rodriguez

Plaintiff(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Svetlana Buzina

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#29.00 Status conference re complaint to determine the extent and validity of liens on real property; quiet title; cancellation of instruments; rescission under home equity sales contract act fraud; breach of fiduciary duty; breach of contract; breach of implied covenant of good faith and fair dealing; violation of mortgage foreclosure consultant law; declaratory relief

Counterclaim

Cardenas Thee LLC

Couter - Claimant

vs.

Arkady Aleksandrovich Buzin

Counter - Defendant

from: 5/10/18; 6/14/18; 8/30/18; 12/13/18; 3/14/19; 3/18/19(MB),
3/26/19, 6/26/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 28, 2019

Hearing Room 302

1:00 PM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Defendant(s):

Charles Street Investments, Inc.	Pro Se
Charles Street Investment, LLC	Pro Se
Inaam Rasheed Naeem	Pro Se
Cardenas Three LLC	Pro Se
Shahid Rasheed Naeem	Pro Se

Joint Debtor(s):

Svetlana Buzina	Represented By R Grace Rodriguez
-----------------	-------------------------------------

Plaintiff(s):

Arkady Aleksandrovich Buzin	Represented By R Grace Rodriguez
Svetlana Buzina	Represented By R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

9:30 AM

1:19-12106 Edward Babalians

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 -

Party Information

Debtor(s):

Edward Babalians

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

9:30 AM

1:19-12085 Sir Arthur Conan Doyle

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 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sir Arthur Conan Doyle

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

9:30 AM

1:19-12079 Martin Pantoja

Chapter 13

#0.03 Order 1- Setting Status Conderence: 2- Directionong 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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Pantoja	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:14-14868 Marjorie Ann Stoddard

Chapter 13

#1.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 188

Tentative Ruling:

Petition Date: 10/28/14

Chapter 13 plan confirmed: 12/8/15

Service: Proper. No opposition filed.

Property: 23220 Sylvan St. Woodland Hills, CA 91367

Property Value: \$580,000 (per Order re Motion to Avoid Lien, doc. 155)

Amount Owed: \$486,554

Equity Cushion (@ 8% cost of sale): 8%

Equity: \$93,446

Post-confirmation Delinquency: \$10,749.28 (7 payments of \$1,763.76, less
suspense balance of \$1,597.04)

Movant alleges the last payment received from Debtor was on or about July
5, 2019.

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):

Marjorie Ann Stoddard

Represented By
Kevin T Simon

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Marjorie Ann Stoddard

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#2.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19, 7/31/19

Docket 88

Tentative Ruling:

This hearing was continued from 7/31/19 so that Debtor could explore whether a short sale or an APO would resolve this matter. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter: 13

Service: Proper. Opposition filed.

Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335

Property Value: \$336,788.84 (per debtor's schedules)

Amount Owed: \$319,819.55 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$7,426

Post-Petition Delinquency: \$30,343.53

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Seth Eric Simon

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#3.00 Motion for relief from stay

CITIBANK, N.A.

Docket 64

***** VACATED *** REASON: Cont'd per stipulation to 10/16/19 at 10 a.m.
(doc. 68) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D Resnik

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#4.00 Motio for relief from stay

NISSAN-INFINITI LT

Docket 98

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hamid Farkhondeh

Represented By
Stella A Havkin
Stella Rafiei

Joint Debtor(s):

Mary Dadyan

Represented By
Stella A Havkin
Stella Rafiei

Movant(s):

NISSAN-INFINITI LT.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-11545 Ian Ellis Silber and Jane Ellen Silber

Chapter 11

#5.00 Motion for relief from stay

VW CREDIT LEASING, LTD

Docket 112

Tentative Ruling:

Petition Date: 6/28/18

Converted to Ch. 11: 6/3/19

Service: Proper. Notice of Non-opposition filed 8/28/19, doc. 119.

Property: 2016 Audi A3

Property Value: \$17,725 (per Movant's evidence - NADA Guide)

Amount Owed: \$22,804

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$22,804

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):

Ian Ellis Silber

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Joyce Owens

Joint Debtor(s):

Jane Ellen Silber

Represented By

Matthew D Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 11

Roksana D. Moradi-Brovia

Movant(s):

VW Credit Leasing LTD

Represented By
Erica T Loftis Pacheco

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10083 Daniel Y. Baah

Chapter 7

#6.00 Motion for relief from stay

LOS ANGELES FEDERAL CREDIT UNION

Docket 28

Tentative Ruling:

Petition Date: 1/13/19

Converted to Chapter 7: 7/30/19

Service: Proper. No opposition filed.

Property: 2017 BMW 5-Series

Property Value: \$37,000 (per debtor's schedules)

Amount Owed: \$53,714

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$7,360.94 (approx. nine payments of \$805.02)

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):

Daniel Y. Baah

Represented By
Clifford Bordeaux

Movant(s):

Los Angeles Federal Credit Union

Represented By
Bruce P. Needleman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Daniel Y. Baah

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10656 Rita Patricia Monteza

Chapter 13

#7.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 40

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rita Patricia Monteza

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#8.00 Motion for relief from stay

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION

Docket 30

Tentative Ruling:

Petition Date: August 19, 2019

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: Real property at 10141 Nevada Avenue, Chatsworth, CA 91311.

Property Value: \$721,000

Amount Owed: \$253,066.63

Equity Cushion: 17%

Equity: \$0

Post-Petition Delinquency: \$2,056.40

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); **3** (may offer loss mitigation); **6** (relief from co-debtor stay); and **7** (waiver of 4001(a)(3) stay). The delinquency is small and there is a large enough equity cushion here to protect Movant's claim. Have the parties discussed whether the delinquency can be resolved with an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Kristin Burak

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10758 Erika Rice

Chapter 13

#9.00 Motion for relief from stay

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION

Docket 41

Tentative Ruling:

This case was dismissed on 8/22/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request annulment of the stay or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Erika Rice

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10836 Melissa D Kurtz

Chapter 13

#10.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 32

Tentative Ruling:

Petition Date: August 7, 2019
Chapter: 13
Service: Proper. Opposition filed.
Property: 13105 Portola Way, Los Angeles, CA 91342
Property Value: \$438,186 (per debtor's schedules)
Amount Owed: \$483,535.93 (as of 7/26/2019)
Equity Cushion: 19.0%
Equity: \$198,108.89.
Post-Petition Delinquency: \$8,892.00

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 filed an opposition, arguing that more payments have been made than have been accounted for in the motion and requesting to cure any remaining deficiency via APO. Have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Melissa D Kurtz

Represented By
Kevin T Simon

Movant(s):

THE BANK OF NEW YORK

Represented By
Arnold L Graff
Angie M Marth

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Melissa D Kurtz

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-10866 Antonina Eaton

Chapter 7

#11.00 Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 33

Tentative Ruling:

Petition Date: April 11, 2019
Converted to Chapter 7: 5/7/19
Service: Proper. No opposition filed.
Property: 18824 Arminta Street, Reseda, CA 91335
Property Value: \$778,146.00 (per debtor's schedules)
Amount Owed: \$759,664.60 (as of 7/15/2019)
Equity Cushion: 2.38%
Equity: \$18,481.40
Delinquency: \$444,252.51 (137 payments of \$3,515.56)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law), **3** (Movant may offer loss mitigation); and **7** (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):

Antonina Eaton

Pro Se

Movant(s):

Wells Fargo Bank, N.A., as Trustee,

Represented By
Nancy L Lee

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-11796 Miriam Claudia Munoz

Chapter 13

#12.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr; 8/21/19

Docket 12

Tentative Ruling:

Petition Date: 7/17/19

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 15131 Tuba St. Mission Hills, CA 91345

Property Value: \$700,000 (per debtor's schedules)

Amount Owed: \$542,537

Equity Cushion: 14%

Equity: \$157,463

Post-Petition Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to multiple bankruptcies affecting, the subject property. Movant details ten different bankruptcies filed by either Debtor or co-borrower Felipe Santacruz over the last three years, and indicates that the account is in arrears for 52 payments, totaling \$153,078.

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); **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.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Miriam Claudia Munoz

Chapter 13

Party Information

Debtor(s):

Miriam Claudia Munoz	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#12.01 Motion for relief from stay

MAGNUM PROPERTY INVESTMENT LLC and
STRATEGIC ACQUISITIONS INC.

fr. 8/28/19

Docket 18

Tentative Ruling:

This hearing was continued from 8/28/19 so that the Court could hear argument on the Motion for Relief from Stay filed by foreclosing trustee Wilmington Trust (9/11/19, cal. no 13). APPEARANCE REQUIRED.

Cont'd from 8/28/19

Petition Date: 7/26/19

Chapter: 13

Service: Proper. Opposition filed.

Property: 17548 Donmetz St. Granada Hills, CA 91344

Property Value: \$745,000 (per debtor's schedules)

Amount Owed: n/a

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: n/a

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 cause for binding and effective relief due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant purchased the Property at a foreclosure sale on or about July 26, 2019. In the third case filed affecting this Property, the lender filed a relief from stay and it was

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... **Mary Elizabeth Calloway**

Chapter 13

granted after Dwayne Calloway defaulted on his adequate protection payments. The order was entered on April 3, 2019 and included co-debtor relief as to Catherine Calloway. *In re Dwayne Calloway*, 1:18-bk-10613-MT, doc. 54. To again interfere with the foreclosure sale, Movant alleges that Mary Calloway has filed a chapter 13 case on July 26, 2019. Movant attaches evidence that the title chain does not show that Mary Calloway is on title and she was not on title when the lender obtained relief from stay in April 2019.

Movant alleges that the foreclosure sale took place on 7/26/19, at 12:46 p.m., without notice of this Debtor having any interest in the Property and/or having filed a bankruptcy petition. Movant notes that when the foreclosure sale took place on July 26, 2019, there was no indication at the sale that the bankruptcy prohibited the sale by the foreclosing trustee and Magnum and SAI were unaware of the bankruptcy filing. Movant believes the lack of notice of this bankruptcy to the foreclosing trustee is because the transfer never occurred, was not recorded and had no substance. Movant seeks annulment because the foreclosure trustee will not issue the Trustee's Deed Upon Sale ("TDUS") until the automatic stay is retroactively annulled.

Debtor Mary Calloway, self-represented, filed a response to the Motion, arguing that she is a joint tenant with a 1/3 interest in the Property. Debtor insists that she was not aware of the prior filings but that the foreclosure sale was reversed. Debtor states that she is awaiting reinstatement figures to bring the loan current, which she hopes to have prior to the hearing. Debtor attaches information about property insurance to her response, but the insurance lists Dwayne and Catherine Calloway as the name of the insured. The only evidence submitted to support Debtor's contention that she is a partial owner of this Property is her declaration stating, "I invested in the property in 2016 by tendering \$50,000, for an undivided interest in the property."

On reply, Movant notes that this is the seventh bankruptcy filing affecting the Property and casts doubt on Debtor's contention that she was unaware of the previous filings, as she is the mother and mother-in-law of the other repeat filers, with whom she lives. Lastly, Movant attaches an email from Melissa Vermillion, counsel for foreclosing lender, who confirmed that the sale has not been rescinded and is awaiting resolution of this Motion's request for

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Mary Elizabeth Calloway

Chapter 13

annulment so that the Trustee's Deed Upon Sale can be issued.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Julius Johnson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#13.00 Motion for relief from stay

WILMINGTON TRUST

Docket 33

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Faith A Ford

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-12035 Leonor Cecilia Garcia

Chapter 13

#13.01 Motion in Individual case for Order Imposing
a Stay or Continuing the Automatic Stay as
the Court Deems Appropriate

Docket 16

Tentative Ruling:

On 8/13/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-10701-MT, was a chapter 13 that was filed on 3/17/17 and dismissed on 6/28/19 for failure to make plan payments.

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 plan payments. Debtor claims that there has been a substantial change in his/her financial affairs because her son is now helping her with a monthly contribution. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Leonor Cecilia Garcia

Represented By
Ali R Nader

Movant(s):

Leonor Cecilia Garcia

Represented By
Ali R Nader

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Leonor Cecilia Garcia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#14.00

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, 9/12/18, 7/17/19

Docket 47

***** VACATED *** REASON: Stip. cont. to 12/11/19 @10am (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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

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.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... R.J. Financial, Inc.
ROMANO'S JEWELERS

Represented By
Daniel J McCarthy

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#15.00 Status Conference Re:
Counterclaim

Abalkhad vs. Seror

fr. 12/19/18, 5/1/19; 7/17/19

Docket 84

***** VACATED *** REASON: Cont'd per stipulation to 12/11/19 at 10 a.m.
(doc. 98) - hm**

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:19-01055 Weil v. E*Trade Financial Corporation et al

#16.00 Status Conference Re: Complaint for
Turnover of Property of the Estate

fr. 7/17/19

Docket 1

***** VACATED *** REASON: Stip. cont. to 1/22/20 @ 10am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

E*Trade Financial Corporation

Pro Se

E*Trade Financial Corporate

Pro Se

Plaintiff(s):

Diane C. Weil

Represented By
Anthony A Friedman

Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:19-01055 Weil v. E*Trade Financial Corporation et al

#17.00 Status Conference Re: Complaint for
Turnover of Property of the Estate

fr. 7/17/19

Docket 1

***** VACATED *** REASON: Duplicated of cal. # 17 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

E*Trade Financial Corporation

Pro Se

E*Trade Financial Corporate

Pro Se

Plaintiff(s):

Diane C. Weil

Represented By
Anthony A Friedman

Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01078 Vara v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STR

- #18.00** Status Conference Re: Compliant for Loan Modification Violations and Follows:
1 - Real Estate Settlement Procedures Act, 12 USC Sec. 2601, et seq.
2 - Truth in Lending Act, 15 USC Sec. 1601, et seq.
3 - Unlawful Unfair, or Fraudulent Business Practices under the California Unfair Compensation Law, Cal. Bus. & Prof. Code Sec. 17200
4 - Unjust Enrichment
5 - Declaratory Relief
6 - Demand for Jury Trial

Docket 1

Tentative Ruling:

Having considered the Stipulation and Defendant's Unilateral Status Report, the Court finds cause to continue this status conference to Oct. 16, 2019, at 1:00 p.m. Court to give notice of continued status conference.

APPEARANCE WAIVED ON 9/11/19.

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

U.S. BANK NATIONAL

Pro Se

Plaintiff(s):

Michael Vara

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT...

Michael Vara

Alfred J Verdi

Chapter 11

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-11430 Barbara Dawn Russell

Chapter 7

Adv#: 1:19-01065 Russell v. Fed Loan Servicing

#19.00 Status Conference Re: Complaint to Determine
Dischargeability of Student Loans

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

It is not clear this was properly served yet. Let's discuss whether it was served
and where to go from here

Party Information

Debtor(s):

Barbara Dawn Russell Pro Se

Defendant(s):

Fed Loan Servicing Pro Se

Plaintiff(s):

Barbara Russell Pro Se

Trustee(s):

Amy L Goldman (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:17-12238 Juliana Njeim

Chapter 7

#20.00 Application to Employ Rodeo Realty, Inc.
as Real Estate Broker

Docket 65

Tentative Ruling:

It is unclear what is happening with the debtor's motion to strike the trustee's withdrawal of the trustee's final report. If that is still being refiled and docketed properly, the trustee should respond and this motion heard after that issue is decided. Please advise at the hearing what the status is of debtor's motion to strike so that an appropriate continued date can be set.

Party Information

Debtor(s):

Juliana Njeim

Represented By
Matthew D. Resnik
M. Jonathan Hayes

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:17-12238 Juliana Njeim

Chapter 7

#20.01 Motion to Strike Trustee's Notice of Withdrawal of Chapter 7 Trustee's Final Account and Distribution Report Certification That the Estate has Been Fully Administered and Application to be Discharged

Docket 68

Tentative Ruling:

APPEARANCE REQUIRED

The parties should also address whether this requires an evidentiary hearing. When and why did the debtor decide to bring the motion to avoid the American Express lien? Why did she list the lower value of the property? Trustee asserts that it was strategic. What has debtor paid in mortgage and property taxes since the initial TFR was filed in reliance on the fact that she could stay in her home?

Why did the trustee inquire again as to the value a year after determining value and how did she obtain two offers when no application to employ a broker had not yet been filed?

The trustee has also not addressed debtor's estoppel argument.

Party Information

Debtor(s):

Juliana Njeim

Represented By
Matthew D Resnik
M. Jonathan Hayes

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#21.00 Pre-Trial Status Conference re: Complaint

fr. 8/29/18, 2/20/19, 6/26/19

Docket 1

***** VACATED *** REASON: Order cont. to 12/4/19 @1pm (eg)**

Tentative Ruling:

Having reviewed the docket for this case and finding that Defendant has a Summary Judgment Motion set for hearings on Oct. 2, 2019, this status conference is continued to Oct. 2, 2019, at 1:00 p.m.

APPEARANCE WAIVED ON 9/11/19.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#22.00 Motion for Leave to File First Amended
Complaint

Docket 28

***** VACATED *** REASON: Taken off-calendar (ad. ECF doc. 35) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Represented By
Eamon Jafari

Kirill Kizyuk

Represented By
Eamon Jafari

Prime Capital Group, Inc., a

Represented By
Eamon Jafari

Mkrtchyan Investments, LP, a

Represented By
Eamon Jafari

Arthur Aristakesyan

Represented By
Eamon Jafari

Phantom Properties, LLC, a Nevada

Represented By
Eamon Jafari

Dimitri Lioudkovski

Represented By
Yevgeniya Lisitsa

LDI Ventures, LLC, a California

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

CONT... Nazaret Kechejian

Chapter 13

Eamon Jafari
Yevgeniya Lisitsa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#23.00 Order Setting Hearing on Opposition to Default
Under Adequate Protection Order

Docket 90

***** VACATED *** REASON: Ntc. of w/drawal filed 8/29/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron
Crystle Jane Lindsey

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-12188 Ofelia Margarita Macias

Chapter 11

#24.00 Final Fee Application For Compensation For
Legal Services Rendered And Reimbursement
Of Expenses On Behalf Of Law Office Of
Lionel E. Giron For Debtor In Possession

Period: 6/27/2019 to 8/21/2019,
Fee: \$4,002.50, Expenses: \$299.00.

Docket 93

Tentative Ruling:

Service proper. No objections filed. Having reviewed the 2nd 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 9-11-19.

Party Information

Debtor(s):

Ofelia Margarita Macias

Represented By
Lionel E Giron
Crystle Jane Lindsey

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#25.00 First and Final Application of Jeffrey S. Shinbrot, APLC, General Reorganization Counsel to Chapter 11 Debtor For Approval of Compensation in the Amount of \$76755.00 and Reimbursement of Expenses in the Amount of \$1123.89, For The Period November 27, 2018 through July 29, 2019

Docket 117

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 THIS MATTER ON 9-11-19.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

**#26.00 Motion For Order Awarding Attorney's Fees
Against Construction Lenders**

Docket 118

Tentative Ruling:

APPEARANCE REQUIRED

A memo will be issued following argument. The question of whether this is an action "on a contract" is largely settled in favor of debtor, although not completely. This case is not quite Penrod, as debtor argues. It is also clearly not Bos. There was both the financing motion and the confirmation. The financing motion was "on the contract" but plan confirmation involved issues broader than the contract. How does the court parse between them?

It also appears that the prevailing party issues is mixed. The debtor prevailed on being able to prime the secured position of Construction Lenders, but only after significant additional collateral was pledged. The lender clearly prevailed on the interest rate question. The confirmation of the plan turned on those issues as well as others that were not based in contract such as feasibility and the interests of all creditors. As such, would this case not be controlled by Hsu v Abbara, where the results of the contract litigation are mixed and the court has discretion to determine that no party prevailed?

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:19-11646 Michael T Stoller

Chapter 11

**#27.00 Scheduling and Case Management
Conference**

Docket 42

Tentative Ruling:

Proposed claim bar date: November 1, 2019

Objections to claims deadline: December 2, 2019

Avoidance actions deadline: December 16, 2019

Proposed disclosure statement filing deadline: January 22, 2020

Proposed disclosure statement hearing: March 11, 2020 at 11 am

**DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE
INITIAL STATUS CONFERENCE**

Party Information

Debtor(s):

Michael T Stoller

Represented By
Matthew Abbasi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

#28.00 Motion to Temporarily Stay Trial;
Memorandum of Points and Authorities

Docket 243

***** VACATED *** REASON: CONTINUED TO SEPTEMBER 24, 3 pm**

Tentative Ruling:

APPEARANCE REQUIRED.

IT APPEARS THE TRIAL HAS BEEN PARED DOWN AND MAY PROCEED AS PLANNED.

THE PARTIES HAVE NOT ADDRESSED WHAT THE EFFECT OF WITHDRAWAL OF A PROOF OF CLAIM HAS WHERE THE COURT HAD FULL JURISDICTION AND AUTHORITY TO HEAR THE CASE AT THE TIME IT WAS FILED AND HEARD AND CLAIMS WERE DISMISSED AFTER THAT. ADDITIONAL BRIEFS WILL BE PERMITTED BEFORE SEPTEMBER 18 TO ADDRESS THIS ISSUE AND OTHERS THAT HAVE NOT YET BEEN ADDRESSED

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

10:00 AM

1:18-11460 Josef John Dolezal

Chapter 7

#29.00 Motion for Abandonment of Potential
Defamation Claim

Docket 55

Tentative Ruling:

On April 18, 2019, Debtor filed an Amended Schedules A/B to include a defamation claim described as "...a claim for defamation against an unknown third party that has posted wrongful remarks about him on the internet. Debtor would seek primarily an injunction in a future lawsuit against this unknown person, and also seek to recover his attorney's fees and costs" with an unknown value." Debtor argues that the potential defamation claim against unknown persons has no value to the bankruptcy estate. Debtor seeks a Court Order confirming that this potential defamation claim is abandoned as having no value and is no longer part of the bankruptcy estate.

Service proper. No opposition filed.

Motion GRANTED. MOVANT TO LODGE ORDER WITHIN 7 DAYS. NO APPEARANCE REQUIRED ON 9-11-19

Party Information

Debtor(s):

Josef John Dolezal

Represented By
Michael H Raichelson

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

#30.00 Pre-Trial Conference re: Complaint

fr. 6/6/18; 5/8/19, 5/15/19

Docket 1

***** VACATED *** REASON: Cont'd to 12/11/19 at 1 p.m. (doc. 48) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#31.00 Objection to claim no. 2
by LDI Ventures, LLC.

fr. 10/23/18; 2/26/19; 8/20/19

Docket 38

Tentative Ruling:

Debtor has filed a motion in the adversary seeking leave to file an amended complaint in response to LDI's motion to dismiss. This matter will need to trail the adversary.

2/26/19 Tentative

This matter is trailing the related adversary proceeding, 18-01101 (the "Adversary"). Nothing new has been filed in either the lead case or the Adversary since the previous Adversary status conference. The next status conference in the Adversary is scheduled for July 31, 2019. The plan cannot be confirmed and this objection to claim cannot be resolved until after the Adversary is resolved. This objection to claim will therefore be continued to August 20, 2019.

NO APPEARANCE REQUIRED

10/23/19 Tentative

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

CONT... Nazaret Kechejian

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

**#31.01 Motion for Leave to File First Amended
Complaint**

Docket 28

Tentative Ruling:

FRCP 15 made applicable to adversary proceedings pursuant to FRBP 7015, governs amendment of pleadings. Leave of court or opposing party permission to amend a complaint is required if a responsive pleading plus 21 days has passed. FRCP 15 (a)(1) and (2). FRCP 15(a)(2) states that: "The court should freely give leave when justice so requires."

Leave to amend is within the sound discretion of the trial court. Rule 15 as leave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay. Johnson v. Mammoth Recreations, 975 F.2d 604, 607 (9th Cir. 1992). The policy behind Rule 7015 is that of allowing amendment to pleadings to cure deficiencies where justice requires and there is not evidence of bad faith. In re Jenkin, 83 B.R. 733, 735 (9th Cir. BAP, 1988).

Plaintiff insists the request for leave to amend in not in bad faith because Defendants LDI Ventures, LLC and Dmitri Lioudkovski have asserted certain deficiencies in the pleadings by way of a pending motion to dismiss. Plaintiff seeks leave to amend to plead with more particularity. While Plaintiff believes that the unfair business practices and predatory lending claims are properly plead in the Complaint, Plaintiff admits that the claims are also able to be amended to facts and breakdown the elements of those claims with additional particularity.

Plaintiff seeks to take the practical and less costly approach of amending their complaint to take onto account the arguments made by Defendants to dismiss under FRCP 12(b) preemptively. The proposed amendment is not an undue delay nor does amendment appear futile. The Court is inclined to grant this Motion.

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

CONT... Nazaret Kechejian

Chapter 13

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Represented By
Eamon Jafari

Kirill Kizyuk

Represented By
Eamon Jafari

Prime Capital Group, Inc., a

Represented By
Eamon Jafari

Mkrtchyan Investments, LP, a

Represented By
Eamon Jafari

Arthur Aristakesyan

Represented By
Eamon Jafari

Phantom Properties, LLC, a Nevada

Represented By
Eamon Jafari

Dimitri Lioudkovski

Represented By
Yevgeniya Lisitsa

LDI Ventures, LLC, a California

Represented By
Eamon Jafari
Yevgeniya Lisitsa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#32.00 Motion for Extension of Time to File Plan and Disclosure Statement in Small Business Case; Memorandum of Points and Authorities.

fr/ 5/15/19

Docket 106

***** VACATED *** REASON: Per Order entered 8/21/19 was denied (eg)**

Tentative Ruling:

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

11:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#33.00 Status and case management conference

fr. 12/12/18, 4/17/19; 5/15/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Debtor was supposed to explain at this hearing what its plan was and whether a settlement was reached. The operating reports show that significant post petition expenses are not being paid and debtor is sinking further into the red. The court is ready to dismiss this case unless debtor has significantly different news than the last 5 hearings.

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 11, 2019

Hearing Room 302

1:00 PM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

Adv#: 1:18-01127 Akhoian Enterprises, Inc. et al v. First-Citizens Bank & Trust Company et al

#34.00 Motion to Extend Time within which to file a Notice of Appeal of the Court's Order Dismissing Plaintiffs' Adversary Action with Prejudice on the Merits.

Docket 45

Tentative Ruling:

On November 1, 2018, First Citizens Bank & Trust (the "Bank" or "Defendant") sued the Akhoians ("Plaintiffs"), among others, for breach of contract in Los Angeles Superior Court. Subsequently in November 2018, Plaintiffs sued the Bank in state court for conversion and negligence that alleged other causes of action against the Plaintiffs' former counsel, Louis Kravitz ("Kravitz") and other Kravitz entities relating to the same operative facts (the "Akhoian Complaint").

Chapter 7 Trustee David Seror ("Trustee") removed the Akhoian Complaint to bankruptcy court on December 11, 2018. On January 11, 2019, Plaintiffs filed a Motion to Remand the Akhoian Complaint ("Motion to Remand"). On January 22, 2019, Plaintiffs filed a cross-complaint ("Cross-Complaint") against the Bank asserting similar claims for conversion and negligence that were previously set forth in the Akhoian Complaint.

The Court denied a Motion to Remand and adopted the findings that were reflected in its tentative ruling. See Notice of Tentative Ruling re Motion (1) Objecting to Removal and (3) to Remand Adversary Proceeding to State Court Pursuant to 28 U.S.C. § 1452 [Doc. 21]; Order (A) Denying Motion (1) Objecting to Removal and (2) To Remand Adversary Proceeding to State Court (doc. 22).

On May 15, 2019, the Court held a status conference where counsel to the Bank, Trustee, and Plaintiffs appeared. At that hearing, the Court stated its intention to dismiss the Akhoian Complaint. In May 24, 2019, the Court entered its Order Dismissing Adversary Proceeding with Prejudice [Doc. 36] ("Dismissal Order"), which dismissed the instant

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CONT... Akhoian Enterprises, Inc.

Chapter 7

adversary proceeding with prejudice and on the merits ("Dismissal").

On June 12, 2019, Plaintiffs filed an Objection to the Dismissal Order (Doc. 38) ("Objection to Dismissal Order"), asserting various jurisdictional, due process, and other arguments. On June 26, 2019, the Court held a hearing on the Objection to Dismissal Order, overruling the objection. On July 5, 2019, an Order Overruling Objection to Order Dismissing Adversary Proceeding with Prejudice was entered (doc. 43).

On August 8, 2019, Plaintiffs filed this Motion to Extend Time within which to file a Notice of Appeal of the Court's Order Dismissing Plaintiffs' Adversary Action with Prejudice (the "Motion to Extend"). Both the Bank and Trustee oppose the Motion to Extend.

STANDARD

Fed. R. Bankr.P. 8002(a) provides that, subject to certain exceptions not applicable here, a notice of appeal must be filed with the bankruptcy clerk within fourteen (14) days after the entry of judgment.

Rule 8002(d) provides for an extension of the fourteen (14) day appeal period as follows:

(1) When the Time May be Extended. Except as provided in subdivision (d)
(2), *the bankruptcy court may extend the time to file a notice of appeal* upon a party's motion that is filed:

(A) within the time prescribed by this rule; or

(B) *within 21 days after that time, if the party shows excusable neglect.*

...

(3) Time Limits on an Extension. No extension of time may exceed 21 days after the time prescribed by this rule, or 14 days after the order granting the motion to extend time is entered, whichever is later.

Fed. R. Bankr.P. 8002 (emphasis added).

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Under Rule 8002(d)(1)(B), the movant carries the burden of proving that the failure to file a timely appeal was the product of "excusable neglect." See, e.g., In re Boyce, 2009 WL 4060093, at *1 (Bankr.E.D.Pa. Nov. 18, 2009); accord In re AMF Bowling Worldwide, Inc., 520 B.R. 185, 196 (Bankr.E.D.Va.2014).

The Supreme Court definitively construed Rule 9006(b)(1) in Pioneer Inv. Servs. Co. v. Brunswick Associates Ltd. P'ship, 507 U.S. 380, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993). Pioneer informs the application of excusable neglect in every court rule in which that term is used. The Ninth Circuit specifically has held that the Pioneer standard for Rule 9006(b)(1) is used in applying Rule 8002(d)(1)(B). See Picany v. Andrews, 389 F.3d 853 (9th Cir. 2004) (en banc); In re Zilog, 450 F.3d 996 (9th Cir. 2006).

To determine whether a party's failure to meet a deadline constitutes "excusable neglect," courts must apply a four-factor equitable test, examining: (1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1261 (9th Cir. 2010) citing, Pioneer, 507 U.S. at 395. See also Briones v. Riviera Hotel & Casino, 116 F.3d 379, 381 (9th Cir.1997) (adopting the Pioneer test for consideration of Rule 60(b) motions).

Pioneer requires that the issue of excusable neglect be determined in the context of the particular case. Pincay, 389 F.3d at 859 (stating that the "question is whether there [is] enough in the context of [the] case to bring a determination of excusable neglect within the ... court's discretion"). The burden of presenting facts demonstrating excusable neglect is on the movant. Key Bar Investments v. Cahn, 188 B.R. 627, 631 (B.A.P. 9th Cir. 1995); In re Pac. Gas & Elec. Co., 311 B.R. 84, 89 (Bankr.N.D.Cal.2004).

ANALYSIS

Plaintiffs explains the factual circumstances that led to the July 14, 2019 appeal deadline not being noted in their counsel's administrative calendaring system. Motion to Extend, 7:17-8:22. Opposing parties focus not on the sympathetic circumstances of Plaintiff's administrative staff but that Counsel did not have a backup system of calendaring

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Chapter 7

in place when his administrative support is mostly offsite. This lack of "*extra*-diligence and caution," Defendant argues, is not neglect that is excusable under the Pioneer standard. Defendant's Opposition, 8:19 (emphasis added). Plaintiff's counsel is appropriately penitent about his office's failure to calendar the appeal deadline and the declarations filed in support explain sufficiently how this oversight occurred.

Defendant argues that it will suffer significant prejudice if this motion is granted because Plaintiffs' appeals would allow them the opportunity to exert undue leverage in settlement discussions concerning dismissal of the Cross-Complaint against the Bank. Because it is the Bank's position that the Court has already dismissed the action on the merits, it contends that an appeal would open the door for possible further appeals of the Court's Dismissal Order by Plaintiffs. Defendants are concerned that granting this Motion may force the Bank to run up against an impending November trial date in the Bank Collection Action. Non-moving party Trustee also asserts that the bankruptcy estate will be adversely impacted and hence prejudiced if Plaintiffs appeal is permitted to proceed because protracted litigation will stall the administration of the bankruptcy estate, impacting the professionals and the creditors waiting for the administration of their claims and may find estate assets further diminished by administrative expenses incurred in connection with the appeal, if it were to go forward. While the Court recognizes that Defendant faces a much more streamlined litigation without an appeal, the inquiry under Pioneer requires a broader focus.

Because Pioneer's four factors are non-exclusive, the court is permitted to take "account of all relevant circumstances surrounding the party's omission" in making an equitable determination. Pioneer, 507 U.S. at 395; see Briones, 116 F.3d at 382 n. 2 (noting that "we will ordinarily examine all of the circumstances involved rather than holding that any single circumstance in isolation compels a particular result regardless of other factors"). Pioneer mandated a balancing test for divining excusable neglect, but Pioneer did not assign the weight to be accorded by the court to each of its non-exclusive factors in making an equitable determination. See Pincay, 389 F.3d at 860 (stating that "we leave the weighing of Pioneer's equitable factors to the discretion of the ... court in every case"); Lowry v. McDonnell Douglas Corp., 211 F.3d 457, 463 (8th Cir.2000) (stating that "[t]he four Pioneer factors do not carry equal weight"), cert. denied, 531 U.S. 929, 121 S.Ct. 309, 148 L.Ed.2d

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Chapter 7

248 (2000). Here, the factual circumstances surrounding the calendaring error support a finding of excusable neglect. The Court does not make the same inferences of bad faith from the substance and timing of Plaintiffs' actions regarding the dismissal as Defendant. The short delay in the prosecution of the appeal is not so prejudicial or lengthy that it will outweigh the compelling reasons for the excusable neglect and the resulting delay.

Motion to Extend GRANTED.

Party Information

Debtor(s):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

Defendant(s):

First-Citizens Bank & Trust

Represented By
Reed S Waddell
Gerrick Warrington

KI, LLC, a California limited

Pro Se

Kravitz, LLC, a Delaware limited

Pro Se

Louis Kravitz & Associates, Inc., a

Pro Se

Kravitz, Inc., a California

Pro Se

Ascensus, Inc., a Delaware

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Akhoian Enterprises, Inc.

Represented By
Richard Burstein
Jeffrey Huron
Ronald Norman

John Akhoian

Represented By
Richard Burstein

**United States Bankruptcy Court
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CONT... Akhoian Enterprises, Inc.

Chapter 7

Jeffrey Huron
Ronald Norman
Gordon Strange

Tamar Akhoian

Represented By
Richard Burstein
Jeffrey Huron
Ronald Norman

Trustee(s):

David Seror (TR)

Represented By
Steven T Gubner
Richard Burstein
Talin Keshishian

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
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Thursday, September 12, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#0.01 Motion In Limine To Exclude Certain State
Court Documents Identified By Plaintiffs
As Exhibits Plaintiffs Intend To Be Offered At Trial

Docket 143

Tentative Ruling:

- NONE LISTED -

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
Raymond H. Aver

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Thursday, September 12, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#0.02 Motion In Limine To Exclude Certain Audio Recordings And Transcripts Of Audio Recordings Identified By Plaintiffs As Exhibits Plaintiffs Intend To Be Offered At Trial

Docket 142

Tentative Ruling:

- NONE LISTED -

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
Raymond H. Aver

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, September 12, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#0.03 Motion In Limine To Exclude Certain Exhibits
Identified By Plaintiffs As Exhibits Plaintiffs
Intend To Be Offered At Trial

Docket 141

Tentative Ruling:

- NONE LISTED -

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
Raymond H. Aver

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, September 12, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#1.00 TRIAL - DAY 1
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, September 16, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#1.00 TRIAL - DAY 2
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19, 9/12/19

Docket 1

Courtroom Deputy:

Trial set for 9/12, 16, 19, 20, 23/19.

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Yoram Talasazan

Represented By
Raymond H. Aver

Defendant(s):

Yoram Talasazan

Pro Se

Plaintiff(s):

Hanrit Moussighi

Represented By
Donna R Dishbak
Donna R Dishbak

Moeir Moussighi

Represented By
Donna R Dishbak

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Monday, September 16, 2019

Hearing Room 302

9:30 AM

CONT... Yoram Talasazan

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

1:19-11332 Aldwin Escudro and Esperanza Escudro

Chapter 7

**#1.00 Reaffirmation Agreement Between Debtor and
Toyota Motor Credit Corporation**

Docket 26

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: 5/28/19

Date converted to Chapter 7: 7/26/19

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 Toyota Avalon

Debtor's valuation of property (Sch. B): \$14,787

Amount to be reaffirmed: \$559.53

APR: 0%

Contract terms: \$559.99 for one month

Monthly Income (Schedule I): \$3,993.69

**United States Bankruptcy Court
Central District of California
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

CONT... Aldwin Escudro and Esperanza Escudro

Chapter 7

Monthly expenses: (Schedule J): \$7,238

Disposable income: <\$3,244.31>

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 family will contribute until Debtor Aldwin can secure employment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until 10/29/19, whichever is later.

Party Information

Debtor(s):

Aldwin Escudro

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Esperanza Escudro

Represented By
Sanaz S Bereliani

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

1:19-11574 Sergey Kamyshnikov

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor and
American Honda Finance Corporation**

Docket 11

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: 6/26/19

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 Honda Accord

Debtor's valuation of property (Sch. B): \$20,329

Amount to be reaffirmed: \$10,986.09

APR: 0%

Contract terms: \$354.39 per month for 31 months

Monthly Income (Schedule I): \$7,019.30

Monthly expenses: (Schedule J): \$7,087

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

CONT... Sergey Kamyshnikov

Chapter 7

Disposable income: <\$67.70>

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 payment is included in his monthly budget, and is included on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 30, 2019, whichever is later.

Party Information

Debtor(s):

Sergey Kamyshnikov

Represented By
Peter M Lively

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

1:19-11589 Conrado Galang David

Chapter 7

**#3.00 Reaffirmation Agreement Between Toyota Motor
Credit Corporation**

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:

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: 2019 Toyota Corolla

Debtor's valuation of property (Sch. B): \$18,000 (co-signed with son)

Amount to be reaffirmed: \$21,728.55

APR: 2.9%

Contract terms: \$438.08 per month for 52 months

Monthly Income (Schedule I): \$2,061

Monthly expenses: (Schedule J): \$2,464

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

CONT... Conrado Galang David

Chapter 7

Disposable income: <\$402.18>

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 provide an explanation. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 12, 2019, whichever is later.

Party Information

Debtor(s):

Conrado Galang David

Represented By
Raymond J Bulaon

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

1:19-11806 Maria Lourdes Samson

Chapter 7

**#4.00 Pro se Reaffirmation Agreement Between Debtor and
Toyota Motor Credit Corporation**

Docket 12

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: 7/18/19

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: Toyota FJ Cruiser

Debtor's valuation of property (Sch. B): \$22,000

Amount to be reaffirmed: \$6,873.26

APR: 6.1%

Contract terms: \$656.06 per month for 11months

Monthly Income (Schedule I): \$959

Monthly expenses: (Schedule J): \$959

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

CONT... Maria Lourdes Samson

Chapter 7

Disposable income: \$0

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 provide an explanation. This payment is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 15, 2019, whichever is later.

Party Information

Debtor(s):

Maria Lourdes Samson

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

1:19-11866 Mario De Arce and Vanessa L. De Arce

Chapter 7

**#5.00 Pro se Reaffirmation Agreement Between Debtor and
KINECTA FEDERAL CREDIT UNION**

Docket 12

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: 7/24/19

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 Honda Accord

Debtor's valuation of property (Sch. B): \$8,500

Amount to be reaffirmed: \$5,930.60

APR: 3.99%

Contract terms: \$387.46 per month for 16 months

Monthly Income (Schedule I): \$6,601

Monthly expenses: (Schedule J): \$6,781

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, September 17, 2019

Hearing Room 302

8:30 AM

CONT... Mario De Arce and Vanessa L. De Arce

Chapter 7

Disposable income: \$179.10

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 will cut expenses and make other budgetary adjustments to be sure this payment is made. This payment is provided for on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 27, 2019, whichever is later.

Party Information

Debtor(s):

Mario De Arce

Represented By
Nathan A Berneman

Joint Debtor(s):

Vanessa L. De Arce

Represented By
Nathan A Berneman

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

9:30 AM

1:19-12230 Marie Darlene Evangelista

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):

Marie Darlene Evangelista	Pro Se
---------------------------	--------

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

9:30 AM

1:19-12222 Thomas Milton Petty

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

*** VACATED *** REASON: Substitution of atty filed 9/16/19 (doc. 10) - hm

Tentative Ruling:

Party Information

Debtor(s):

Thomas Milton Petty	Pro Se
---------------------	--------

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

9:30 AM

1:19-12207 Sahin Sultana

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sahin Sultana

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#1.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 2284

***** VACATED *** REASON: stip. cont. to 11/20/19 @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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#2.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 65

Tentative Ruling:

Petition Date: 10/7/2014

Chapter 13 plan confirmed: 4/28/15

Service: Proper; co-borrower served. No opposition filed.

Property: 11009 Fenway Street, Los Angeles, CA 91352-1213

Property Value: \$521,000 (as of October 2013)

Amount Owed: \$ 595,745.96 (as of 7/29/19)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$5,703.56 (approx. 2 payments of \$2,851.78)

Movant alleges that the last payment tendered for this claim was on or about 5/23/19.

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); **6** (Co-debtor stay is waived); and **7** (waiver of 4001(a)(3) stay); **8** (if relief from stay 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):

Anita Marie Dominguez

Represented By

Raffy M Boulgourjian

**United States Bankruptcy Court
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10:00 AM

CONT... Anita Marie Dominguez

Chapter 13

Movant(s):

THE BANK OF NEW YORK

Represented By
Kelsey X Luu
Josephine E Salmon
Arnold L Graff

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:16-11278 Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

#3.00 Motion for relief from stay

BMW BANK OF NORTH AMERICA

fr; 8/21/19

Docket 63

*** VACATED *** REASON: Resolved per stipulation (doc. 70) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armine Charkhchyan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Andranik Charkhchyan

Represented By
Rosie Barmakszian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:17-10662 Ned Gilman

Chapter 13

#4.00 Motion for relief from stay

Wells Fargo Bank

fr. 8/21/19

Docket 68

Tentative Ruling:

This hearing was continued from 8/21/19. On September 11, 2019, Debtor filed a withdrawal of his opposition to the Motion for Relief from Stay (ECF doc. 80).

Having considered the pleadings and oral arguments, the Motion is GRANTED.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

8/21/19 TENTATIVE BELOW

Petition Date: 3/5/17

Chapter 13 plan confirmed: 8/31/17

Service: Proper. Opposition filed.

Property: 16721 Los Alimos St. Granada Hills, CA 91344

Property Value: \$500,000 (per debtor's schedules)

Amount Owed: \$95,755 (2nd DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$4,817.38 (1 payment of \$406.40; 7 payments of \$630.14)

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

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CONT... Ned Gilman

Chapter 13

4001(a)(3) stay). Movant alleges that the last payment received was on or about March 15, 2019.

Debtor opposes the Motion, arguing that this property is his residence and thus necessary for reorganization. Debtor and his wife both experienced decreases in their income that led to the delinquency. Debtor states that he is receiving regular disability payments and that his wife is now regularly employed again, so he is working with his attorney to resolve this delinquency.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

Movant(s):

Wells Fargo Bank, N.A.

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#5.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19, 6/5/19, 7/31/19

Docket 57

Tentative Ruling:

The parties stipulated to continue this hearing from 6/5/19 to 7/31/19. At the hearing on 7/31/19, the parties informed the Court that Debtor's refinance of the property was to have closed on or about August 31, 2019 and that this matter would then go off calendar. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

5/1/19 Tentative

At the 3/27/19 hearing, the parties indicated that they were working on an APO, and that if they couldn't work it out, the Court would set a date for an evidentiary hearing. What is the status of an APO or a refinance?

3/27/19 Tentative

Petition Date: 5/18/2017

Chapter 13 Plan confirmed: 04/26/2018

Service: Proper. Original borrower was served. Opposition filed but POS does not list Movant.

Property: 16459 Nordhoff Street, North Hills, California 91343

Property Value: \$593,213 (per debtor's amended schedule C)

Amount Owed: \$550,859.09 (per RFS motion)

Equity Cushion: Unk

Equity: \$ Unk

Post-Petition Delinquency: \$12,724.34 (2 preconfirmation payments of \$2,424.01; 2 postconfirmation payments of \$2,424.01; 2 post confirmation payments of \$2,439.86; less suspense account or partial paid balance: \$1,851.42)

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CONT... Hilda Correa

Chapter 13

Last payment was received on 8/17//2018

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to William Sierra); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection). Movant is unaware of the method by which Debtor has acquired an interest in the property.

Debtor opposes the Motion, arguing that: (1) more payments have been to Movant than the Motion accounts for; and (2) the property is fully provided for in the chapter 13 plan. Debtor states she is current on all plan payments and post-petition mortgage payments, and if any petition arrearages exist that it will be cured by the hearing date. Debtor also states that she purchased the property in August 2005 and continues to be her primary residence.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

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 18, 2019

Hearing Room 302

10:00 AM

1:18-10629 Jose Jaime Estrada

Chapter 13

#6.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 44

Tentative Ruling:

Petition Date: 3/12/2018

Chapter 13 plan confirmed: 10/30/18

Service: Proper. Stipulation for relief between Movant and Debtor filed doc. 143.

Property: 9158 Morehart Avenue, Arleta, CA 91331-4319

Property Value: not listed – Debtor claims no interest in the Property

Amount Owed: \$ 694,556.70

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$ 41,853.00 (approx. 17 payments of between \$2,349 and \$2,369)

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); 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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10:00 AM

CONT... Jose Jaime Estrada

Chapter 13

Debtor(s):

Jose Jaime Estrada

Represented By
Thomas B Ure

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

#7.00 Motion for relief

DCA DRILLING AND CONSTRUCITON

fr; 8/21/19

Docket 42

Tentative Ruling:

Having considered Chapter 7 Trustee Weil's Opposition and Movant's Reply, and the arguments made at the previous hearing, the Court will continue this hearing to allow Trustee sufficient time to investigate the Pyramid Transfer and determine what (if any) interest the Momentum estate or Dolezal estate may have in the transferred property. How much time does Trustee anticipate is required to determine if either Estate will attempt to administer this asset?

APPEARANCE REQUIRED

8-21-19 TENTATIVE BELOW

Movant, a judgment creditor, requests relief under 11 U.S.C. 362(d)(1) to re-file a Motion to Amend Judgment in Ventura Superior Court. Pre-petition, Movant prevailed at trial against debtor Momentum Development, LLC ("Debtor"). Debtor filed for bankruptcy shortly before the Ventura County Superior Court could hear Movant's unopposed motion for attorney fees. Debtor did not identify any real property interests in its bankruptcy schedules. During a 2004 examination, however, Movant alleges that Debtor's testimony revealed (i) Debtor transferred more than 220 acres of real property located in or around San Bernardino to The Pyramid Center (a California non-profit) for little or no consideration and (ii) The Pyramid Center is the alter ego of Debtor. Movant contends that the value of the real property is believed to be approximately \$1,000,000.00. Movant filed a motion to amend judgment (the "Motion to Amend") in the State Action to add The Pyramid Center as a judgment debtor. Debtor objected to the Motion to Amend on the ground it violated the stay and Movant disagreed. The parties' attorneys met and

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10:00 AM

CONT... Momentum Development LLC

Chapter 7

conferred and Movant agreed to withdraw the Motion to Amend without prejudice so that it may obtain relief from the automatic stay here.

Debtor opposes the Motion, arguing that Movant has not articulated a reason under § 362(d)(1) why the stay should be lifted. Debtor explained that its principal Josef Dolezal is a debtor in his own individual bankruptcy, 1:18-bk-11460-MT. Debtor maintains that the Pyramid Center, is a non-profit that was created in 2006 as a "versatile platform for relaxation and multifaceted self-discovery" and it is wholly separate from Debtor Momentum, which is a media company selling DVD's related to personality Jordan Maxwell. Debtor points out that the Property was transferred to the Pyramid Center five and a half years before Momentum filed bankruptcy. Debtor argues that Movant is purporting that there has been a transfer that may trigger a claim, on the one hand, but on the other hand, Movant claims that it is somehow entitled to adjudicate the appropriateness of this transfer in the underlying state court action between Movant and Momentum by way of a motion to amend a judgment. Debtor argues that Movant does not have standing to assert any claim in that such a claim would be part of the Bankruptcy Estate

Movant clarifies in its reply that its basis for relief from stay under § 362(d)(1) is that Debtor filed the bankruptcy in bad faith. See In re Plumberex Specialty Products, Inc., 311 B.R. 551, 557 (2004). Movant's position is that the transfer occurred after Debtor and Movant had entered into a contract and after a dispute over money had erupted between them. See, RFS, Ex. A, 1:14- 25. Movant urges the Court to that infer Debtor filed the bankruptcy in order to avoid an adverse ruling on the motion for attorney fees. Unlike the debtor in Plumberex, Movant contends that Debtor is fully capable of satisfying any and all debts because it maintains that Pyramid is the *alter ego* of Dolezal and owns 220 + acres of real property. Further, Movant states that it is not attempting to usurp any powers or rights of the Trustee or prosecute a fraudulent transfer action and that Debtor cites to no authority to support its proposition that only a bankruptcy trustee has standing to amend a judgment creditor's state court judgment.

The court is likely to continue this matter to see if the trustee decides to take any action. It appears this matter is more properly a motion to dismiss rather than RFS. If the debt is unsecured, creditors need to await the administration of the case.

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CONT... Momentum Development LLC

Chapter 7

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:18-12042 Vrej Anbarsoun and Anahid Anbarsoun

Chapter 13

#8.00 Motion for relief from stay

DITECH FINANCIAL LLC

Docket 34

***** VACATED *** REASON: Stipulation re APO (doc. 40) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vrej Anbarsoun

Represented By
David A Tilem

Joint Debtor(s):

Anahid Anbarsoun

Represented By
David A Tilem

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#9.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 4/3/19, 5/1/19, 6/26/19, 7/31/19

Docket 27

Tentative Ruling:

This hearing was continued from 7/31/19 so that the parties had time to address an issue with the Bank's payment records that do not accurately reflect the payment from an old loan modification with the previous lender. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

7-31-19 TENTATIVE BELOW

At the 6/26/19 hearing, the parties stated that they are working on terms for a loan modification. What is the status of the loan modification efforts?

APPEARANCE REQUIRED

6-26-19 TENTATIVE BELOW

At the 5/1/19 hearing, the parties stated that they are working on terms for a loan modification. What is the status of the loan modification efforts?

APPEARANCE REQUIRED

5/1/19 TENTATIVE BELOW

At the previous hearing, the parties indicated that Debtor was still two payments behind. What is the status of this motion?

APPEARANCE REQUIRED

April 3, 2019 Tentative

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

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CONT... Sonia Figueroa

Chapter 13

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

Movant alleges cause for 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); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sonia Figueroa

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10359 Brian Wesley Aherne and Cheryl Marie Aherne

Chapter 7

#10.00 Motion for relief from stay

TOYOTA MOTOR CREIDIT CORP.

Docket 41

Tentative Ruling:

Petition Date: 2/6/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Toyota RAV4

Property Value: \$20,575 (per Movant's evidence – NADA Guide)

Amount Owed: \$ 20,858.95 (as of 8/2/2019)

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,537.35 (approx. 6 payments of \$419.57)

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):

Brian Wesley Aherne

Represented By
Steven A Simons

Joint Debtor(s):

Cheryl Marie Aherne

Represented By
Steven A Simons

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10:00 AM

CONT... Brian Wesley Aherne and Cheryl Marie Aherne

Chapter 7

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Erica T Loftis Pacheco

Trustee(s):

Amy L Goldman (TR)

Represented By
Lovee D Sarenas

**United States Bankruptcy Court
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Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10574 Rachid Ahmad Ghossein

Chapter 13

#11.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

fr; 8/21/19

Docket 36

Tentative Ruling:

Petition Date: 3/13/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 2010 Mercedes Benz GL Class 550

Property Value: \$15,000 (per debtor's schedules)

Amount Owed: \$15,550.65

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,606.36 (4 payments of \$651.59)

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):

Rachid Ahmad Ghossein

Represented By
Scott D Olsen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-10855 Jose Roberto Hernandez

Chapter 13

#12.00 Motion for relief from stay

HSBC BANK USA NATIONAL ASSOC, ET., AL.

Docket 28

Tentative Ruling:

Petition Date: 4/10/19

Chapter 13 confirmed: 7/22/19

Service: Proper; original borrower served. No opposition filed.

Property: 5125 Leader Ave., Sacramento, CA 95841

Property Value: not listed on debtor's schedules

Amount Owed: \$186,063

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$4,910.60 (4 payments of \$1,227.65)

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):

Jose Roberto Hernandez

Represented By
Jeffrey N Wishman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-11701 Sonia Velasco

Chapter 7

#13.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON aka
THE BANK OF NEW YORK

Docket 14

Tentative Ruling:

Petition Date: 7/10/19

Chapter 7 dismissed with 1 year bar to refile: 9/10/19

Service: Proper. No opposition filed.

Property: 12614 Keswick St., North Hollywood, CA 91605

Property Value: \$380,000 (per debtor's schedules)

Amount Owed: \$352,218

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$357,100.24 (110 payments of \$3,164.06)

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 **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):

Sonia Velasco

Pro Se

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-11771 Maria De Jesus Ortiz Bustos

Chapter 7

#13.01 Motion for relief from stay

6360 VAN NUYS, LLC

fr. 8/7/19, 8/28/19

Docket 12

Tentative Ruling:

This hearing was continued from 8-28-19 so that Debtor had an opportunity to review the Motion on regular time and determine if she could secure new housing. Have the parties had an opportunity to discuss the terms of an orderly turnover of the rental property?

APPEARANCE REQUIRED

8/7/19 TENTATIVE BELOW

Petition Date: 7/16/19

Ch: 7

Service: Proper on Judge's UD shortened time procedures. No opposition filed.

Movant: 6360 Van Nuys LLC

Property Address: 13234 Herrick Ave. Unit D, Sylmar, CA 91342

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 5/8/19

UD Judgment: 6/26/19

Writ of Possession issued: 7/10/19

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); **7** (law enforcement officer may evict).

DENY relief requested in paragraph **4** (annulment) as no facts were alleged

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CONT... Maria De Jesus Ortiz Bustos Chapter 7

that would provide grounds for such relief; **5** (co-debtor stay) as no such stay arises in a chapter 7 bankruptcy; and **8** (relief under § 362(d)(4)) because Movant is not a secured creditor entitled to such relief.

DENY relief requested in paragraphs **9; 10; and 11** (binding and effective relief), as there are not sufficient facts alleged that would provide grounds for such relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Maria De Jesus Ortiz Bustos	Pro Se
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Trustee(s):

David Seror (TR)	Pro Se
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**United States Bankruptcy Court
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10:00 AM

1:19-11807 KJM Electric Works, Inc.

Chapter 7

#14.00 Motion for relief from stay

AN BEVERLY HILLS, LLC

Docket 4

Tentative Ruling:

Petition Date: 7/18/19

Chapter: 7

Service: Proper. No opposition filed.

Movant: AN Beverly Hills, LLC

Relief Sought to: Pursue Pending Litigation Commence Litigation
Pursue Insurance Other

Litigation Information

Case Name: AN Beverly Hills, LLC v. KJM Electric Works, Inc., et al.

Court/Agency: Los Angeles Superior Court

Date Filed: 10/30/18

Judgment Entered: n/a

Trial Start Date: 3/23/20

Action Description: Negligence; Breach of Express Warranty; Breach of
Implied Covenant; Contractual Indemnity

Grounds

Bad Faith Claim is Insured Claim Against 3rd 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); and **5** (waiver of the 4001(a)(3) stay).

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... KJM Electric Works, Inc.

Chapter 7

DENY relief requested in paragraph 6 (binding and effective relief for 180 days) as Movant has not alleged facts that would provide grounds for such relief.

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

KJM Electric Works, Inc.

Represented By
William P Fennell

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-12054 Jason Green

Chapter 13

#15.00 Motion for relief from stay

HOBART PLAZA LIMITED PARTNERSHIP

Docket 10

Tentative Ruling:

Petition Date: 8/13/19

Chapter 13 dismissed w/ 180 day bar: 9/9/19

Service: Proper. No opposition filed.

Property: 9022 Compton Ave. Los Angeles, CA 90002

Property Value: no schedules filed

Amount Owed: \$225,376

Equity Cushion: unk.

Equity: unk.

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); **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** because such relief requires the filing of an adversary proceeding 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 ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... Jason Green

Chapter 13

Debtor(s):

Jason Green

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-12112 Deborah Rose Sanders

Chapter 13

#16.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 10220 De Soto Avenue, Unit 23 Chatsworth, CA 91311

Docket 9

Tentative Ruling:

On 8/22/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 16-13575-MT, was a chapter 13 that was filed on 12/20/16 and dismissed on 8/7/19 for failure to make required plan payments.

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 plan payments because she was diagnosed with cancer and the costs of her treatment took up most of her income. 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 her financial affairs. Debtor states that since the First Filing was dismissed, she is now receiving SSI and has a renter to increase income. Debtor hopes to return to work soon and has family members that are willing to assist her financially, if necessary. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence, and source of income.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... Deborah Rose Sanders

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-12116 Michael James Kewley

Chapter 13

#16.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate With proof of service.

Docket 8

Tentative Ruling:

On 8/22/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-10652-MB, was a chapter 13 that was filed on 3/14/18 and dismissed on 9/7/18 at the confirmation hearing.

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 he will be listing his residence for sale. Debtor states that since the First Filing was dismissed, he has decided to sell the residence rather than attempt to cure the arrears. Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Michael James Kewley

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-11757 Larry Mark Gotlieb

Chapter 13

#17.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay
as the Court Deems Appropriate

Docket 18

Tentative Ruling:

On 7/15/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-10395-MT, was a chapter 13 that was filed on 2/22/19 and dismissed on 5/28/19 on his *pro se* request for voluntary dismissal, as he wished to re-file with the help of counsel.

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 because his income has increased. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, his residence is increasing in value and his increased income will enable him to make his plan payments. Debtor claims that the property is necessary for a successful reorganization because this is his.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Larry Mark Gotlieb

Represented By
Kenneth H J Henjum

Movant(s):

Larry Mark Gotlieb

Represented By
Kenneth H J Henjum
Kenneth H J Henjum
Kenneth H J Henjum

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... Larry Mark Gotlieb

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#18.00 Status conference re complaint for dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18, 8/15/18, 1/16/19, 2/27/19, 6/5/19

Docket 1

Tentative Ruling:

Having reviewed Plaintiff's status report, this status conference will be continued to November 6, 2019 at 1:00 p.m. to be heard with Plaintiff's summary judgment motion.

NO APPEARANCE REQUIRED ON SEPTEMBER 18, 2019

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:16-12811 JF Landscape, Inc

Chapter 7

Adv#: 1:19-01003 Weil v. Jacoby

#19.00 Pre-Trial Status Conference re: Complaint
to avoid and recover fraudulent transfers and
preferential transfers

fr.3/13/19, 4/3/19; 7/17/19

Docket 1

***** VACATED *** REASON: Dismissed 9/17/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JF Landscape, Inc

Represented By
Dheeraj K Singhal

Defendant(s):

Michael Jacoby

Pro Se

Plaintiff(s):

Diane C Weil

Represented By
Talin Keshishian

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor Chapter 11

Adv#: 1:19-01086 Walters et al v. K&A Global Management Company, a California corpor

#20.00 Status Conference for Declaratory Relief

Docket 1

***** VACATED *** REASON: Moved to 1 p.m. to be heard w/ 12(b) motion
- hm**

Tentative Ruling:

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

Defendant(s):

K&A Global Management

Pro Se

Plaintiff(s):

James Walters

Represented By
Amman A Khan

Kellogg & Andelson Accountancy,

Represented By
Amman A Khan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

Adv#: 1:19-01092 Fred Feraydoon Humble, Humble's Family and Mi v. JPMorgan Bank, N.A.

#21.00 Status Conference Re: Complaint Against
JPMorgan Chase Bank, N.A. and It's
Trustee Quality Loan Service Corp.
"Quality", for Breach of Contract, HELOC
Acct. #1744 Dated Feb. 5, 2003

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Fred Feraydoon Humble	Pro Se
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Defendant(s):

JPMorgan Bank, N.A. Chase Home	Pro Se
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Plaintiff(s):

Fred Feraydoon Humble, Humble's	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#22.00 Motion RE: Objection to Claim Number 2 by Claimant
JPMorgan Chase Bank.

fr. 8/20/19

Docket 25

Tentative Ruling:

Service proper. On July 27, Debtor filed an adversary proceeding against Chase bank. This objection to claim will trail that adversary. Counsel for Chase also filed a motion to continue the hearing on this objection to claim until September 10 or later. This matter will be continued to September 18, 2019 at 10:00 a.m. to be heard with the adversary status conference.

NO APPEARANCE REQUIRED ON AUGUST 20

Party Information

Debtor(s):

Fred Feraydoon Humble Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

Adv#: 1:19-01082 Coha et al v. Burak

#23.00 Status Conference Re: Complaint Objecting to
Discharge of Debtor based Upon False Pretenses,
False Representations, Actual Fraud.

Docket 1

Tentative Ruling:

Defendant Debtor indicates in the Joint Status Report that she is neither amenable to mediation nor does she consent to this bankruptcy court's authority to enter a final order in this matter. Debtor should file a brief explaining why she does not consent to this Court's authority to enter a final order in this dischargeability action under § 523(a).

APPEARANCE REQUIRED

The Court proposes the following dates for scheduling:

Discovery cut-off (all discovery to be completed*): January 31, 2020

Expert witness designation deadline (if necessary): _____

Case dispositive motion filing deadline (MSJ; 12(c)): _____

Pretrial conference: February 23, 2020 at 10:00 a.m.

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : February 12, 2020

*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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... **Mary Kristin Burak**
Meet and Confer

Chapter 13

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.

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Mary Kristin Burak

Pro Se

Plaintiff(s):

Loretta M Coha

Represented By
James W Bates

Equity Title Company

Represented By
James W Bates

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10828 Anna Barseghian

Chapter 7

Adv#: 1:19-01083 Zamora, Chapter 7 Trustee v. Baron et al

#24.00 Status Conference Re: Compliant for Avoidance of Transfer; Recovery of Avoided Transfer; Determination of Value, Priority, Extent and Validity of Lien; Declaratory Relief; Quiet Title; To Remove Cloud on Title; and Injunction

Docket 1

Tentative Ruling:

Having reviewed the docket and the procedural history of this case, the Court finds cause to continue this status conference to **November 6, 2019 at 10:00 a.m.** so that Plaintiff may file a Motion for Default Judgment.

APPEARANCE WAIVED ON 9/18/19

Party Information

Debtor(s):

Anna Barseghian

Represented By
Aris Artounians

Defendant(s):

Van Baron

Pro Se

Does 1-20

Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By
Wesley H Avery

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery
Law Office of Wesley H. Avery, APC

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

CONT... Anna Barseghian

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-10828 Anna Barseghian

Chapter 7

Adv#: 1:19-01084 Zamora, Chapter 7 Trustee v. Barseghian

#25.00 Status Conference Re: Complaint for Denial
of Discharge.

Docket 1

Tentative Ruling:

Having reviewed the docket and the procedural history of this case, the Court finds cause to continue this status conference to **November 6, 2019 at 10:00 a.m.** so that Plaintiff may file a Motion for Default Judgment.

APPEARANCE WAIVED ON 9/18/19

Party Information

Debtor(s):

Anna Barseghian

Represented By
Aris Artounians

Defendant(s):

Anna Barseghian

Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By
Wesley H Avery

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery
Law Office of Wesley H. Avery, APC

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:19-12209 Ernest Mathis

Chapter 7

#25.01 Order to Show Cause (1) Why this Chapter 7 Involuntary Petition Should Not be Dismissed for Bad Faith Filing with a 180 day Bar to Refiling Under 11 USC Sec. 109(g)(1); and (2) Why the Court Should not Grant Judgment Against Petitions Pursuant to 11 USC 303(i)

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernest Mathis

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:12-20325 Doug Edwin Gravink

Chapter 7

#26.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Docket 465

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 9/18/19.

Party Information

Debtor(s):

Doug Edwin Gravink

Represented By
Louis J Esbin
Richard Burstein
Gary E Klausner
Jeffrey S Kwong

Trustee(s):

Nancy J Zamora (TR)

Represented By
Reagan E Boyce
Robyn B Sokol
David Seror
Ezra Brutzkus Gubner LLP
Robert K Sall
Richard Burstein
Brandon N Krueger
Jessica L Bagdanov
Reed Bernet
Steven T Gubner

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:17-12333 Karmile Yurdumyan

Chapter 7

#27.00 Trustee's Final Report and Applications for
Compensation

Docket 191

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 9/18/19.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#28.00 Chapter 11 Plan of Reorganization

fr. 2/6/19, 4/3/19, 5/15/19, 7/31/19

Docket 75

*** VACATED *** REASON: Cont'd per stipulation to 11/6/19 at 10 a.m. -
hm

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#29.00 Scheduling and Case Management Conference

fr. 3/28/18; 10/24/18; 2/6/19, 2/27/19, 4/3/19, 5/15/19,
7/31/119

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 11/6/19 at 10 a.m. -
hm**

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#30.00 Motion for Issuance of Order Clarifying Title
to Vehicles Owned by Picture Car Warehouse, Inc.

Docket 407

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):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#31.00 U.S. Trustee Motion to dismiss or convert case

Docket 401

***** VACATED *** REASON: Ntc. of w/drawasl filed 8/29/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#32.00 U.S. Trustee Motion to dismiss or convert Case

Docket 477

***** VACATED *** REASON: Withdrawal was filed by the OUST - Doc.
#484. If**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

10:00 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#33.00 Post Confirmation status 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, 6/26/19

Docket 1

Tentative Ruling:

In light of the debtor's very detailed status report, there is no need for a status conference. In order to save fees, this matter will be continued to December 18, 2019. If a motion to close case and grant discharge is received by that time, the matter may go off calendar.

APPEARANCE WAIVED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#34.00 Case Management Conference

fr. 12/19/18; 1/24/19; 3/13/19

Docket 1

***** VACATED *** REASON: Converted to Ch. 7 on 8/27/19 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation

Represented By
Giovanni Orantes

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

1:00 PM

1:16-13295 K&A Global Management Company, a California corpor Chapter 11

Adv#: 1:19-01086 Walters et al v. K&A Global Management Company, a California corpor

#35.00 Motion To Dismiss Plaintiffs' Complaint For Failure To State
A Claim Upon Which Relief May Be Granted

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

Defendant(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

Plaintiff(s):

James Walters

Represented By
Amman A Khan

Kellogg & Andelson Accountancy,

Represented By
Amman A Khan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 18, 2019

Hearing Room 302

1:00 PM

1:16-13295 K&A Global Management Company, a California corpor Chapter 11

Adv#: 1:19-01086 Walters et al v. K&A Global Management Company, a California corpor

#36.00 Status Conference for Declaratory Relief

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

Defendant(s):

K&A Global Management

Pro Se

Plaintiff(s):

James Walters

Represented By
Amman A Khan

Kellogg & Andelson Accountancy,

Represented By
Amman A Khan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, September 19, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#1.00 TRIAL - DAY 3
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19, 9/12/19, 9/16/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#1.00 Motion for relief from stay

WILMINGTON TRUST

fr. 9/11/19

Docket 33

***** VACATED *** REASON: Cont'd to Oct. 3, 2019, at 2:00 p.m. - hm**

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Faith A Ford

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#2.00 Motion for relief from stay

MAGNUM PROPERTY INVESTMENT LLC and
STRATEGIC ACQUISITIONS INC.

fr. 8/28/19, 9/11/19

Docket 18

*** VACATED *** REASON: Cont'd to Oct. 3, 2019, at 2:00 p.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Julius Johnson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#3.00 TRIAL - DAY 4
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19, 9/12/19, 9/16/19, 9/19/19,

Docket 1

*** VACATED *** REASON: Trial to be heard on 9/23/19 at 9:30 a.m. -
hm

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Yoram Talasazan

Represented By
Raymond H. Aver

Defendant(s):

Yoram Talasazan

Pro Se

Plaintiff(s):

Hanrit Moussighi

Represented By
Donna R Dishbak
Donna R Dishbak

Moeir Moussighi

Represented By
Donna R Dishbak

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

- #4.00** Pre-Trial 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. 12/11/18; 1/25/19; 4/11/19, 5/16/19

Docket 151

***** VACATED *** REASON: Stip. cont. to 9/24/19 @ 3pm (eg)**

Tentative Ruling:

Appearance Required

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

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
Daniel J McCarthy

Chase Manhattan Mortgage Co.

Pro Se

Howard Absalet

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

CONT... Solyman Yashouafar

Chapter 11

	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

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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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

#5.00 Motion for Clarification or Amendment of Order Granting
Partial Summary Judgment

fr. 6/5/19

Docket 220

***** VACATED *** REASON: Stip. cont. to 9/24/19 @ 3pm (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

QUALITY LOAN SERVICE

Pro Se

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

Chase Manhattan Mortgage Co.

Pro Se

Quality Loan Service

Pro Se

Soda Partners, LLC

Represented By
Ronald N Richards

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, September 20, 2019

Hearing Room 302

9:30 AM

CONT... Solyman Yashouafar
Fieldbrook, Inc.

Represented By
Daniel J McCarthy

Chapter 11

Elkwood Associates, LLC

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, September 23, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#1.00 TRIAL - DAY 4
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19, 9/12/19, 9/16/19, 9/19/19, 9/20/19

Docket 1

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-10218 Frank J. Merwald

Chapter 13

#58.00 Motion for Determination of Final Cure and Mortgage Payment
re: Rule 3002.1 re HSBC Bank USA, NA

fr. 6/25/19, 7/30/19; 8/20/19

Docket 128

*** VACATED *** REASON: Order on Stipulation to Resolve Motion for
Determination of Final Cure and Payment of all Post-Petition Mortgage
Payments entered 8/16/19 (doc. 142) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank J. Merwald

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-11682 Mitchell Whitfield and Tracy Whitfield

Chapter 13

#59.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Refunds

fr. 8/20/19

Docket 82

***** VACATED *** REASON: Voluntary Dismissal filed 8/29/19 [jj]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mitchell Whitfield

Represented By
Stella A Havkin

Joint Debtor(s):

Tracy Whitfield

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-12680 Darby Hinton

Chapter 13

#60.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 77

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Darby Hinton

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-13455 Nicolasa Martinez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 77

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Nicolasa Martinez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-13718 Nina L. Novak

Chapter 13

#62.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19

Docket 97

***** VACATED *** REASON: Withdrawal filed by Trustee - doc. #104. If**

Tentative Ruling:

Party Information

Debtor(s):

Nina L. Novak

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14146 Elisha Zeev Majerczyk

Chapter 13

#63.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr/ 8/20/19

Docket 54

***** VACATED *** REASON: Voluntary Dismissal filed 8/29/19 [jj]**

Tentative Ruling:

Party Information

Debtor(s):

Elisha Zeev Majerczyk

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14219 Carmine Antoniello

Chapter 13

#64.00 Trustee's Motion to Dismiss Case due to Infeasibility of the Plan

Docket 127

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14219 Carmine Antonello

Chapter 13

#65.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 128

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carmine 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14339 Ronald M Peralta

Chapter 13

#66.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 55

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Ronald M Peralta

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14357 Missy Woodward

Chapter 13

#67.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 64

***** VACATED *** REASON: Voluntary Dismissal filed 8/29/19 [jj]**

Tentative Ruling:

Party Information

Debtor(s):

Missy Woodward

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#68.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 63

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14932 Irving Antonio Solorzano and Rosie Ann Solorzano

Chapter 13

#69.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 8/20/19

Docket 62

*** VACATED *** REASON: Ntc. of w/drawal filed 9/12/19 (eg)

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-14932 Irving Antonio Solorzano and Rosie Ann Solorzano

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19

Docket 65

***** VACATED *** REASON: Ntc. of w/drawal filed 9/12/19 (eg)**

Tentative Ruling:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:14-15455 Sirous Salem

Chapter 13

#71.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 68

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sirous Salem

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10097 Pejman Panaddar

Chapter 13

#72.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 115

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #118. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pejman Panaddar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10478 James Edward Crisman and Janet Marie Crisman

Chapter 13

#73.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 98

*** VACATED *** REASON: Withdrawal was filed by Trustee - doc. #102.
If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Edward Crisman

Represented By
Todd J Roberts

Joint Debtor(s):

Janet Marie Crisman

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10705 Nick Ganev Nikolov

Chapter 13

#74.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 72

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Nick Ganev Nikolov

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10707 Edward F Wrona and Diletta Wrona

Chapter 13

#75.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 34

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Edward F Wrona

Represented By
Devin Sawdayi

Joint Debtor(s):

Diletta Wrona

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10859 Victor Hugo Castillo and Maria De los Angeles Castillo

Chapter 13

#76.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 43

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Victor Hugo Castillo

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria De los Angeles Castillo

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-10981 Sandra Andrews

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 44

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sandra Andrews

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-11014 Sara Katrdzhyan

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 78

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sara Katrdzhyan

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-11050 Wayne Lionel Davis and Maryann Semancik Davis

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 31

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Wayne Lionel Davis

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Maryann Semancik Davis

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-11095 Guadalupe Portillo Quintana

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 48

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #50. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Portillo Quintana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

**#81.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 89

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Steven Sandler

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

#82.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 93

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Steven Sandler

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12218 Hector M Esparza

Chapter 13

#83.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 67

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hector M Esparza

Represented By
Tamar Terzian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12365 Neyra Camarena

Chapter 13

#84.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 91

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Neyra Camarena

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12398 Miguel Catala-Morales

Chapter 13

#85.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 45

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Miguel Catala-Morales

Represented By
Jaenam J Coe

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12468 Christine Green

Chapter 13

#86.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 104

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #108. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christine Green

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12928 Theodore Douglas BECK and Susan Marjorie BECK

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 68

*** VACATED *** REASON: Trustee filed a withdrawal - doc. #70. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theodore Douglas BECK

Represented By
R Grace Rodriguez

Joint Debtor(s):

Susan Marjorie BECK

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#88.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 92

*** VACATED *** REASON: Ntc. of w/drawal filed 9/9/19 (eg)

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-13014 Rick Anthony Bucaria

Chapter 13

#89.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 66

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rick Anthony Bucaria

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-13023 Vartouhi Kazarian

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 40

***** VACATED *** REASON: Withdrawal was filed by the Trustee - Doc
#42. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vartouhi Kazarian

Represented By
Aris Artounians

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-13357 Sergio Montes and Juana Yanira Montes

Chapter 13

#91.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 50

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sergio Montes

Represented By
Kevin T Simon

Joint Debtor(s):

Juana Yanira Montes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-13662 Lauren Amber Serna

Chapter 13

#92.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 85

*** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #89. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lauren Amber Serna

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 6/25/19, 7/30/19

Docket 225

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#94.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 233

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:16-10784 Indalecio Herrera and Genkis S. Herrera

Chapter 13

#95.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 34

***** VACATED *** REASON: Ntc. of w/drawal filed 9/5/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Indalecio Herrera

Represented By
D Justin Harelik

Joint Debtor(s):

Genkis S. Herrera

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

**#96.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 8/20/19

Docket 113

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

#97.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19; 8/20/19

Docket 96

***** VACATED *** REASON: Withdrawal filed by Trustee - doc. #105. If**

Tentative Ruling:

Party Information

Debtor(s):

Mark David Cave

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10543 Jessica Reyes Gaeta

Chapter 13

#98.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 38

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#99.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 45

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10662 Ned Gilman

Chapter 13

#100.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 60

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

#101.00 Motion for Turnover of Property

fr. 8/20/19

Docket 67

***** VACATED *** REASON: Stipulation resolving motion [Dkt. No. 72]
Salveron**

Tentative Ruling:

Party Information

Debtor(s):

Nicole Karen Lee

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

#102.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 8/20/19

Docket 61

***** VACATED *** REASON: Ntc. of w/drawal filed 8/26/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Karen Lee

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11133 Nelson Ariel Sazo and Patricia Sazo

Chapter 13

#103.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19; 8/20/19

Docket 29

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Nelson Ariel Sazo

Represented By
Devin Sawdayi

Joint Debtor(s):

Patricia Sazo

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11205 Shahla Hariri

Chapter 13

#104.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 77

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Shahla Hariri

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#105.00 Trustee's motion to dismiss case for failure to make
plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19
4/23/19, 6/25/19, 7/30/19

Docket 59

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#106.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 138

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#106.01 Opposition to adequate protection and declaration of default

Docket 0

Tentative Ruling:

APPEARANCE REQUIRED

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#107.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19, 7/30/19

Docket 78

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11380 Maria Magdalena Carmona

Chapter 13

#108.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 71

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Magdalena Carmona

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#109.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 50

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 84

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#111.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19; 4/23/19, 6/25/19, 7/30/19; 8/20/19

Docket 54

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-12376 Abdolvahab Pourvasei

Chapter 13

#112.00 Motion RE: Objection to Claim Number 1 by
Claimant CACH, LLC C/O Resurgent Capital
Services.

fr. 7/30/19

Docket 97

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Abdolvahab Pourvasei

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-12668 Demonica E M Santiago-Plummer

Chapter 13

#113.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 95

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Demonica E M Santiago-Plummer

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-12784 Rene Lopez De Arenosa, Jr

Chapter 13

#114.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 68

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rene Lopez De Arenosa Jr

Represented By

Rene Lopez De Arenosa Jr

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-13031 Marilyn Rafanan Jones

Chapter 13

#115.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19; 8/20/19

Docket 86

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marilyn Rafanan Jones

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#116.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 47

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Yoonah Mason

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10389 Elnor Andal and Eulinda Andal

Chapter 13

#117.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 58

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Elnor Andal

Represented By
Vahe Khojayan

Joint Debtor(s):

Eulinda Andal

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#118.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 68

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#119.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18; 4/23/19, 6/25/19; 8/20/19

Docket 54

Tentative Ruling:

This objection to claim will trail adversary no. 18-01067

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#120.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19; 4/23/19, 6/25/19; 8/20/19

Docket 1

Tentative Ruling:

Parties filed a Joint SR on 9/17/19, apprising the Court of the resolution of the State Court Action on or about 8/28/19. Now that this portion of the litigation appears to be resolved, that parties should be prepared to discuss how to advance this adversary matter.
APPEARANCE REQUIRED

Party Information

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
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Hamid Farkhondeh

Stella Rafiei

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10934 Maria Mercedes Arana

Chapter 13

#121.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 54

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Mercedes Arana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10966 Scott Erickson Lundbergh and C F Kandy Bernice

Chapter 13

**#121.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 50

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Scott Erickson Lundbergh

Represented By
Jeffrey J Hagen

Joint Debtor(s):

C F Kandy Bernice Lundbergh

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-11116 Mark Richard Currie

Chapter 13

#122.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 50

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Mark Richard Currie

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#123.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 6/25/19, 7/30/19; 8/20/19

Docket 47

***** VACATED *** REASON: Ntc. of w/drawal filed 8/26/19 (eg)**

Tentative Ruling:

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12534 David Wayne Thompson

Chapter 13

#124.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 51

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

David Wayne Thompson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#125.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 64

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#126.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 65

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Frances Pink Kaplan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

#127.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19

Docket 66

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

George Daniel Hernandez

Represented By
Matthew D Resnik
Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By
Matthew D Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12708 Jose Estrada

Chapter 13

#128.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 47

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Estrada

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-12843 Francisco Romero

Chapter 13

#129.00 Motion to Dismiss Case for Failure to Make
Plan Payment

fr. 7/30/19

Docket 39

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Francisco Romero

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#130.00 Objection to Homestead Exemption

fr. 7/30/19

Docket 21

Tentative Ruling:

This hearing was continued from 7/30/19 so that the Debtor could submit an itemized list of the antiques with a value for each. Nothing has been filed since the last hearing. What is the status of this Objection?

APPEARANCE REQUIRED

7/30/19 TENTATIVE BELOW

Trustee objects to Debtor's claim of exemption of \$15,000 for "household furnishings, appliances, provisions, wearing apparel, and other personal effects" under C.C.P. § 704.020. The statute allows an exemption for such property:

(1) If ordinarily and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor's family at the judgment debtor's principal place of residence. . . .

(b) In determining whether an item of property is "ordinarily and reasonably necessary" under subdivision (a), the court shall take into account both of the following:

- (1) The extent to which the particular type of item is ordinarily found in a household.
- (2) Whether the particular item has extraordinary value as compared to the value of items of the same type found in other households.

C.C.P. § 704.020(a)(1)-(b). Trustee argues that, pursuant to Debtor's testimony at the 341(a) hearing, "Debtor stated household items included antiques with possible extraordinary value." Trustee requests that the Court "deny the Debtor's exemptions of equity in her personal property and order the Debtor to commit the non-exempt equity to the plan under a liquidation analysis." This is too extreme. Trustee is asking the Court to deny an entire category of exemptions, some of which are certainly allowable, based upon the possibility that a portion of the exemption is not allowable. The Court will not do so, but it will order the Debtor to produce an itemized list (or

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Mary Kristin Burak

Chapter 13

more detailed schedules) of the antiques with a value for each. This motion can be continued as a holding date in case the parties need the court to determine whether any individual items are "ordinarily and reasonably necessary" within the meaning of § 704.020(a)(1).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Kristin Burak

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-10875 Edwin Alfredo Ramos

Chapter 13

#131.00 Motion RE: Objection to Claim Number 3
by Claimant Santander Consumer USA.

Docket 27

Tentative Ruling:

Analysis

Under Cal. Civ. Code § 337, the statute of limitations for contracts in writing is four years from the date of breach of contract. Here, Debtor's last payment was on December 18, 2014. Thus, the breach of contract occurred more than four years since the bankruptcy petition was filed on April 12, 2019. Claimant did not file a proof of claim until April 25, 2019, which is past the four years statute of limitations.

Debtor has produced sufficient evidence to negate facts to the proof of claim. Thus, the burden reverts to the Claimant to prove the validity of the proof of 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.

Under LBR 9013-1(f)(1), Claimant had 14 days before the hearing to file and serve a Response on the moving party and United States Trustee. However, Claimant has not filed a Response to Debtor's Motion.

Under LBR 9013-1(h), the court may deem Claimant's failure to timely file a response to be consent to the granting of a motion. The court may thus grant the motion to disallow the claim as time barred.

Motion GRANTED. APPEARANCE WAIVED.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Edwin Alfredo Ramos

Chapter 13

Debtor(s):

Edwin Alfredo Ramos

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#132.00 Motion RE: Debtor's Objection to Creditor, LVNV Funding, LLC, Claim Number 1,3,4 by Claimant

fr. 8/20/19

Docket 27

Tentative Ruling:

LVNV submits in support of its claim 3-1 a default judgment obtained in 2010 and argues that a judgment is enforceable under California law for 10 years. Having considered the Supplemental briefing by Creditor, the Court orders as follows:

- 1) Debtor's Objection to Proof of Claim 3-1 is overruled; and
- 2) Debtor's Objection to Proofs of Claim 1-1 and 4-1 is sustained as the claims are time-barred.

APPEARANCES WAIVED ON 9/24/19

Cont'd from 8/20/19

Service proper. No opposition filed. LVNV filed an unsecured claim for \$27,562.81 for "money loaned." The claim attached documents evidencing the transfer of a claim, but does not detail the nature of the claim. Debtor argues that LVNV Funding ("LVNV") has violated the Fair Debt Collection Practices Act in collecting this charged off debt. Debtor's pro se objection to claim seems to be structured as a class action under the FDCPA.

The documents submitted in support of the proof of claim indicate that the debt was charged off on July 24, 2005, and that the last payment was June 3, 2005. This would make the debt well past the four year statute of limitations under California law. Such debt is not enforceable against the debtor or the property of the debtor, and the claim is therefore disallowed under § 502(b)(1). See Midland Funding, LLC v. Johnson, 137 S. Ct. 1407 (2017). The Court will not rule on the FDCPA claim, as that must be brought as an adversary proceeding. The Objection to Claim is SUSTAINED in part and OVERRULED in part.

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Fred Feraydoon Humble

Chapter 13

Debtor(s):

Fred Feraydoon Humble

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#133.00 Motion for Adequate Protection Payments
and Opportunity to Object.

Docket 35

Tentative Ruling:

This matter will be continued to 10/23/19 at 1:00 p.m., to be heard with the
Motion to Dismiss Adversary Complaint.
APPEARANCES WAIVED

Party Information

Debtor(s):

Fred Feraydoon Humble Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

#134.00 Motion RE: Objection to Claim Number 4
by Claimant Select Portfolio Servicing, Inc.

Docket 21

*** VACATED *** REASON: Cont'd to 10/22/19 per order #24. If

Tentative Ruling:

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#135.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
3rd TD on 22344 Burton Street, Canoga
Park, CA 91304

fr. 7/30/19

Docket 23

Tentative Ruling:

Service: Proper
Property Address: 22344 Burton Street, Canoga Park, CA 91304
First trust deed: \$557,296.69 (Specialized Loan Servicing)
Second trust deed (subject of this Motion): \$120,347.67 (Wells Fargo)
Third trust deed: \$114,520.37 (Wells Fargo)
Fair market value per Debtor's appraisal: \$520,000.
Fair market value per Wells Fargo's appraisal: \$590,000

(Debtor' Motion indicates that the third lien is subject to the avoidance. However, Wells Fargo explains in its Supplemental Opposition that its lien is the second lien because of a reconveyance of the Wells Fargo lien).

Creditor Wells Fargo (as holder of second lien) opposed the Motion.
Creditor alleges Debtor undervalued the property.

APPEARANCE REQUIRED so that the parties can inform the court of whether an evidentiary hearing is required or whether the parties choose to submit on the papers.

Party Information

Debtor(s):

Ronald Harris Gladle

Represented By
Matthew D Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Ronald Harris Gladle

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#136.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
2nd TD on 22344 Burton Street, Canoga
Park, CA 91304

fr. 7/30/19

Docket 22

Tentative Ruling:

APPEARANCE REQUIRED. See Tentative Ruling for Cal. No. 135.

Party Information

Debtor(s):

Ronald Harris Gladle

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

#137.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 3859 Sherwood
Place, Sherman Oaks, CA 91423

fr. 7/30/19

Docket 18

Tentative Ruling:

Service: Proper
Property: 3859 Sherwood Place, Sherman Oaks, CA 91423
First lien: \$1,267,008.27 (CIT Bank)
Second lien: \$2,385.98 (Franchise Tax Board)
Third lien: \$141,231 (Santa Fe General Construction, Inc.)
Fourth lien: \$91,250 (Chaidez Construction)
Fifth lien: \$141,231 (Santa Fe General Construction, Inc.)
Fair market value: \$700,000 per declaration and purchase offer.
Fair market value per Creditor's appraisal (Opposition): the fair market
value is \$840,000.

Creditor Cascade Funding RM3 Acquisitions Grant Trust (as holder of
first lien) opposed the Motion. Creditor alleges Debtor undervalued the
property and requests a continuance so that it can obtain its own
appraisal.

APPEARANCE REQUIRED so that the parties can inform the court of
whether an evidentiary hearing is required or whether the parties submit
on the papers.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11429 Jesus Refugio Caro

Chapter 13

#138.00 Trustee's Objection to Homestead Exemption

Docket 16

Tentative Ruling:

Trustee objected to homestead exemption because Debtor attempted to exempt personal property under both CCP § 703 and § 704. However, 11 U.S.C. § 552(b)(1) and (2) only allows exemptions under one code. Trustee requests court to deny equity in real and personal property and to order Debtor to commit equivalent funds to the plan under a liquidation analysis under 11 U.S.C. § 1325(a)(4).

On 9/19/19, Debtor filed Amended Schedule C: property claimed as exempt. Debtor is claiming state and federal nonbankruptcy exemptions under 11 U.S.C. § 552(b)(3), and only under C.C.P. § 704.

Does Debtor's Amended Schedule C address Trustee's Objection?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jesus Refugio Caro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11477 Shirley Lange

Chapter 13

#139.00 Trustee objected to Debtor's attempt to exempt \$175,000 in equity in real property at 7711 Calle Maria, Winnetka, CA 91306 under C.C.P. § 704.730 because T'ee asserts that Debtor does not live at the residence, per her daughter's testimony at the § 341(a) meeting.

Service proper. Debtor has not filed a response to this objection.

Objection SUSTAINED.

NO APPEARANCE REQUIRED.

Docket 35

Tentative Ruling:

Trustee objected to Debtor's attempt to exempt \$175,000 in equity in real property at 7711 Calle Maria, Winnetka, CA 91306 under C.C.P. § 704.730 because T'ee asserts that Debtor does not live at the residence, per her daughter's testimony at the § 341(a) meeting.

Service proper. Debtor has not filed a response to this objection.

Objection SUSTAINED.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Shirley Lange

Represented By
Phillip Myer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

#140.00 Motion to Avoid Junior Lien on Principal Residence
[11 U.S.C. § 506(d)] : 6828 Laurel Canyon Blvd.,
Unit 102, North Hollywood, CA 91605

Docket 30

Tentative Ruling:

Service: Proper

Property Address: 6828 Laurel Canyon Blvd., Unit 102, North
Hollywood, CA 91605

First trust deed (according to Debtor): \$ 403,947.88 (Carrington
Mortgage)

First trust deed (according to Creditor): \$ 370,054.94

Second trust deed (to be avoided according to Debtor): \$71,498.72
(Real Time Resolutions-subject of this Motion)

Debtor's Fair market value per appraisal: \$ 390,000.

Creditor's fair market value per Broker Price Opinion: \$490,000 to
\$530,000.

Creditor Real Time Resolutions, Inc. (as holder of second lien) opposed
the Motion. Creditor alleges Debtor undervalued the property and
requests a continuance so that it can obtain its own appraisal.

Hearing continued to November 19, 2019, at 11:00 a.m. Creditor is to
file its appraisal three weeks before the hearing.

APPEARANCE WAIVED.

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Lois Ann Harris

Roksana D. Moradi-Brovia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:19-12053 Ruben Contreras

Chapter 13

#141.00 Motion to Disallow Claims of
Pinnacle Credit Services

Docket 13

Tentative Ruling:

Analysis

The proof of claim was filed within the October 31, 2016 deadline set by the bankruptcy court to file a proof of claim. However, under Cal. Civ. Code § 337, the statute of limitations for contracts in writing is four years from the date of breach of contract. Here, Debtor's last payment was on October 31, 2011. The statute of limitations took effect on October 31, 2015, which is before the bankruptcy petition was filed on August 15, 2019. Claimant did not file a proof of claim until August 21, 2019, which is past the four years statute of limitations.

Debtor has produced sufficient evidence to negate facts to the proof of claim. Thus, the burden reverts to the Claimant to prove the validity of the proof of 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.

Under LBR 9013-1(f)(1), Claimant had 14 days before the hearing to file and serve a Response on the moving party and United States Trustee. However, Claimant has not filed a Response Debtor's Motion.

Under LBR 9013-1(h), the court may deem Claimant's failure to timely file a response to be consent to the granting of a motion. The court may thus grant the motion to disallow the claim as time barred.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

CONT... Ruben Contreras
Motion GRANTED.

Chapter 13

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ruben Contreras

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-10141 Lisa Melonnie Schoen

Chapter 13

#142.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 39

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Lisa Melonnie Schoen

Represented By
Scott Kosner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:17-12376 Abdolvahab Pourvasei

Chapter 13

#143.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 100

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Abdolvahab Pourvasei

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

11:00 AM

1:18-10485 Marina Novak

Chapter 13

**#144.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 65

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

#145.00 Motion to Temporarily Stay Trial;
Memorandum of Points and Authorities

fr. 9/11/19

Docket 243

Tentative Ruling:

APPEARANCE REQUIRED.

After reviewing the parties' arguments, the court is inclined to continue the trial until after the Ninth Circuit has ruled. While it is likely the case will be tried here, it would be a waste of resources to try the case and then have to retry it later with a jury.

Let's discuss specific dates so that a trial can proceed immediately following any Ninth Circuit ruling

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

CONT...

Solyman Yashouafar

Chapter 11

	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

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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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

#146.00 Motion for Clarification or Amendment of Order Granting
Partial Summary Judgment

fr. 6/5/19; 9/20/19

Docket 220

Tentative Ruling:

The Elkwood proof of claim has been withdrawn. The Sixth Affirmative Defense seeks an offset for monies spent on the Rexford home. The claim was made as part of the earlier litigation. Upon further reflection, the issues are inter-related enough that they should be tried together. The court has already ruled that there is no claim for "failure to tender" so that will not be what is tried. *Systems Investment Corp* is still not on point, but the need to have all related issues tried jointly and the sixth affirmative defense resolved means that judicial economy warrants doing this all as part of one proceeding. The Elkwood Defendants refer to this as the redemption price, but this presupposes such a thing exists. The trial simply encompasses the claims made for monies spent on the Rexford home, including any defenses thereto.

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

CONT... Solyman Yashouafar

Chapter 11

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

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

- #147.00** Pre-Trial 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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19

Docket 151

Tentative Ruling:

Appearance Required

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, September 24, 2019

Hearing Room 302

3:00 PM

CONT... Solyman Yashouafar

Chapter 11

Israel Abselet
Represented By
Henry S David
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#1.00 Motion for relief from stay

U.S.BANK N.A., SUCCESSOR TRUSTEE
BANK OF AMERICA, et., al.

fr. 8/21/19

Docket 708

Tentative Ruling:

Having reviewed the Joint Pre-hearing Statement, filed on 9/19/19 as ECF doc. 715, and finding good cause, the Court continues this hearing to November 6, 2019, at 10:00 a.m.

APPEARANCES WAIVED ON 9/25/19

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#2.00 Motion for relief from stay

QUICKEN LOANS INC.

fr. 8/21/19

Docket 65

Tentative Ruling:

This hearing was continued from 8/21/19 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

8-21-19 TENTATIVE BELOW

Petition Date: 3/1/18

Chapter 13 plan confirmed: 1/16/19

Service: Proper. Opposition filed.

Property: 12973 Correnti St., Pacoima, CA 91331

Property Value: \$497,595 (per debtor's schedules)

Amount Owed: \$343,381.76

Equity Cushion: 23%

Equity: <\$48,819.80>

Post-Petition Delinquency: \$13,824.08 (2 payments of \$1,650.89; 2 payments of \$1,359.50; 5 payments of \$1,380.66; post-petition advances of \$900)

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, explaining that he experienced a decrease in rental income as his tenant (his brother) suffered complications from his diabetes and was unable to work and thus unable to tender rent. Now that Debtor's brother is working again and paying increased rent, Debtor would

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

CONT... Joaquin Martinez

Chapter 13

like to cure the deficiency via APO.

Valley Economic Development Center ("VEDC"), a secured creditor in this case (see PoC 6-1) filed a response, noting that there is an equity cushion protecting Movant's claim. VEDC also filed a response to inform the parties and the Court that it is a debtor-in-possession in its own chapter 11 case (1:19-bk-11629-DS). While VEDC does not oppose Movant obtaining relief from stay in this chapter 13 case, to the extent that any action by Movant implicates or affects VEDC's interest in the Property, it is VEDC's position that Movant may have to obtain relief from the automatic stay in VEDC's bankruptcy case.

Have Debtor and Movant had the opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#3.00 Motion for relief from stay

LDI VENTURES, LLC

fr. 8/21/19

Docket 54

Tentative Ruling:

This hearing was continued from 8/21/19 so that Debtor could tender the money orders to creditor, provide proof of insurance, and negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

8/21/19 TENTATIVE BELOW
APPEARANCE REQUIRED

There appears to be adequate equity and a good faith basis to dispute the loan amount that this should be continued to permit the resolution of the underlying dispute.

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Movant(s):

LDI Ventures, LLC

Represented By
Eamon Jafari
Scott D Dyle
Yevgeniya Lisitsa

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

1:19-10043 Douglas Henry Baylis

Chapter 13

#4.00 Motion for relief from stay

HSBC BANK USA, NATIONAL ASSOC.

fr. 8/21/19

Docket 38

***** VACATED *** REASON: Resolved per APO (doc. 45) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Henry Baylis

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #5.00** 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

fr. 11/7/18; 7/31/19

Docket 1

***** VACATED *** REASON: Cont'd to 12/11/19 at 11:00 a.m. (ad. ECF doc. no. 41) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Pro Se

Kirill Kizyuk

Pro Se

Prime Capital Group, Inc., a

Pro Se

Mkrtchyan Investments, LP, a

Pro Se

Arthur Aristakesyan

Pro Se

Phantom Properties, LLC, a Nevada

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, September 25, 2019

Hearing Room 302

10:00 AM

CONT... Nazaret Kechejian

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12338 Jonathan Shane Lashever

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 -

Party Information

Debtor(s):

Jonathan Shane Lashever	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12295 Ana Ramirez

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 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Ramirez

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12290 Tyler Brooks Kimmel

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 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tyler Brooks Kimmel	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12325 Erica Magdalena Brough

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 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erica Magdalena Brough	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12392 Jay Ye Song Han

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 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jay Ye Song Han

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

9:30 AM

1:19-12398 Leonard Mendoza

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 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonard Mendoza

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#1.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr. 10/24/18; 12/19/18, 4/17/19; 6/26/19

Docket 2149

*** VACATED *** REASON: Ntc. of w/drawal filed 9/30/19 (eg)

Tentative Ruling:

An Order granting motion for Sale of Property entered on 9/10/19. The sales price of \$525,000 appear to cover the \$362,332.33 claim. Nothing has been filed relating to this motion since the last hearing. What is the status of this motion?

Cont'd. fr. 6/26/19

Petition Date: January 9, 2012

Chapter: 7

Service: Proper.

Property: 17611 Enadia Way, Los Angeles, CA 91406

Property Value: \$ 525,000 (per Purchase Price)

Amount Owed: \$ 362,332.33 (as of 8/31/18)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$ 90,453.19 (APPROX. 38 PAYMENTS OF 2,378.11)

Movant requests relief under 11 U.S.C. 362(d)(1). Specific 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 and effective for 180 days against any debtor, without further notice.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Owner Management Service, LLC

Pro Se

Trustee(s):

David Seror (TR)

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT...

Owner Management Service, LLC and Trustee Corps

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:15-12120 Christopher Babson

Chapter 13

#2.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 72

Tentative Ruling:

Petition Date: 6/17/19 (Ch. 7 petition). 11/3/2015 (Ch. 13 conversion)

Chapter: 13

Service: Proper. Opposition filed.

Property: 5437 Lake Lindero Drive, Agoura Hills, CA 91301

Property Value: \$ 598,000 (per debtor's schedules)

Amount Owed: \$ 265,094.38

Equity Cushion: 10.0%

Equity: \$105,194.00

Post-Petition Delinquency: \$ 8,665.53 (approx. 4 payments)

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).

Debtor opposed the Motion because the Property is fully provided for in the Chapter 13 plan and declares under penalty of perjury that all postpetition payments paid on September 18, 2019.

In the Motion, Movant states that the last payment received was on or about August 8, 2019. There is not a huge arrears here – have the parties discussed whether an APO is possible?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Christopher Babson

Represented By
Ellen M. Cheney

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Christopher Babson

Chapter 13

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
John Rafferty
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:15-13060 Alex Zamora

Chapter 13

#3.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

fr. 8/28/19

Docket 64

***** VACATED *** REASON: Resolved per APO - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Zamora

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:16-12315 Martha Alicia Ybanez

Chapter 11

#4.00 Motion for relief from stay

MICHELLE SOCHIL

Docket 155

Tentative Ruling:

APPEARANCE REQUIRED - No Tentative.

Party Information

Debtor(s):

Martha Alicia Ybanez

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

Michelle Sochil

Represented By
Edmond Richard McGuire

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#5.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. MB cal, 2/27/19, 5/1/19; 8/7/19, 8/28/19

Docket 64

***** VACATED *** REASON: Withdrawal filed - Doc. #83.**

Tentative Ruling:

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:17-12909 Mary Diaz

Chapter 13

#6.00 Motion for relief from stay

US BANK

Docket 36

Tentative Ruling:

Petition Date: 10/30/2017
Chapter: 13
Service: Proper. Opposition filed.
Property: 6484 Longridge Avenue, Van Nuys, CA 91401
Property Value: \$ 600,000 (per debtor's schedules)
Amount Owed: \$ 361,763.52
Equity Cushion: 30.0%
Equity: \$238236.48
Post-Petition Delinquency: \$ 5,538.79 (2 late payments of \$2,794.21 and \$2,788.02)

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); **7** (waiver of the 4001(a)(3) stay); **13** (if RFS not granted, APO shall be ordered).

Debtor opposed Motion because Debtor paid \$2,794.21 on September 4, 2019 and \$5,588.42 on September 18, 2019. Has Movant received these payments and does this address the deficiency?

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Mary Diaz

Represented By
Ali R Nader

Movant(s):

U.S. Bank National Association as

Represented By
Ashish R Rawat

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Mary Diaz

Diane Weifenbach

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-12174 Hengameh Zadeh

Chapter 7

#7.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

5/15/19; 8/7/19; 8/28/19

Docket 67

Tentative Ruling:

This hearing was continued from 8-28-19 by stipulation. What is the status of this Motion?

Previous Tentative below

Petition Date: 8/28/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 10218 Larwin Ave. Unit 3, Chatsworth, CA 91311-0109

Property Value: \$490,000 (per debtor's schedules)

Amount Owed: \$395,776.46

Equity Cushion: 11%

Equity: \$36,223.54

Delinquency: \$44,947.50 (17 payments of \$2,745.66)

Disposition: GRANT requested 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).

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Hengameh Zadeh

Chapter 7

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-12737 Craig A. Lapiner

Chapter 13

#8.00 Motion for relief from stay

CAB WEST LLC

Docket 63

Tentative Ruling:

Petition Date: 11/9/2018
Chapter: 13
Service: Proper. Opposition filed.
Property: 2017 Ford F150
Property Value: Lease
Amount Owed: \$ 43,323.97
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$ 2,547.95 (2 late payments of \$911.48 each)

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (co-debtor stay is waived); and **6** (waiver of 4001(a)(3) stay).

Debtor filed Opposition to RFS Motion. Debtor asserts that more payments were made to Movant than the Motion accounts for, but Debtor offers no evidence other than a Declaration that he has "requested an accounting overview." Debtor further asserts that all postpetition arrears will be cured by the hearing date and Property is necessary for an effective reorganization because Debtor needs vehicle to go to and from work.

Has Movant received payments and does this address the deficiency?

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Craig A. Lapiner

Represented By
Eliza Ghanooni

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Craig A. Lapiner

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#9.00 Motion for relief from stay

KUBOTA CREDIT CORP.
U55-4R3A

Docket 40

Tentative Ruling:

Petition Date: 2/27/19

Chapter: 13

Service: Proper. Opposition filed.

Property: Equipment (Kubota U55-4R3A)

Property Value: \$88,000 (Selling Price). Debtor intends to file motion to value property.

Amount Owed: \$33,805.00

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,676.00 (4 late payments of \$669 each)

Debtors assert in Opposition that they are working with Movant on APO to provide six-month cure starting November 1, 2019, provided payment is made before hearing.

Has Debtor paid arrears? Have parties worked out APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

Represented By
Shai S Oved

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Gerardo Melendez and Maribel Melendez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#10.00 Motion for relief from stay

KUBOTA CREDIT CORP.
U25R1T4

Docket 41

Tentative Ruling:

Petition Date: 2/27/19

Chapter: 13

Service: Proper. Opposition filed.

Property: Equipment (Kubota U25R1T4)

Property Value: \$38,000 (Selling Price). Debtor intends to file motion to value property.

Amount Owed: \$28,500

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,256 (4 late payments \$564 each)

Debtors assert in Opposition that they are working with Movant on APO to provide six-month cure starting November 1, 2019, provided payment is made before hearing.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Gerardo Melendez and Maribel Melendez

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#11.00 Motion for relief from stay

KUBOTA CREDIT CORP.
SVL75-2HFC

Docket 42

Tentative Ruling:

Petition Date: 2/27/19

Chapter: 13

Service: Proper. Opposition filed.

Property: Equipment (Kubota SVL75-2HFC)

Property Value: \$ 55,600 (Selling Price). Debtor intends to file motion to value property.

Amount Owed: \$35,351.00

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,800.00 (4 late payments of \$700)

Debtors assert in Opposition that they are working with Movant on APO to provide six-month cure starting November 1, 2019, provided payment is made before hearing.

Has Debtor paid arrears? Have parties worked out APO?

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

Represented By
Shai S Oved

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Gerardo Melendez and Maribel Melendez

Chapter 13

Movant(s):

Kubota Credit Corporation

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-10861 Tonya Latrice Gould

Chapter 13

#12.00 Motion for relief from stay

US BANK

Docket 34

Tentative Ruling:

Petition Date: 4/11/2019

Chapter: 13

Service: Improper. Opposition filed.

Property: 21931 Burbank Blvd. #44, Woodland Hills, CA 91367

Property Value: \$ (per debtor's schedules)

Amount Owed: \$371,183.20

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$6,429.27 (3 payments of \$2,143.09 each). Last payment made on 5/20/2019

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 argues that service was improper because the Motion was emailed to the wrong address for counsel. Debtor argues that he will tender \$6,429.27 to Movant to cure arrears. Has Movant received the payment and does the payment address the Motion?

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Tonya Latrice Gould

Represented By
Kahlil J McAlpin

Movant(s):

U.S. Bank, National Association as

Represented By

**United States Bankruptcy Court
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Tonya Latrice Gould

Diane Weifenbach

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-10976 Andre Fitzgerald Hayes

Chapter 13

#13.00 Motion for relief from stay

HS INDEPENDENCE, LLC

Docket 43

Tentative Ruling:

Petition Date: 4/22/2019

Chapter: 13

Service: Proper. Opposition filed.

Property: 6430 Firmament Avenue, Van Nuys, CA 91406

Property Value: \$ (per debtor's schedules)

Amount Owed: \$494,769.38

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$15,768.28 (3 late payments of \$4,034.61 each)

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** (waive co-debtor stay); **7** (waiver of the 4001(a)(3) stay); **9** (§ 364(d)(4) relief); **13** (if RFS not granted, order APO).

Debtor filed a timely Opposition. Debtor provided receipts of two payments made: \$4,035 on 9/9/2019 and \$12,105 on 9/17/2019. Movant argues that Debtor's Opposition does not address Debtor's filing stemming from multiple bankruptcy filings affecting the Property, unauthorized title transfer of Property, and Debtor providing false information on his loan application. Movant and Debtor currently negotiating possible stipulation for APO, but if resolution is not reached, Movant requests relief under § 362(d)(1) and (d)(4).

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Andre Fitzgerald Hayes

Represented By
Ali R Nader

**United States Bankruptcy Court
Central District of California
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Andre Fitzgerald Hayes

Chapter 13

Movant(s):

HS INDEPENDENCE, LLC, A

Represented By
Joshua L Scheer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Hearing Room 302

10:00 AM

1:19-11047 Edward Leonard Gaines

Chapter 13

#14.00 Motion for relief from stay

WELLS FARGO BANK

Docket 16

Tentative Ruling:

Petition Date: 4/30/2019

Chapter: 13

Service: Proper. No opposition filed.

Property: 16655 Jersey Street, Granada Hills, CA 91344

Property Value: \$580,000 (per debtor's schedules)

Amount Owed: \$ 566,487.20

Equity Cushion: 0.0%

Equity: \$13,512.80

Post-Petition Delinquency: \$5,992.35 (3 late payments of \$1,997.45 each)

Motion GRANTED 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 waived); **7** (waiver of the 4001(a)(3) stay); and **13** (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Edward Leonard Gaines

Represented By
Scott Kosner

Movant(s):

Wells Fargo Bank, National

Represented By
Daniel K Fujimoto
Caren J Castle

**United States Bankruptcy Court
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10:00 AM

CONT... Edward Leonard Gaines

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-11188 Cherryle Lee Seminario

Chapter 13

#15.00 Motion for relief from stay

US BANK NA

Docket 20

Tentative Ruling:

Petition Date: 5/13/2019

Chapter: 13

Service: Proper. Late Opposition filed.

Property: 4221 Grimes Place, Encino, CA 91316

Property Value: \$1,675,000 (as listed)

Amount Owed: \$1,526,043.54

Equity Cushion: 1.0%

Equity: \$662,500

Post-Petition Delinquency: \$11,126.70 (2 late payments of \$5,563.35 each)

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); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); **10** (relief binding & effective for 180 days against any debtor); and **13** (if stay not granted, order APO).

Movant alleges that on or about March 10, 2016 an unauthorized grant deed was executed and recorded whereby Debtor transferred interest in Property to herself, a widow, an undivided 90% interest, and to Amonra Elohim, an undivided 10% interest as a gift for no consideration. [Motion p. 6, Ex. 5]. On June 19, 2017, Elohim filed a prior chapter 13 petition, 17-11623-MT, that was converted to chapter 7 and dismissed. [Ex. 6]. On August 28, 2017, Elohim filed a prior chapter 13, 17-12285-MT, that was dismissed. [Ex. 7].

On 9/23/2019, Debtor filed a late Opposition. Debtor argues Movant has no good cause and standing to bring the RFS motion because there is no chain of title to Movant and no evidence to prove that Movant is a party in interest.

Section 362(d) authorizes the court to grant relief from the automatic stay "[o]n request of a party in interest." 11 U.S.C. § 362(d). The term "party in interest" is not

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CONT... **Cherryle Lee Seminario**

Chapter 13

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 stay. 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, it is clear that Movant has at least a "colorable claim" as a "party in interest" by virtue of its position as the assignee beneficiary under the deed of trust. Motion, Ex. 3; See In re Robbins, 310 B.R. 626, 631 (B.A.P. 9th Cir. 2004). Whether Movant would ultimately be entitled to enforce any rights it has under non-bankruptcy law—i.e. foreclose on the Property—is a question outside the scope of a relief from stay motion. A relief from stay motion does not "involve a full adjudication on the merits of claims, defenses, or counterclaims." Id. Relief from stay hearings are limited in scope to adequacy of protection, equity, and necessity to an effective reorganization; the validity of underlying claims is not litigated. In re Johnson, 756 F.2d 738, 740 (9th Cir.1985), *cert. denied*, 474 U.S. 828, 106 S.Ct. 88, 88 L.Ed.2d 72 (1985).

The court does not determine the underlying issues of ownership, contractual rights of parties, or issue declaratory relief on a contested motion. If the Debtor wishes to litigate this issue and determine the merits of Movant's claim, he may do so in the context of an adversary proceeding. See Fed. R. Bankr. P. 7001.

Accordingly, the motion is GRANTED. APPEARANCE REQUIRED

Party Information

Debtor(s):

Cherryle Lee Seminario	Pro Se
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Movant(s):

U.S. Bank N.A., as trustee, on behalf	Represented By Arnold L Graff
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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Hearing Room 303

10:00 AM

1:19-11245 Joseph J. Kane, Jr.

Chapter 13

#16.00 Motion for relief from stay

NISSAN-INFINITI LT

Docket 40

Tentative Ruling:

Petition Date: 5/20/2019
Converted to Ch. 7: 9/20/19
Service: Proper. No opposition filed.
Property: 2017 Infiniti Q50
Property Value: \$22,800 (per Movant's valuation)
Amount Owed: \$34,345.61
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$1,044.76 (2 late payments of \$522.38 each)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); **11** (if RFS not granted, order APO)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Joseph J. Kane, Jr.

Represented By
Tony Forberg

Movant(s):

NISSAN-INFINITI LT.

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
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12178 Delmy Johanna Gomez Martinez

Chapter 7

#17.00 Motion for relief from stay

American Honda Finance Corp.

Docket 9

Tentative Ruling:

Petition Date: 8/29/2019

Chapter: 7

Service: Proper. No opposition filed.

Property: 2018 Honda Odyssey

Property Value: \$29,400 (per Debtor's schedules) v. \$29,075 (per Movant's valuation)

Amount Owed: \$37,770.62. Last payment received 5/23/19. Total arrears is \$2,218.47.

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: None

Movant states that it regained possession of Property on 8/26/2019.

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):

Delmy Johanna Gomez Martinez

Represented By
Daniel King

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12210 John Joseph Strand

Chapter 7

#18.00 Motion for relief from stay

5066 LANKERSHIM BLVD, LLC

Docket 9

Tentative Ruling:

Petition Date: 9/3/2019

Ch: 7

Service: Proper. No opposition filed.

Movant: 5066 Lankershim Blvd., LLC

Property Address: 5064-5066 Lankershim Boulevard, North Hollywood, CA 91601

Type of Property: Nonresidential

Occupancy: holdover after foreclosure sale

Foreclosure Sale: 9/3/2019

UD case filed: n/a

UD Judgment: n/a

Disposition: GRANT requested relief under 11 U.S.C. 362(d)(1) with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay); **9** (relief binding & effective for 180 days against any debtor); and **10** (binding and effective relief for against the Property for 2 years).

DENY relief requested in **3** (confirm no stay in effect) and **4** (stay is annulled), as no facts were alleged that would provide grounds for such relief.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

John Joseph Strand

Pro Se

**United States Bankruptcy Court
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10:00 AM

CONT... John Joseph Strand

Chapter 7

Movant(s):

5066 Lankershim Blvd., LLC

Represented By
Melissa Davis Lowe

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12212 Yelizaveta Korchinskaya

Chapter 7

#19.00 Motion for relief from stay

1 SHARPE OPPORTUNITY INTERMEDIATE TRUST

Docket 7

Tentative Ruling:

Petition Date: 9/3/2019

Chapter: 7

Service: Proper; original borrower & co-debtor served. No opposition filed.

Property: 12210 Malone Street, Los Angeles, CA 90066

Property Value: \$25,000 (per debtor's schedules). Debtor has 25% interest in 2nd deed of trust in Property, which is claimed as 100% exempt under C.C.P. § 703.140(b)(5).

Amount Owed: \$1,304,223.27

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$8,307.19

Movant requests 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); **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** (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

Debtor(s):

Yelizaveta Korchinskaya

Represented By
Dominic Afzali

**United States Bankruptcy Court
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10:00 AM

CONT... Yelizaveta Korchinskaya

Chapter 7

Movant(s):

1 Sharpe Opportunity Intermediate

Represented By
Martin W. Phillips

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12217 Jaime Gutierrez

Chapter 13

#20.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 12

Tentative Ruling:

On 9/4/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-10369, was a chapter 13 that was filed on 2/9/2018 and dismissed on 2/14/2019 because Debtor could no longer afford the plan payments and offered a loan modification from mortgage lender that relieved the need for a Chapter 13.

Debtor now moves for an order continuing the automatic stay as to all creditors. Moves to continue the stay under 11 U.S.C. § 362(c)(3) as the case was filed in good faith notwithstanding the dismissal of the previous case because the previous dismissal was not refiled under chapter 7 after dismissal under 11 U.S.C. § 707(b). Debtor and his spouse can afford the plan payments in this case because Debtor modified his mortgage, which makes his plan payment feasible. The Property is of consequential value or benefit to the estate and necessary to reorganize because Debtor and his spouse reside in the home. The secured creditor's interest can be adequately protected because Debtor will make ongoing mortgage payments and modified his mortgage.

Debtor asserts that the bad faith presumption 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 financial affairs when Debtor modified his mortgage.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Jaime Gutierrez

Represented By
Allan S Williams

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

CONT... Jaime Gutierrez

Chapter 13

Movant(s):

Jaime Gutierrez

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
Chief Judge Maureen Tighe, Presiding
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12221 Sindy Castro

Chapter 7

#21.00 Motion for relief from stay

1 SHARPE OPPORTUNITY INTERMEDIATE TRUST

Docket 7

Tentative Ruling:

Petition Date: 9/4/2019
Chapter 7 dismissed on 9/23/19
Service: Proper; original borrower & co-debtor served. No opposition filed.
Property: 12210 Malone Street, Los Angeles, CA 90066
Property Value: Unk.
Amount Owed: \$1,304,223.27
Equity Cushion: Unk.
Equity: Unk.
Post-Petition Delinquency: \$8,307.19

Movant requests 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); **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** (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

Debtor(s):

Sindy Castro

Pro Se

Movant(s):

1 Sharpe Opportunity Intermediate

Represented By
Martin W. Phillips

**United States Bankruptcy Court
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10:00 AM

CONT... **Sindy Castro**

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#21.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 9/18/19

Docket 65

Tentative Ruling:

This hearing was continued from 9-18-19 because late Opposition filed indicating two payments were made. What is the status of this Motion?

Contd. fr. 9/18/19

Petition Date: 10/7/2014

Chapter 13 plan confirmed: 4/28/15

Service: Proper; co-borrower served. Late opposition filed.

Property: 11009 Fenway Street, Los Angeles, CA 91352-1213

Property Value: \$521,000 (as of October 2013)

Amount Owed: \$ 595,745.96 (as of 7/29/19)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$5,703.56 (approx. 2 payments of \$2,851.78)

Movant alleges that the last payment tendered for this claim was on or about 5/23/19.

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); and **7** (waiver of 4001(a)(3) stay); **8** (if relief from stay granted, adequate protection shall be ordered).

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By

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10:00 AM

CONT... Anita Marie Dominguez

Raffy M Boulgourjian

Chapter 13

Movant(s):

THE BANK OF NEW YORK

Represented By
Kelsey X Luu
Josephine E Salmon
Arnold L Graff

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#21.02 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19, 6/5/19, 7/31/19, 9/18/19

Docket 57

Tentative Ruling:

This hearing was continued from 9-18-19 because Debtor contends that she is current on all postpetition mortgage payments and requests continuance to provide proof. What is the status of this Motion?

Petition Date: 5/18/2017

Chapter 13 Plan confirmed: 04/26/2018

Service: Proper. Original borrower was served. Opposition filed but POS does not list Movant.

Property: 16459 Nordhoff Street, North Hills, California 91343

Property Value: \$593,213 (per debtor's amended schedule C)

Amount Owed: \$550,859.09 (per RFS motion)

Equity Cushion: Unk

Equity: Unk

Post-Petition Delinquency: \$12,724.34 (2 preconfirmation payments of \$2,424.01; 2 postconfirmation payments of \$2,424.01; 2 post confirmation payments of \$2,439.86; less suspense account or partial paid balance: \$1,851.42)

Last payment was received on 8/17//2018

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to William Sierra); **7** (waiver of the 4001(a)(3) stay); and **13** (if RFS not granted, adequate protection). Movant is unaware of the method by which Debtor has acquired an interest in the property.

Debtor opposes the Motion, arguing that: (1) more payments have been to Movant

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10:00 AM

CONT... Hilda Correa

Chapter 13

than the Motion accounts for; and (2) the property is fully provided for in the chapter 13 plan. Debtor states she is current on all plan payments and post-petition mortgage payments, and if any petition arrearages exist that it will be cured by the hearing date. Debtor also states that she purchased the property in August 2005 and continues to be her primary residence.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-10574 Rachid Ahmad Ghossein

Chapter 13

#21.03 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

fr; 8/21/19, 9/18/19

Docket 36

Tentative Ruling:

On 9/17/19, Debtor filed a late response, stating that an amended plan has been filed that pays off the entire balance (without cramdown) through the plan. Debtor contends that post-petition payments are current. Is Movant amenable to this result?

APPEARANCE REQUIRED.

8/21/19 TENTATIVE BELOW

Petition Date: 3/13/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 2010 Mercedes Benz GL Class 550

Property Value: \$15,000 (per debtor's schedules)

Amount Owed: \$15,550.65

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,606.36 (4 payments of \$651.59)

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).

Party Information

Debtor(s):

Rachid Ahmad Ghossein

Represented By
Scott D Olsen

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Rachid Ahmad Ghossein

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

#21.04 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 11151 Landale St., North Hollywood, CA 91602; 2007 Toyota Tacoma vehicle

Docket 13

Tentative Ruling:

On 9/11/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-10135, was a chapter 13 that was filed on 1/16/2018 and dismissed on 8/1/2019 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to secured creditor and all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case and the presumption of bad faith is overcome because Debtor fell behind on previous chapter 13 plan because payments were lost in the mail. Debtor is permanently disabled and receives SSI benefits. Debtor argues that she can afford the payments because her family contributions have increased to \$2,200 since the previous bankruptcy to provide a feasible and confirmable plan, and the Property has \$132,230 in equity to adequately protect lender.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Ana Berta Zavala

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12361 Jose R. Fernandez and Esther Fernandez

Chapter 13

#21.05 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 16439 Jersey St., Granada Hills, CA 91344

Docket 7

Tentative Ruling:

On 9/18/2019, Debtor filed this chapter 13 case. Debtor had two previous bankruptcy cases that were dismissed within the previous year. The First Filing, 17-12702, was a chapter 13 that was filed on 10/5/2017 and dismissed on 10/29/2018 for failure to make plan payments. The Second Filing, 19-10271, was a chapter 13 that was filed on 2/4/2019 and dismissed on 8/13/2019 for failure to make plan payments.

Debtors now moves for an order imposing stay under 11 U.S.C. § 362(c)(4) as to secured creditor and all creditors. Debtor asserts that this case was filed in good faith because the Property is of consequential value and the Property has \$68,000 in equity to adequately protect secured creditor's interest Debtors had personal health issues that required the retirement of one, and had to travel to Mexico for other family emergencies. Debtors failed to make plan payments for the second bankruptcy because of the loss of work caused by constant doctor's appointments and chemotherapy treatments. Debtor's wife is currently in remission and is a self-employed nanny earning \$1,000 per month. Debtors also received SSI of \$2,319 per month and family contributions of \$1,700 per month.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Jose R. Fernandez

Represented By
Donald E Iwuchuku

Joint Debtor(s):

Esther Fernandez

Represented By
Donald E Iwuchuku

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Jose R. Fernandez and Esther Fernandez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12257 Armine Yeghiazarian

Chapter 13

#22.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 6

Tentative Ruling:

On 9/9/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-12165, was a chapter 13 that was filed on 8/27/2018 and dismissed on 9/13/2018. Debtor filed the case pro se and not fully aware of all requirements.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor moves to continue the stay under 11 U.S.C. § 362(c)(3) as the present case was filed in good faith notwithstanding the dismissal of the previous case because Debtor now has counsel and her financial condition has substantially increased because her husband secured employment. The Property is of consequential value or benefit to the estate and necessary to a reorganization because Debtor's residence provides her stability and enables her to focus her efforts on her solid and stable employment. Debtor will apply for LMM.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED.

Party Information

Debtor(s):

Armine Yeghiazarian

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

#23.00 Motion in Individual Case for Order Imposing Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 9

Tentative Ruling:

On 9/9/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case dismissed within the previous year. The First Filing, 18-11366, was a chapter 13 that was filed on 5/30/2018 and dismissed on 7/27/2018 for delinquent plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues stay should be continued under 11 U.S.C. § 362(c)(3) because the present case was filed in good faith notwithstanding the dismissal of the previous case because Debtor had health issues and was not aware that plan payments not made. Debtor now has assistance from a friend, who is helping manage her finances. The Property is of consequential value or benefit to the estate because the Property's fair market value is greater than all liens on the Property. Property is necessary to reorganize because Debtor is 73 years old, retired, and has health issues, and Property is her residence. In addition, Debtor's personal or financial affairs have substantially changed since dismissal of the prior case because Debtor has sufficient income to pay plan payments, maintain property insurance, and pay property taxes.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED.

Party Information

Debtor(s):

Irene Elizabeth Franklin

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Irene Elizabeth Franklin

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12264 Hrayer Chouchanian

Chapter 13

#24.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 12

Tentative Ruling:

On 9/10/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 14-10086, was a chapter 13 that was filed on 1/7/2014 and dismissed on 9/24/2018 for Debtor's failure to cure delinquent plan payments.

Debtor moves to continue stay under 11 U.S.C. § 362(c)(3) because the present case was filed in good faith because Debtor's personal or financial affairs have substantially changed since dismissal of the previous case. The previous case was dismissed due to delinquent plan payments. Since the filing of this case, Debtor has more steady income from independent contract work, social security, and his spouse's income. Debtor's family will also assist to help save the home and complete the term of the plan.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hrayer Chouchanian

Represented By
Tamar Terzian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-11377 Steven Michael Joyner
Adv#: 1:19-01087 Frazee v. Joyner

Chapter 7

#25.00 Motion for Default Judgment Under LBR 7055-1

Docket 10

Tentative Ruling:

The plaintiff's motion for default judgement is sufficient for finding the debt nondischargeable under 523(a)(5) & (15)
Judgment will be entered if it is uploaded

Service proper. There has been no opposition.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Steven Michael Joyner

Represented By
Stephen L Burton

Defendant(s):

Steven Michael Joyner

Pro Se

Plaintiff(s):

Roseann Frazee

Represented By
Roseann Frazee

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-11377 Steven Michael Joyner
Adv#: 1:19-01087 Frazee v. Joyner

Chapter 7

#26.00 Status Conference Re: Complaint for
Nondischargeability of Debt Pursuant to
11 U.S.C. Sec. 523(a)(5) or (15)

Docket 1

***** VACATED *** REASON: Default Judgment to be entered; no need for
status conference**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Michael Joyner

Represented By
Stephen L Burton

Defendant(s):

Steven Michael Joyner

Pro Se

Plaintiff(s):

Roseann Frazee

Represented By
Roseann Frazee

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-12919 Jeffrey Steinberg M.D., A Medical Corporation

Chapter 7

#27.00 Motion For Sale of Property of the Estate under Section 363(b) - to (1) Approve Sale of All Assets of The Estate, Except Cash, Pursuant to 11 U.S.C. Section 363, Including Approving Overbid Procedures; and (2) Approve Compromise Under FRBP 9019

Docket 16

Tentative Ruling:

APPEARANCE REQUIRED

Creditor is accurate that the motion has not been properly noticed, but the slightly late timing of the declaration is minor and no prejudice is shown. The court will waive that.

The larger issue is that the trustee has not adequately explained how this issue could have been resolved for so little where there appears to be no contradiction that the debtor's profits were in the millions in the years before the transfer. After stating that the probability of success is fairly likely, the trustee provides generic justification about the complexity of litigation and difficulties in collection compared to the fees it would take to litigate this. There is no support for this and no explanation how this squares with the profits the debtor was able to generate prepetition. Whether or not the former principal is held liable, the debtor corporation generated substantial profit. Is the trustee saying the intangible assets generating those profits are possibly only worth \$40,000 or less?

It is not clear what the trustee means by saying that the judgment creditor's rights cannot be sold by the trustee and are not included in the sale. What is the trustee saying? What rights? That the creditor may still pursue its judgment post-petition? How? The alleged fraudulent transfer would be resolved by this sale.

The only creditor who would get anything from this estate is the objecting creditor. This sale price is likely simply the trustee and his professionals

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

CONT... Jeffrey Steinberg M.D., A Medical Corporation Chapter 7
getting most of the recovery. Why is there any purpose to the Chapter 7 in
this situation?

Party Information

Debtor(s):

Jeffrey Steinberg M.D., A Medical

Represented By
David S Hagen

Trustee(s):

David Keith Gottlieb (TR)

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:19-12111 Maria Ornelas De Garcia

Chapter 7

#28.00 Motion for Order Compelling Attorney to File
Disclosure of Compensation Pursuant to 11
U.S.C. § 329

Docket 8

Tentative Ruling:

Service proper. No response filed.

Having considered the Motion, the Court finds cause to order attorney Bernal Ojeda to file a Disclosure of Compensation. This Court shall retain jurisdiction over any matters arising from or related to § 329, so that the U.S. Trustee, or any other party interest, can determine whether to file a disgorgement motion, if appropriate.

Motion is GRANTED. U.S. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Maria Ornelas De Garcia

Represented By
Bernal P Ojeda

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#28.01 Objection of Debtor's Claim of Homestead Exemption.

Docket 51

Tentative Ruling:

Generally, a debtor's claimed exemption is presumptively valid, and the party objecting to a debtor's exemption has the burden of proving that the exemption is improper. Carter v. Anderson (In re Carter), 182 F.3d 1027, 1029 n. 3 (9th Cir. 1999); Rule 4003(c). If the objecting party can produce evidence sufficient to rebut the presumption of validity, then the burden of production shifts to the debtor to provide unequivocal evidence to demonstrate that the exemption is proper. Carter, 182 F.3d at 1029 n. 3. The burden of persuasion always remains with the objecting party who must provide sufficient proof to meet the preponderance of the evidence standard. Id.

Debtor's response focuses on the inadequacy of the objection, noting that Creditor alleges no factual or legal argument on which an objection can be based. The objecting party must show by a preponderance of the evidence that the exemption should be denied. In re Nicholson, 435 BR 622, 632-633 (B.A.P. 9th Cir. 2010). Without more, this objection is OVERRULED.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers
David Brian Lally

Trustee(s):

Amy L Goldman (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#28.02 Amended Schedule C: The Property You Claimed as Exempt
filed by creditor Gamm, Noorali et, al.

Docket 49

*** VACATED *** REASON: Duplicate of 28.01 - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers
David Brian Lally

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:14-15037 Brandi Kathleen Issac

Chapter 11

#29.00 Trustee Motion to dismiss or convert
Case

Docket 161

Tentative Ruling:

Service proper. No response filed by Debtor. Having reviewed the docket and finding that no Creditor has responded in support of conversion, the Court finds cause under § 1112(b) to dismiss this chapter 11 case. Motion GRANTED.

MOVANT TO LODGE ORDER WITHIN 7 DAYS. RULING MAY BE MODIFIED AT HEARING. APPEARANCES WAIVED ON 10-2-19.

Party Information

Debtor(s):

Brandi Kathleen Issac

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

Matthew D. Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor Chapter 11

#30.00 U.S. Trustee Motion to dismiss or convert case

Docket 112

***** VACATED *** REASON: Withdrawal filed by the OUST - Doc. #115.
If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henry Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#31.00 Trustee Motion to dismiss or convert Case

Docket 155

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Henry 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#32.00 Application of Donahoe & Young LLP for
Payment of Interim Fees and Expenses

Period: 6/19/2018 to 8/31/2019,
Fee: \$80127.25,
Expenses: \$1326.00.

Docket 148

Tentative Ruling:

Service proper. No objections filed. Having reviewed the First Interim 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 10-2-19.

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young
Amelia Puertas-Samara

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#33.00 Motion for Abandonment of Debtor's Asset
Known as 4551 Lindley Avenue, Tarzana,
CA 91356

fr. 8/28/19

Docket 169

Tentative Ruling:

Does trustee actually have a buyer? If not, the trustee must explain why abandonment is not appropriate at this point.

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

10:00 AM

1:12-20324 Gary Lee Hewitt

Chapter 7

#34.00 Trustee's Final Report and Application for
Compensation and Deadline to Object.

Docket 345

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 10-2-19.

Party Information

Debtor(s):

Gary Lee Hewitt

Represented By
Louis J Esbin
Gary E Klausner
Jeffrey S Kwong

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Robyn B Sokol
David Seror
Ezra Brutzkus Gubner LLP
Robert K Sall
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Steven T Gubner

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

11:00 AM

1:09-21160 Hermine Nazaryan

Chapter 7

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

#35.00 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, 8/15/18, 2/6/19,
2/27/19; 4/3/19, 5/15/19; 5/22/19; 8/21/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

Debtor has submitted no issues of fact or law and has missed yet another deadline. There is also nothing in the record or even to contradict the creditor's detailed description of the events. It is clear that debtor has abandoned the prosecution of her claim. There does not appear to be much more to do at this hearing except dismiss all remaining matters, given that nothing was submitted by debtor.

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

Michael Waldren

Pro Se

Plaintiff(s):

Hermine Nazaryan

Represented By
Lloyd D Dix

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

11:00 AM

CONT... Hermine Nazaryan

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

1:00 PM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#36.00 Motion For Summary Judgment for Adjudication
of Issues.

Docket 123

***** VACATED *** REASON: Order cont. to 12/4/19 @1pm (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

1:00 PM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01078 Vara v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STR

#37.00 Motion to Dismiss Complaint with Prejudice

Docket 6

Tentative Ruling:

Having reviewed the Complaint, the Motion to Dismiss, and no opposition having been filed, the Court finds that, under FRCP 12(b)(6), the Complaint fails to state any claim upon which relief can be granted.

(a) Real Estate Settlement Procedures Act ("RESPA") 12 U.S.C § 2601, et. seq. The Complaint fails to contain facts sufficient to support any claim for a violation of REPSA.

(b) Truth-in-Lending Act ("TILA") 15 U.S.C. § 1601, et seq. The Complaint fails to contain facts sufficient to support any claim for a violation of TILA.

(c) Unlawful, Unfair, or Fraudulent Business Practices under the California Business and Professions Code § 17200. The Complaint fails to contain facts sufficient to support any claim for a violation of California's unfair competition laws under Business and Professions Code § 17200, et seq.

(d) Unjust Enrichment. The Complaint fails to contain facts sufficient to support any claim for restitution or unjust enrichment.

(e) Declaratory Relief. The Complaint fails to plead any actual case or controversy upon which a declaration from this Court can be based.

Motion GRANTED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

U.S. BANK NATIONAL

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

1:00 PM

CONT... Michael Vara

Chapter 11

Plaintiff(s):

Michael Vara

Represented By
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 2, 2019

Hearing Room 302

2:00 PM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#38.00 Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18;
12/18/18, 2/20/19; 6/6/19/ 7/16/19; 8/8/19

Docket 0

Tentative Ruling:

APPEARANCE REQUIRED

What does "Pending" under certain projects mean in the debtor's status report? More detail is needed.

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, October 3, 2019

Hearing Room 302

2:00 PM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#1.00 Motion for relief from stay

WILMINGTON TRUST

fr. 9/11/19, 9/20/19

Docket 33

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Faith A Ford

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, October 3, 2019

Hearing Room 302

2:00 PM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#2.00 Motion for relief from stay

MAGNUM PROPERTY INVESTMENT LLC and
STRATEGIC ACQUISITIONS INC.

fr. 8/28/19, 9/11/19, 9/20/19

Docket 18

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Julius Johnson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, October 4, 2019

Hearing Room 302

9:30 AM

1:16-11671 Yoram Talasazan

Chapter 7

Adv#: 1:16-01119 Moussighi et al v. Talasazan

#1.00 TRIAL - DAY 5
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, 11/14/18; 1/23/19, 3/6/19,
6/12/19, 9/12/19, 9/16/19, 9/19/19, 9/20/19, 9/23/19

Docket 1

Courtroom Deputy:

Trial set for 9/12, 16, 19, 20, 23/19.

Tentative Ruling:

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, October 4, 2019

Hearing Room 302

9:30 AM

CONT... Yoram Talasazan

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

1:19-11621 Marissa R. Esquillo

Chapter 7

**#1.00 Pro se Reaffirmation Agreement Between Debtor and
American Honda Finance Corporation**

Docket 10

Tentative Ruling:

Petition date: 7/1/19

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): \$16,225

Amount to be reaffirmed: \$15,780

APR: 1.9 % (fixed)

Contract terms: \$450.87 per month for 36 months

Monthly Income (Schedule I): \$2,926

Monthly expenses: (Schedule J): \$2,922

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

CONT... **Marissa R. Esquillo**
the payments in Part D?

Chapter 7

No explanation provided. This payment is listed on Sch J.

Debtor has a right to rescind agreement until November 3, 2019.

Party Information

Debtor(s):

Marissa R. Esquillo

Represented By
R Grace Rodriguez

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

1:19-11773 Gabriela Torres

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor and
American Honda Finance Corporation**

Docket 10

Tentative Ruling:

Petition date: 7/16/19

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): \$17,025

Amount to be reaffirmed: \$12,082

APR: 1.9% (fixed)

Contract terms: \$588.18 per month for 21 months

Monthly Income (Schedule I): \$3,007

Monthly expenses: (Schedule J): \$3,298

Disposable income: <\$291>

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

CONT... **Gabriela Torres**
the payments in Part D?

Chapter 7

Debtor states that she has cut down on her expenses. This payment is provided for in Sch. J.

Debtor has a right to rescind agreement until November 17, 2019.

Party Information

Debtor(s):

Gabriela Torres

Represented By
Daniel King

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

1:19-11867 Keith Lee Carter, Jr.

Chapter 7

**#3.00 Pro se Reaffirmation Agreement Between Debtor and
Alaska USA Federal Credit Union**

Docket 9

Tentative Ruling:

Petition date:7/24/19

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: 2008 Chevrolet Tahoe

Debtor's valuation of property (Sch. B): \$13,175

Amount to be reaffirmed: \$9,917

APR: 3.64% (fixed)

Contract terms: \$248.26 per month for 43 months

Monthly Income (Schedule I): \$2,587

Monthly expenses: (Schedule J): \$2,704

Disposable income: <\$117>

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 15, 2019

Hearing Room 302

8:30 AM

CONT... **Keith Lee Carter, Jr.**
the payments in Part D?

Chapter 7

Debtor states that his family has promised to help with expenses, should it be necessary. This payment is listed on Sch. J

Debtor has a right to rescind agreement until November 3, 2019.

Party Information

Debtor(s):

Keith Lee Carter Jr.

Represented By
Jeffrey J Hagen

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12468 Roberto Yasis Yebra

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Yasis Yebra

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12420 Arthur M Sarkissian

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arthur M Sarkissian

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12408 Andrew JC Menschik

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew JC Menschik

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12418 Rosana Benavides

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 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosana Benavides

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12427 Walter Manuel Corrales

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walter Manuel Corrales

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12496 Zhong Lai

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 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zhong Lai

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

1:19-12501 Seyed Mostafa Maghloubi

Chapter 13

#0.07 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 -

Party Information

Debtor(s):

Seyed Mostafa Maghloubi

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

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 Trial
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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19

Docket 151

***** VACATED *** REASON: Trial dates all vacated**

Courtroom Deputy:

Trial set for 10/16,17,18, 21 and 25, there is no time. (eg)

Tentative Ruling:

Appearance Required

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

9:30 AM

CONT... Solyman Yashouafar Chapter 11

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
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Trustee(s):

David Keith Gottlieb (TR)	Represented By Jeremy V Richards John W Lucas
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:14-13940 Maria Polanco de Amaya

Chapter 13

#2.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/22/2014

Chapter: 13

Service: Proper. No Opposition filed.

Property: 13534 Muscatine Street, Los Angeles, CA 91331

Property Value: \$375,000 (per debtor's schedules)

Amount Owed: \$390,575.83

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$8,864.17 (6 late payments of \$1,545.64 each)

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):

Maria Polanco de Amaya

Represented By
Susan Jill Wolf

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Maria Polanco de Amaya

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#3.00 Motion for relief from stay

CITIBANK, N.A.

fr. 9/11/19

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 9/11/19 based on stipulation.

Petition Date: 9/27/17

Chapter 13 plan confirmed: 2/2/18

Service: Proper. Opposition filed.

Property: 3750 Sunswept Dr., Studio City, CA 91604

Property Value: \$600,000 (per debtor's schedules)

Amount Owed: \$197,124 (2nd Deed of Trust)

Equity Cushion: 59%

Equity: \$402,876.00

Post-Petition Delinquency: \$25,145 (approx. 17 payments of between \$1,404.47 and \$1,536.74)

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); **7** (waiver of the 4001(a)(3) stay); **14** (if RFS not granted, order APO).

Movant alleges that the last payment it received was \$591.37 on or about May 1, 2019.

Debtor opposed the motion and asserts that she will be current by the hearing date or will cure the arrears over 9 months. Debtor will agree to an APO.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Lynne Suzanne Boyarsky

Chapter 13

Has Debtor tendered payments? Have the parties discussed whether this can be resolved via APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D Resnik

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:17-13345 Antoaneta Daniela Silvia Panait

Chapter 13

#4.00 Motion for relief from stay

CALIBER HOME LOANS, INC.

Docket 51

***** VACATED *** REASON: RESOLVED PER APO - TS**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoaneta Daniela Silvia Panait

Represented By
Eric Bensamochan

Movant(s):

Caliber Home Loans, Inc.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:18-10143 Mayra Hernandez

Chapter 13

#5.00 Motion for relief from stay

US BANK TRUST NA

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/16/2018

Chapter: 13

Service: Proper. Late Opposition filed.

Property: 8723 Lucia Place, Sun Valley Area, CA 91352

Property Value: \$628,394 (per debtor's schedules)

Amount Owed: \$407,888.04

Equity Cushion: 27.0%

Equity: \$220,505.96.

Post-Petition Delinquency: \$7,119.22 (2 late payments of \$3,027 and \$3,002)

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); **7** (waiver of the 4001(a)(3) stay); and **13** (if stay not granted, order APO).

On 10/3/2019, Debtor filed a late Opposition declaring that payments were tendered on 12/10/2018, but were not applied. Debtor claims he also made post-petition payments telephonically, which Movant did not accept notwithstanding Debtor being provided a confirmation receipt. Accounting statements given to Debtor indicated \$4,092.16 in default, and not \$7,119.22 as alleged in the Motion. Debtor argues that it would have a credit rather than a default had Movant accepted the telephonic payment and applied the December 2018 payment.

APPEARANCE REQUIRED

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Mayra Hernandez

Chapter 13

Party Information

Debtor(s):

Mayra Hernandez

Represented By
Donald E Iwuchuku

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Kelsey X Luu
Can Guner
Francis Laryea
Erin Elam
Christina J O

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#6.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/28/2018

Chapter: 13

Service: Proper. No Opposition filed.

Property: 13863 Eustace Street, Pacoima, CA 91331

Property Value: \$420,000 (per debtor's schedules)

Amount Owed: \$393,470.08

Equity Cushion: 0.0%

Equity: \$26,530.

Post-Petition Delinquency: \$8,555.40 (5 late payments of \$1,772.14 each)

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** (waive 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):

Gabriela Kinney Puentes

Represented By
Hector Vega

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Gabriela Kinney Puentes

Chapter 13

Movant(s):

The Bank Of New York Mellon fka

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#7.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/8/2019

Chapter: 13

Service: Proper (co-debtor served). Late Opposition filed.

Property: 15933 Haynes Street, Van Nuys, CA 91406

Property Value: \$637,433 (per debtor's schedules)

Amount Owed: \$443,003.82

Equity Cushion: 23.0%

Equity: \$194,430.

Post-Petition Delinquency: \$4,575.09 (3 late payments of \$2,246.67 each)

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** (waive co-debtor stay); **7** (waiver of the 4001(a)(3) stay).

On 10/3/2019, Debtor filed a late Opposition asserting Property is necessary for an effective reorganization because Property is Debtor's primary residence. Debtor intends to cure arrears by entering into repayment agreement with Movant. Debtor experienced financial hardship leading to late mortgage payments.

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Yoonah Mason

Chapter 13

Debtor(s):

Yoonah Mason

Represented By
Kevin T Simon

Movant(s):

U.S. Bank National Association, as

Represented By
Josephine E Salmon
Arnold L Graff
Angie M Marth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-10407 John Nha Vu

Chapter 13

#8.00 Motion for relief from stay

JPMORGAN CHASE BANK, N.A.

Docket 54

*** VACATED *** REASON: Resolved per APO - hm

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Nha Vu

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-11118 Miguel Hernandez Garcia

Chapter 13

#9.00 Motion for relief from stay

JPMORGAN CHASE BANK N.A.

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 5/6/2019

Chapter: 13

Service: Proper. Late opposition filed.

Property: 2015 Chevrolet Camaro

Property Value: \$14,000 (per debtor's schedules)

Amount Owed: \$15,011.25

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$1,991.44 (2 late payments of \$444 and \$515)

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); **6** (waiver of 4001(a)(3) stay). Debtor filed a late opposition, arguing that more payments have been made than were accounted for in the Motion and requests an APO for any remaining deficiency. Is Movant amenable to Debtor's request?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Miguel Hernandez Garcia

Represented By
Donald E Iwuchuku

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Miguel Hernandez Garcia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-11343 Maria Rosales

Chapter 13

#10.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSOC.

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 5/29/2019

Chapter: 13

Service: Proper. No Opposition filed.

Property: 19125 Olympia Street, Northridge Area, Los Angeles, CA 91326

Property Value: \$850,000 (per debtor's schedules)

Amount Owed: \$1,130,421.68

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$7,235.56 (3 late payments of \$3,559.52 each)

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):

Maria Rosales

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Maria Rosales

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-11819 John Raymond Nardolilli

Chapter 7

#11.00 Motion for relief from stay

VT INC.

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/19/2019

Chapter: 7

Service: Proper. No Opposition filed.

Property: 2019 Toyota Camry

Property Value: \$29,355 (per Movant's declaration)

Amount Owed: \$34,608.19

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition 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):

John Raymond Nardolilli

Pro Se

Movant(s):

VT INC. AS TSTEE WORLD

Represented By
Scott S Weltman

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... John Raymond Nardolilli

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12085 Sir Arthur Conan Doyle

Chapter 13

#12.00 Motion for relief from stay

OLIVER NGUYEN; ANH PHAN

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/20/2019

Ch: 13

Service: Proper. No Opposition filed.

Movant: Oliver Nguyen; Anh Phan

Property Address: 17012 Hartsook Street, Encino, CA 91316

Type of Property: Residential

Occupancy: Holdover after lease default

Foreclosure Sale: N/A

UD case filed: 7/26/2019

UD Judgment: Trial continued to 9/19/2019

Movants assert that Debtor is not a tenant in Property and they do not know who this Debtor is. Debtor appears to claim interest in Property based on oral agreement with person other than landlord.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). 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); **9** (relief binding & effective for 180 days against any debtor); and **11** (binding and effective relief against this Debtor).

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
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Chief Judge Maureen Tighe, Presiding
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Sir Arthur Conan Doyle

Chapter 13

Debtor(s):

Sir Arthur Conan Doyle

Pro Se

Movant(s):

OLIVER; ANH NGUYEN; PHAN

Represented By
Stephen C Duringer

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, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12166 Stuart Marc Rabin

Chapter 7

#13.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/28/2019

Chapter: 7

Service: Proper. No Opposition filed.

Property: 2017 Chevrolet Equinox

Property Value: \$8,586 (per debtor's schedules)

Amount Owed: \$17,083.27

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition 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):

Stuart Marc Rabin

Represented By
Kevin Liu

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By

**United States Bankruptcy Court
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

CONT... Stuart Marc Rabin

Jennifer H Wang

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12179 Shera Allen

Chapter 7

#14.00 Motion for relief from stay

VONDIGA, LLC

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/29/2019

Ch: 7

Service: Proper. No Opposition filed.

Movant: Vondiga, LLC

Property Address: 14235 Ventura Blvd., Sherman Oaks, CA 91423

Type of Property: Nonresidential

Occupancy: Holdover after lease default

Foreclosure Sale: N/A

UD case filed: 9/6/2019

UD Judgment: N/A

Movant alleges cause to annul the stay because it served a 3-day Notice to Pay or Quit, as well as filed & served a Unlawful Detainer Complaint without notice or knowledge of the bankruptcy filing.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (annul stay); **6** (waiver of 4001(a)(3) stay); and **7** (designated law enforcement officer may evict); **9** (relief binding & effective for 180 days against any debtor); and **11** (binding and effective order in any bankruptcy for 180 days)

DENY relief requested under paragraphs **10** (binding and effective relief for against the Property for 2 years) because there are not sufficient facts alleged that would provide grounds for such relief.

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10:00 AM

CONT... Shera Allen

Chapter 7

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT
HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Shera Allen

Represented By
Daniel King

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

10:00 AM

1:19-12209 Ernest Mathis

Chapter 7

#15.00 Motion for relief from stay

AJX Mortgage Trust II

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Involuntary Petition Date: 9/3/2019
Chapter 7 dismissed with a bar: 10/4/19
Service: Proper.
Property: 12670 Terra Bella Street, Pacoima, CA 91331
Property Value: \$535,000 (per BPO)
Amount Owed: \$424,524.44
Equity Cushion: 13.0%
Equity: \$11,181.
Post-Petition Delinquency: N/A

GRANT relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific 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)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ernest Mathis

Pro Se

Movant(s):

AJX Mortgage Trust II, a Delaware

Represented By
Renee M Parker

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10:00 AM

CONT... Ernest Mathis

Chapter 7

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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12222 Thomas Milton Petty

Chapter 13

#16.00 Motion for relief from stay

GRACE JACOBSEN

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/5/2019

Ch: 13

Service: Proper. Opposition & Reply filed.

Movant: Grace Jacobsen

Property Address: 5512 Kester Avenue, Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: Holdover after month-to-month tenancy in default

Foreclosure Sale: N/A

UD case filed: 5/31/2019

UD Judgment: N/A (trial cont'd. to 10/3/2019)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Debtor fell behind on his rent due to his bills from his cancer treatment. Debtor requests that the Court set a date by which he must assume or reject the lease.

Movant contends in reply that Debtor has not paid rent since April 2019 and has created dangerous conditions on the property and seeks to complete the eviction to remove the dangerous conditions on the property.

APPEARANCE REQUIRED DUE TO SHORTENED TIME

Party Information

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

CONT... Thomas Milton Petty

Chapter 13

Debtor(s):

Thomas Milton Petty

Represented By
Matthew D. Resnik

Movant(s):

Grace Jacobsen

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
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12287 Feliz Development LLC

Chapter 7

#17.00 Motion for relief from stay

LENDINGHOME FUNDING CORP.

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/11/2019

Chapter: 7

Service: Proper. No Opposition filed.

Property: 1947 North Oxford Avenue, Los Angeles, CA 90027

Property Value: \$1,450,000 (per debtor's schedules)

Amount Owed: \$1,566,333.37

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A

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)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Feliz Development LLC

Represented By
Julie A Duncan

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

CONT... Feliz Development LLC

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12290 Tyler Brooks Kimmel

Chapter 13

#18.00 Motion for relief from stay

TOORAK REPO SELLER I TRUST

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/12/2019

Ch: 13 (pro se)

Service: Proper. No opposition filed.

Movant: Toorak Repo Seller I Trust

Property Address: 4060 Camino De La Cumbre, Sherman Oaks, CA 91423

Type of Property: Residential

Occupancy: Holdover after lease expiration on 3/14/2019

Foreclosure Sale: 11/1/2018

UD case filed: 4/16/2019

UD Judgment: Trial cont'd. to 10/22/2019

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.

Party Information

Debtor(s):

Tyler Brooks Kimmel

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

CONT... Tyler Brooks Kimmel

Chapter 13

**United States Bankruptcy Court
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#18.01 Motion for relief from stay

KUBOTA CREDIT CORP.
U55-4R3A

fr. 10/2/19

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued so that the parties could attempt to negotiate a consensual resolution. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

10-2-19 TENTATIVE BELOW

Petition Date: 2/27/19

Chapter: 13

Service: Proper. Opposition filed.

Property: Equipment (Kubota U55-4R3A)

Property Value: \$88,000 (Selling Price). Debtor intends to file motion to value property.

Amount Owed: \$33,805.00

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,676.00 (4 late payments of \$669 each)

Debtors assert in Opposition that they are working with Movant on APO to provide six-month cure starting November 1, 2019, provided payment is made before hearing.

Has Debtor paid arrears? Have parties worked out APO?

APPEARANCE REQUIRED.

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10:00 AM

CONT... Gerardo Melendez and Maribel Melendez

Chapter 13

Party Information

Debtor(s):

Gerardo Melendez

Represented By
Shai S Oved

Joint Debtor(s):

Maribel Melendez

Represented By
Shai S Oved

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-10861 Tonya Latrice Gould

Chapter 13

#18.02 Motion for relief from stay

US BANK

fr. 10/2/19

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 10/2/19 so that the parties could review proof of payments allegedly tendered by Debtor. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

10-2-19 TENTATIVE BELOW

Petition Date: 4/11/2019

Chapter: 13

Service: Improper. Opposition filed.

Property: 21931 Burbank Blvd. #44, Woodland Hills, CA 91367

Property Value: \$ (per debtor's schedules)

Amount Owed: \$371,183.20

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$6,429.27 (3 payments of \$2,143.09 each). Last payment made on 5/20/2019

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 argues that service was improper because the Motion was emailed to the wrong address for counsel. Debtor argues that he will tender \$6,429.27 to Movant to cure arrears. Has Movant received the payment and does the payment address the

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10:00 AM

CONT... Tonya Latrice Gould
Motion?

Chapter 13

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Tonya Latrice Gould

Represented By
Kahlil J McAlpin

Movant(s):

U.S. Bank, National Association as

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12329 Leticia E. Donis Duran

Chapter 13

#19.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14262 Berg St., Sylmar, CA 91342; 2015 Nissan Sentra; 2012 Honda Civic

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 9/16/2019, Debtor filed this chapter 13 case. Debtor had one (1) previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-11849, was a chapter 13 that was filed on 7/24/2018 and dismissed on 5/15/2019 for defaulted plan payments.

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. Debtor states that since the First Filing was dismissed, her financial situation has improved and she is now back to work and earns \$5,400 per month. Debtor was out of work for 4 months after a knee injury and suffered further financial hardship when her daughter moved out. Debtor's daughter is now back home and will contribute. Debtor has \$376,079.19 in equity to adequately protect the mortgage lender. In addition, Debtor's one of two vehicles is Debtor's primary transportation source for work and personal needs.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.
APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Leticia E. Donis Duran

Represented By

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10:00 AM

CONT... Leticia E. Donis Duran

Donald E Iwuchuku

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 16, 2019

Hearing Room 302

10:00 AM

1:19-12355 Dang Ly Phuong

Chapter 13

#20.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

8165 Tunney Avenue Reseda, CA 91335

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 9/18/2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 15-14024, was a chapter 13 that was filed on 12/9/2015 and dismissed on 1/7/2019 for failure to make plan payments.

Debtor now moves for an order continuing the stay as to all creditors. Debtor asserts that the present case was filed in good faith. After the previous case was dismissed, Debtor's daughter moved into her home to financially assist Debtor. Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence. In addition, Debtor's daughter received an employment offer.

On 10/2/2019, Wilmington Trust ("Creditor") filed an opposition. Creditor requests this court to dismiss Debtor's case or issue an adequate protection order because Creditor believes that Debtor has not provided sufficient evidence of changed financial circumstances. Creditor holds a \$420,000 promissory note secured by a deed of trust. Debtor's Schedules reflects a \$663.72 in social security and \$4,963.72 in family contributions. However, Debtor provided no further information on the alleged contributions, and Debtor's daughter provided no declaration.

APPEARANCE REQUIRED.

Party Information

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Hearing Room 302

10:00 AM

CONT... Dang Ly Phuong

Chapter 13

Debtor(s):

Dang Ly Phuong

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#21.00 Status Conference Re: Complaint to
Determine Value of Real Property, Determine
the Extent of Secured Claims and to Extinguish
the Second Position Lien of Creditor the Bank
of New York Mellon C/O Bank of America N.A.

fr. 8/7/19, 8/28/19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Plaintiff need to explain where address is from for proof of service and why delivery of the complaint or motion has not been shown

Plaintiff also has not attached proof needed to default motion despite representing in motion that such was attached.

There will be an OSC for lack of prosecution issues shortly if this case is not prosecuted properly

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

THE BANK OF NEW YORK

Pro Se

Does 1-10 Inclusive

Pro Se

Plaintiff(s):

Michael Vara

Represented By

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

CONT...

Michael Vara

Alfred J Verdi

Chapter 11

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Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#22.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18; 5/22/19; 6/14/19, 8/7/19, 8/28/19

Docket 16

***** VACATED *** REASON: Continued tp 12/18/19**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

No appearance required for Ch 11 status conference on 10/16 because
disclosure hearing scheduled on 12/18 -
DEBTOR TO GIVE NOTICE OF CONTINUED STATUS CONFERENCE

APPEARANCE WAIVED ON 10/16/19

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama

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Wednesday, October 16, 2019

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#23.00 Motion to Compel Compliance with Court's
Financing Order and Hold Debtor in Contempt
Under 11 U.S.C Section 105; Request for Sanctions
Against Debtor and Its Counsel of Record

Docket 129

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Construction Lenders ("Creditor") filed a motion asking this court: (1) to hold PB-1, LLC ("Debtor") in contempt under 11 U.S.C. § 105; (2) for sanctions against Debtor and its counsel of record; (3) for attorneys' fees in seeking to enforce the Financing Order either as sanctions or compensatory damages; and (4) to compel compliance with the court's financing order. [Dkt. No. 129].

The motion for contempt must be denied because it does not comply with Local Bankruptcy Rule 9020-1, which requires the Creditor to file a motion that conforms with LBR 9013-1 and to lodge an order to show cause to initiate contempt proceedings. Creditor neither served Debtor nor lodged an order. In its October 9, 2019 reply, Creditor requested to continue the hearing to allow time for compliance. [Dkt. No. 139, 15]. This may be discussed at the hearing, but may not be

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11:00 AM

CONT... PB-1, LLC

Chapter 11

necessary.

However, the motion to compel may still be considered because the court has an independent duty to ensure compliance with its orders and to see that the plan is carried out as promised. The motion to compel turns on what the representations about the financing were and what the order provided.

The key representations in the supplemental financing motion and the testimony at the hearing were:

On July 5, 2019, Adam Goldberg declared that "Brian Peters and I own forty-four percent (for a total of 88%) of PB 5 LLC, an Arizona limited liability company, which is the owner of Creekside and as managers of PB 5 we have authority to encumber the property." [Dkt. No. 102, ¶ 7]. Goldberg further declared that "Creekside was purchased in January 2017, for 2,975,000 and it consists of over three acres of land and improvements with direct private access to Oak Creek." [Dkt. No. 102, ¶ 4].

During the July 18, 2019 hearing, Goldberg gave the following testimony:

"Q. Right. There was a question about the mortgages on

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11:00 AM

CONT...

PB-1, LLC

Chapter 11

the two properties. You refer to the two properties as one, correct? Copper Creek?

A. Yeah. I mean there are two separate parcels, but it is the Copper Cliffs Drive property, yes.

Q. And do you have authority to encumber that property?

A. I do.

Q. When you purchased the two properties together, how much money did you put down?

A. At the tune of what the difference was from the purchase price to what the loan amount was, so I believe the number is close to 8- or \$900,000.

Q. So you put 8- or \$900,000 down. You borrowed money -- Copper Cliffs borrowed money, correct?

A. PB-5 borrowed money from Poppy Bank, but at the time, I think it was First Community Bank. [Dkt. No. 127, 54:15-25; 55:1-7].

On July 29, 2019, the court granted the Financing Order under the following terms:

2. The Debtor is authorized to enter into the loan agreement with Agoura Hills Financial, Inc., A California

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11:00 AM

CONT...

PB-1, LLC

Chapter 11

Corporation ("Agoura") on the terms set forth in the Motion; . . .

4. Recordation of the deed of trust in favor of Agoura shall be subordinated only to liens of the Los Angeles County Treasurer & Tax Collector and to no other liens and/or encumbrances;

5. On or before August 9, 2019, the Debtor shall provide to counsel to Construction Lenders:

a. Copies of the note and deed of trust now encumbering the real property commonly known as 99 Copper Cliffs Drive, Sedona, Arizona ("Copper Cliffs");

b. A proposed deed of trust in favor of Construction Lender for recordation against Copper Cliffs as a second deed of trust in the amount of \$1,000,000.00;

c. Proof of availability of funds in amount of \$250,000.00;

d. Subject to the provisions of this Order and the Debtor's First Amended Plan of Reorganization, Construction Lenders' notes shall bear their contract rate of interest."

[Dkt. No. 110].

On August 8, 2019, one day before the due date stated in the Financing Order, Debtor's counsel emailed Creditor's counsel: (1) a proposed deed of trust and (2) an executed deed of trust. [Dkt. No. 131,

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11:00 AM

CONT... PB-1, LLC

Chapter 11

10]. The proposed deed of trust identified PB-1, LLC as the trustor. The executed deed of trust named Daniel J. Marinoff as Trustee on behalf of the Daniel Marinoff and Carol Marinoff Revocable Trust ("Marinoff Trust"). [Dkt. No. 131, Ex. 1]. The title record indicates that the Marinoff Trust is the record title owner of Parcel 1, and PB-5 is the record title owner of Parcel 2. (Johnson Decl. ¶¶ 4-5).

The Financing Order required Debtor to provide Construction Lenders' counsel "copies of the note and deed of trust now encumbering the real property commonly known as 99 Copper Cliffs Drive, Sedona, Arizona ("Copper Cliffs")." Debtor did not comply with the Financing Order because Goldberg represented during the July 18, 2019 hearing that Copper Cliffs Drive is composed of two separate parcels. Mr. Goldberg further represented that he purchased the two parcels together. [Dkt. No. 127, 54:15-25; 55:1-4]. Yet, Debtor did not provide copies of a note secured by a deed of trust that encumbers both parcels. Moreover, title records indicate that PB-5 is not the record title owner of both parcels as represented by Goldberg. The Marinoff Trust is the record title owner of Parcel 1, and PB-5 is the record title owner of only Parcel 2. (Johnson Decl. ¶¶ 4-5).

Debtor also failed to comply with the Financing Order because

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Goldberg declared that "Copper Cliffs," also known as "Creekside," would consist of "over three acres of land and improvements with direct private access to Oak Creek." [Dkt. No. 102, ¶ 4]. However, the Record of Survey shows that Parcel 1 is 1.07 acres, and Parcel 2 is 1.00 acre. (Johnson Decl. ¶ 7).

In its Opposition, Debtor's counsel argued that Debtor sent the proposed trust deed on August 8, 2019 for Creditor to edit, but Creditor did not revise the proposed deed of trust until more than one week later. Moreover, Creditor's revised deed of trust was unusable because it included the Marinoff Trust. [Dkt. No. 137]. Debtor further asserts that Construction Lenders failed to include language in the Financing Order requiring adequate protection through recordation of the trust deed before priming the loan. [Id., 4]. Debtor argues that Construction Lenders failed to perform due diligence to determine the owners of each parcel, the land area, among other things. [Id., 6, 7]. Debtor also asserts that the Financing Motion did not require Debtor to wait for the recordation of an adequate protection trust deed before recording the priming deed of trust. [Id., 4].

Debtor misses the point. The relevant issue is that Goldberg testified under oath that the property, "Copper Cliffs," which the

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Chapter 11

Financing Motion specifically identifies, would consist of two parcels, which Goldberg testified that he purchased, and declared would consist of over three acres. The arguments concerning the appropriateness of the security instruments encumbering the property, whether Creditor's counsel performed due diligence, and various interpretations of the Financing Order language, do not change the fact that Goldberg provided false testimony and declaration about the characteristics of the property that is the subject of the Financing Order.

Whether debtor should have waited to record the deed before priming the loan is a matter of interpretation of the order. The speed and failure to give Creditor adequate time for its due diligence only adds to the impression that Goldberg was avoiding close scrutiny of the so called adequate protection he was offering. What we should do about this will be discussed further at the hearing.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

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1:18-12855 PB-1, LLC

Chapter 11

#24.00 Motion For Order Awarding Attorney's Fees
Against Construction Lenders

fr. 9/11/19

Docket 118

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The Motion for attorney fees under Penrod will not be ruled on as there can be no determination on whether there is a prevailing party where the basis for the ruling on the financing motion and the plan is now under scrutiny. This matter will be continued until the motion to compel is resolved.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar**

Wednesday, October 16, 2019

Hearing Room 302

1:00 PM

1:18-11810 Nelson Osmin Alvarenga

Chapter 7

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

#25.00 Motion For Sanctions and Attorney's Fees
Against Plaintiffs and Their Attorney Katherine
Butts Warwick, Pursuant to Rule 9011 of the Fed.
Rules of Bankr. Proc.

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Defendants bring a motion for FRBP 9011 sanctions following the entry of summary judgment finding all issues in their favor on all causes of action.

Bankruptcy courts have inherent authority to regulate the practice of attorneys who appear before them. See Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991) (federal courts are vested with inherent powers to manage their cases and courtrooms and to maintain the integrity of the judicial system); Caldwell v. Unified Capital Corp. (In re Rainbow Magazine, Inc.), 77 F.3d 278, 284–85 (9th Cir.1996). Bankruptcy courts also have express authority under the Bankruptcy Code and the FRBP to sanction attorneys. See 11 U.S.C. § 105(a); FRBP 9011, LBR 9011–3; In re Nguyen, 447 B.R. 268, 280–81 (9th Cir. BAP 2011). FRBP 9011 allows a bankruptcy court to impose sanctions in three situations—where papers are submitted demonstrate factual frivolity, legal frivolity, or where papers are submitted for an "improper purpose." Business Guides, Inc. v. Chromatic Communications Enterprises, Inc., 892 F.2d 802, 808 (9th Cir.1989), affirmed 498 U.S. 533 (1991) (analyzing Rule 11).

Attorney conduct is measured objectively against a reasonableness standard of the conduct of a "competent attorney admitted to practice before the involved court." Valley Nat'l Bank v. Needler (In re Grantham Bros.), 922 F.2d 1438, 1441 (9th Cir.1991). A filing is frivolous if it is "both baseless and made without a reasonable and competent inquiry." Townsend v. Holman Consulting Corp., 929 F.2d 1358, 1362 (9th Cir.1991) (en banc).

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Chapter 7

An initial inquiry is always whether the "safe harbor" was observed. The "safe harbor" provision contained in Rule 9011(c)(1)(A), granting a time period between the time of service and the time for filing, is designed to allow for the correction of the alleged violation. Accordingly, a motion for sanctions under Rule 9011 may not be "filed with or presented to the court unless, within 21 days after service of the motion [seeking sanctions] (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation or denial is not withdrawn or appropriately corrected, except that this limitation shall not apply if the conduct alleged is the filing of a petition in violation of subdivision (b)." [10 Collier on Bankruptcy P 9011.05 \(16th 2019\)](#).

Defendant's counsel has submitted a declaration with a proof of service showing that he sent the substance of this 9011 motion to counsel shortly after the complaint was filed and plaintiffs refused to dismiss the complaint. Thus, the safe harbor provision has been complied with.

Numerous aspects of this adversary complaint were without basis and demonstrate factual or legal frivolity. Plaintiffs mostly do not refute defendant's rendition of the history of the case. They still seem to think they were wronged, but do not articulate a cause of action. The central problems are as follows:

1. The contract forming the basis of the alleged false representation was signed solely by defendant Alvarenga. There was never any theory alleged or shown as to how Defendant Marquez could be liable. There was never any factual basis alleged against Marquez, even though she was named in the complaint. To not dismiss defendant Marquez after this was brought to her attention was frivolous.
2. The Superior Court denied the motion for a writ of attachment, ruling that plaintiffs failed to show a breach of contract because the sale documents did not tie the sale to the liquor license. The court found no evidence that the transfer of the license was part of the larger agreement. Plaintiffs were on notice of this issue when they filed the adversary proceeding here, but did nothing to explain further what facts supported their fraud allegations based on the failure to turn over the license.
3. The sales contract forming the basis for the alleged fraud shows that various types

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Chapter 7

of restaurant equipment were being sold, not the "restaurant business" and its accompanying liquor license. The sales contract did not include the liquor license. That was a later separate arrangement where Abarca would buy the license and Alvarenga would file an application to transfer it for \$1500. While there might theoretically have been some sort of argument that some agreement was breached in the Superior Court action, it was never articulated clearly there. The discharge action required even more evidence than the Superior Court action. As part of the objection to discharge action, under section 523(a)(2), plaintiffs still had to prove some sort of reliance on the representation that there was a liquor license as part of the sale. They utterly failed to allege it or prove it. They argued that the defendants had the intent to transfer the license at the time of the sale and payment of money, but that defendants changed their mind later and cancelled the transfer of the license. On its face, that argument failed to meet the requirement of reliance at the time of the representation at issue.

4. This failure of proof seems to be defended by plaintiff with a general complaint that the business is not doing well without the license and that they put lots of money into the business in reliance on the license being transferred. While that may all be true, they still must articulate an actual cause of action. Plaintiff has responded to these issues with an allegation that the license was part of the transfer but she does not address how that position squares with the documentary evidence. She seems to defend the documentary evidence with an allegation that her clients did not have the advice of counsel, but she does not develop this in her response or in the earlier motions.

When a bankruptcy court determines that Rule 9011(b) has been violated, it "may," but is not required to, impose a sanction. If a court determines that sanctions are warranted under Rule 9011, its determination as to the type of sanction to be imposed is also discretionary. [10 Collier on Bankruptcy P 9011.06 \(16th 2019\)](#). Rule 9011(c)(2) states that the sanction must be "limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated." [10 Collier on Bankruptcy P 9011.06 \(16th 2019\)](#)

Counsel for plaintiff requests that, if any sanction is to be imposed, they be imposed solely

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Chapter 7

on her and not her clients. Defendants oppose this request and state that the plaintiffs individually had to approve the actions taken in this case. There is actually no evidence that the individual plaintiffs approved the actions counsel took. It is also unclear what legal advice they received to help them understand whether to go forward with this action. The plaintiffs appear to be unsophisticated people who truly believe they have been wronged by defendants. Counsel herself did not seem to comprehend the deficiencies in her case at any of the hearings, so what was explained to her clients is unknown. There is also a question as to whether service of the 9011 motion was proper on them due to a change in address. When an attorney is sanctioned, the court may order that the attorney bear the sanction personally and not be reimbursed or indemnified. Derechin v. State Univ. of New York, 963 F.2d 513 (2d Cir. 1992). [10 Collier on Bankruptcy P 9011.07 \(16th 2019\)](#). The court finds it appropriate to impose any sanction solely on counsel and not the individual clients.

The question is whether if plaintiff's counsel's conduct is measured objectively against a reasonableness standard of the conduct of a competent attorney admitted to practice before the involved court, it is frivolous. A filing is frivolous if it is "both baseless and made without a reasonable and competent inquiry."

The appropriate sanction here is difficult because it does not appear that plaintiffs were completely frivolous, only incompetent in articulating a cause of action. The inference that the sale of the restaurant would include not just a transfer of equipment but the license as well is not unreasonable. Naming one of the defendants with no basis, however, warrants a sanction. The remaining issues demonstrate a very poor understanding of the causes of action at issue. They might have been defensible as not frivolous in the adversary action had counsel not been warned in the Superior Court already about the defects in her theory. Plaintiffs counsel did not adequately show a breach of contract action, and then proceeded to use an already inadequate basis to object to discharge. She then did not research or allege even the basic elements of a non-dischargeability action. During oral argument, she admitted that there was no evidence of reliance on a false statement at the time the sale was entered into.

Plaintiffs counsel improperly held up the defendant debtors' discharge for many months and caused an insolvent debtor to incur substantial legal costs. As such, she should reimburse their counsel for \$4,000 in legal fees. That is a reasonable fee for defense of an adversary involving simple motions for summary judgment. The sanction of \$10,000 that is requested is denied because the \$4000 is significant enough to deter future conduct.

Party Information

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Chapter 7

Debtor(s):

Nelson Osmin Alvarenga

Represented By
Evangelina Malhotra

Defendant(s):

Nelson Osmin Alvarenga

Represented By
David Brian Lally

Olga Marquee

Represented By
David Brian Lally

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
Katherine Warwick

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Thursday, October 17, 2019

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 Trial
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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19; 10/16/19

Docket 151

*** VACATED *** REASON: All trial dates vacated

Tentative Ruling:

Appearance Required

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

**United States Bankruptcy Court
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Thursday, October 17, 2019

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CONT... Solyman Yashouafar

Chapter 11

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

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
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Friday, October 18, 2019

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 Trial
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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19

Docket 151

*** VACATED ***

Tentative Ruling:

Appearance Required

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

**United States Bankruptcy Court
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CONT... Solyman Yashouafar

Chapter 11

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

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
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San Fernando Valley
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Monday, October 21, 2019

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 Trial
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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19

Docket 151

*** VACATED ***

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
Central District of California
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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
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#62.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 115

Tentative Ruling:

Cont'd. fr. 8/20/2019

On August 6, 2019, Debtor filed an Opposition to the Motion stating that she has not yet filed 2017 and 2018 tax returns. Debtor states that she is trying to make sure that she has the funds to pay her accountant but hopes to file the tax returns before the hearing. Debtor claims that any 2017 and 2018 tax refunds will be sent to the Trustee.

Has Trustee received Debtor's tax refunds?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Pella Parker

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-12566 Gabriel Rufus and Shirley Rufus

Chapter 13

#63.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 75

*** VACATED *** REASON: Trustee filed a withdrawal - #78. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Rufus

Represented By
Devin Sawdayi

Joint Debtor(s):

Shirley Rufus

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-12567 Terry Byrd Pitt

Chapter 13

#64.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 34

Tentative Ruling:

Cont'd. fr. 8/20/2019

On 7/30/2019, Debtor filed an Opposition stating that the 2014-2018 tax returns will be submitted shortly.

Has Debtor submitted the 2014-2018 tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Terry Byrd Pitt

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-12798 Emmanuel Perez, III

Chapter 13

#65.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 66

Tentative Ruling:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Emmanuel Perez III

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-12965 Ricardo Alfonso Masin

Chapter 13

#66.00 Debtor's Opposition to Ch. 13 Trustee's Notice
of Intent to Increase the Percentage to
Unsecured Creditors.

fr. 8/20/19

Docket 56

*** VACATED *** REASON: Stipulation [#62] -ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricardo Alfonso Masin

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-13290 Guadalupe Estela Corona

Chapter 13

#67.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19

Docket 106

***** VACATED *** REASON: Trustee filed withdrawal 10/9/2019 (doc. no. 112) -ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Estela Corona

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-13643 Felipe de Jesus Reyes

Chapter 13

#68.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19

Docket 37

***** VACATED *** REASON: Resolved per stipulation filed 10/7/2019
[dkt. no. 41] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe de Jesus Reyes

Represented By
Brett F Bodie

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-13940 Maria Polanco de Amaya

Chapter 13

#69.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19

Docket 57

***** VACATED *** REASON: Trustee filed withdrawal - doc #62. rt**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Polanco de Amaya

Represented By
Susan Jill Wolf

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, October 22, 2019

Hearing Room 302

11:00 AM

1:14-14171 Caridad Gadia Corpus

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 71

Tentative Ruling:

Cont'd. fr. 8/20/2019

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Caridad Gadia Corpus

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-14219 Carmine Antoniello

Chapter 13

#71.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA)

Fee: \$935.00, Expenses: \$8.83.

Docket 134

***** VACATED *** REASON: Order granting fees entered 10/2/19 [dkt. no. 140] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmine Antoniello

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-14262 Sharon Lynn Dilmani

Chapter 13

#72.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 34

***** VACATED *** REASON: Stip. entered 9/11/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon Lynn Dilmani

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
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#73.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 63

Tentative Ruling:

Con't. fr. 9/24/2019

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-14868 Marjorie Ann Stoddard

Chapter 13

#74.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 185

***** VACATED *** REASON: Trustee voluntarily dismissed [#201]-ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marjorie Ann Stoddard

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15110 Marlene Colon

Chapter 13

#75.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Refunds

fr. 8/20/19

Docket 76

Tentative Ruling:

Cont'd. fr. 8/20/2019

On 8/5/19, Debtor submitted an Opposition. Debtor asserts that she will pay federal tax refund to Trustee before the hearing, or, alternatively, counsel will serve and file an appropriate motion to resolve the default.

Has Debtor tendered the tax refunds to Trustee?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marlene Colon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15135 Rosa Maria Hernandez

Chapter 13

#76.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19

Docket 34

***** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #39. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa Maria Hernandez

Represented By
Sydell B Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15372 Peter Anthony Jaslowksi

Chapter 13

#77.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 42

***** VACATED *** REASON: Trustee file a withdrawal - doc. #45. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Anthony Jaslowksi

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15423 David F Shin

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 43

Tentative Ruling:

Cont'd. fr. 8/20/2019

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

David F Shin

Represented By
Tyson Takeuchi
Scott Kosner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15499 Maria Trujillo

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 8/20/19

Docket 41

*** VACATED *** REASON: Stipulation entered on 10/18/2019 [#43] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Trujillo

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15586 Rebecca Eva Arvizu

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 38

***** VACATED *** REASON: Voluntary Dismissal filed 8/29/19 [jj]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Eva Arvizu

Represented By
Todd Mannis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:14-15605 Rolando Chavez and Irma Chavez

Chapter 13

#81.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr/ 8/20/19

Docket 34

Tentative Ruling:

Cont'd. fr. 8/20/2019

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rolando Chavez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Irma Chavez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10366 Dieter Cortez

Chapter 13

#82.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 52

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dieter Cortez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10398 Jose Luis Banuelos and Maria L. Tejada

Chapter 13

**#83.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds**

Docket 63

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Luis Banuelos

Represented By
Leonard Pena

Joint Debtor(s):

Maria L. Tejada

Represented By
Leonard Pena

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10526 Lourdes Will and John L Will

Chapter 13

#84.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 8/20/19

Docket 52

Tentative Ruling:

Cont'd. fr. 8/20/2019

On 7/25/19, Debtors filed an Opposition. Debtors assert that they thought they were making correct plan payments of \$200 per month and realized that the payments should have been \$232 per month for 53 months after receiving notice of this Motion. Debtors claim that they will file a motion to modify plan to increase payments over the 7 remaining months.

On 9/19/19, Debtors filed a motion to modify plan to increase plan payment from \$232 to \$459 per month.

On 9/30/19, Trustee filed comments stating approval on the condition that 7 plan payments are suspended, and payments increase to \$522.60 as of October 30, 2019 so that the Debtors will reimburse the estate for missed payments as well as the remaining 5 payments due.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Lourdes Will

Represented By
Daniel King

Joint Debtor(s):

John L Will

Represented By
Daniel King

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Lourdes Will and John L Will

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10705 Nick Ganev Nikolov

Chapter 13

#85.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 72

Tentative Ruling:

Con't. fr. 9/24/2019

On 10/15/2019, Debtor filed a late Opposition. Debtor asserts that the Trustee's Motion is correct in claiming that Debtor did not provide his 2017 and 2018 tax returns. However, Debtor claims submitting a copy of his 2017 and 2018 tax returns to the Trustee on 10/14/2019.

Has Trustee received Debtor's 2017 and 2018 tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Nick Ganev Nikolov

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10797 Marshall Gregory Hetson

Chapter 13

#86.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 83

***** VACATED *** REASON: Withdrawal filed - doc. #86. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marshall Gregory Hetson

Represented By
Glenn Ward Calsada

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10822 Tracey Lynne Baumert

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 112

Tentative Ruling:

On 10/2/19, Debtor filed an Opposition asserting that he will provide 2015, 2016, 2017, and 2018 federal and state tax returns to Trustee before the hearing.

Has Debtor provided Trustee the tax returns? If so, does this resolve the Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Tracey Lynne Baumert

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10926 Luis Alberto Melchor and Sandra Rodriguez Melchor

Chapter 13

#88.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

Docket 40

Tentative Ruling:

On 8/21/19, Debtors filed this Motion. Debtors indicate that the terms of the original plan were \$150 per month for 60 months with a 9.5% interest paid to Class 5 general unsecured creditors. Debtors assert that their circumstances have changed since the plan confirmation. Debtors claim that they have or will incur extraordinary unexpected expenses that require them to use the 2017 and 2018 income tax refunds, but nothing else will change in the plan.

On 8/26/19, Trustee disapproved of Debtors' proposed modification because Debtors' extraordinary expenses are included in the budget. Trustee will agree to allowing \$5,371 and requests the turnover of \$330. Trustee requests an increase in plan payments from \$150 to \$350 per month.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Luis Alberto Melchor

Represented By
Steven L Bryson

Joint Debtor(s):

Sandra Rodriguez Melchor

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-10981 Sandra Andrews

Chapter 13

#89.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 44

Tentative Ruling:

Con't. fr. 9/24/2019

Trustee alleges that Debtor has a \$750 default.

On 8/14/19, Debtor filed an Opposition. Debtor claims she will cure the default by the time of the hearing.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sandra Andrews

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11014 Sara Katrdzhyan

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 78

***** VACATED *** REASON: stipulation entered on 10/18/19 [#80] – ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Katrdzhyan

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11050 Wayne Lionel Davis and Maryann Semancik Davis

Chapter 13

#91.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 31

Tentative Ruling:

Con't. fr. 9/24/2019

Debtors Opposed on 9/10/19, asserting that they will provide income tax returns and recent pay stub before hearing.

Has Trustee received Debtors' income tax returns and pay stub?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Wayne Lionel Davis

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Maryann Semancik Davis

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

#92.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 64

Tentative Ruling:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Romeo J Pettinelli

Represented By
Eliza Ghanooni

Joint Debtor(s):

Gloria J Pettinelli

Represented By
Eliza Ghanooni

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#93.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 143

Tentative Ruling:

Debtor opposed and asserts that he will produce 2015, 2016, 2017, and 2018 federal and state income tax returns to Trustee before the hearing.

Has Debtor provided Trustee the tax returns?

Trustee filed notice of infeasibility of the plan. Six months remain in the plan with a \$21,718 base balance and \$7,781.36 approximate debt balance. Debtor is in material default and Trustee may move to dismiss the case.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11128 Kelly D Hankins and Pamela J Hankins

Chapter 13

#94.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 97

*** VACATED *** REASON: Trustee filed a withdrawal - #100. If

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11377 Carla Yvette Carr

Chapter 13

#95.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 41

Tentative Ruling:

Debtor filed an Opposition on 10/9/19 stating that she is unable to pay the \$6,936 tax refund for the 2017 and 2018 tax years.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carla Yvette Carr

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#96.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 7/30/19; 8/20/19

Docket 75

Tentative Ruling:

Cont'd from 8/20/19

The Trustee filed comments disapproving because Debtors failed to submit tax refunds, evidence of income, and schedules indicate child care for adult children.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11579 David Scott Dobbie and Jackie Ellen Dobbie

Chapter 13

#97.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 5/21/19; 8/20/19

Docket 47

Tentative Ruling:

Trustee filed the Motion on January 8, 2019 stating that Debtors are \$12,592 in default. On January 18, 2019, Debtors filed an Opposition stating that it will bring receipt of payments at the March 2019 hearing. The case was reassigned from MB. On June 21, 2019, Debtors filed a motion to modify plan or suspend plan payments. The Trustee filed comments disapproving because Debtors failed to submit tax refunds, evidence of income, and schedules indicate child care for adult children.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

David Scott Dobbie

Represented By
Kevin T Simon

Joint Debtor(s):

Jackie Ellen Dobbie

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11681 Anahit Fstkchian

Chapter 13

#98.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds

Docket 65

***** VACATED *** REASON: Ntc. of w/drawal filed 9/12/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anahit Fstkchian

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11752 Donald Glenn Wheatley

Chapter 13

#99.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns F Rojas

Docket 23

*** VACATED *** REASON: Trsutee filed a withdrawal - doc. #25. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Glenn Wheatley

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-11926 Jacquelyn McQueen David

Chapter 13

#100.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - #58. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn McQueen David

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12218 Hector M Esparza

Chapter 13

#101.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 67

Tentative Ruling:

Con't. fr. 9/24/2019

On 9/19/19, Debtor filed Opposition asserting that he will provide the Trustee a copy of 2015, 2016, 2017, and 2018 tax returns. Debtor claims he defaulted because of unexpected and unavoidable circumstances.

Has Debtor provided Trustee the tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hector M Esparza

Represented By
Tamar Terzian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12349 Marjan Bahman

Chapter 13

#102.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 65

Tentative Ruling:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marjan Bahman

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12361 Jose Suarez

Chapter 13

#103.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - #59. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Suarez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12365 Neyra Camarena

Chapter 13

#104.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 91

***** VACATED *** REASON: Withdrawal filed - doc. #97. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Neyra Camarena

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12374 Marsha Jean Fabiano

Chapter 13

#105.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 40

*** VACATED *** REASON: Trustee filed a withdrawal - #45. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marsha Jean Fabiano

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12398 Miguel Catala-Morales

Chapter 13

#106.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 45

Tentative Ruling:

Cont'd. fr. 9/24/2019

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Miguel Catala-Morales

Represented By
Jaenam J Coe

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12530 Marcos Guerrero and Rosa I. Cancino-Guerrero

Chapter 13

#107.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 62

Tentative Ruling:

On 10/4/19, Debtor filed Opposition asserting that they failed to provide the tax returns because they encountered multiple family problems, including a son with serious mental health issues and the mother also with mental health issues. Rosa failed to prepare taxes because of all her family responsibilities, work, and serious emotional issues that the family cannot afford to treat. The father could not prepare the taxes because of his work, and schedule taking the son to school and psychiatrist. Under these circumstances, Debtors could not provide the money to pay for taxes.

On 10/10/2019, Trustee filed a Reply stating that although she is sympathetic to Debtors' personal issues, Debtors are required to file tax returns on a timely basis. Trustee proposes that the parties stipulate to a suspension of up to three plan payments if Debtors are unable to pay for having the taxes done. Trustee states that a stipulation would leave \$2,304 available to pay for the completion of the taxes and the plan would still be feasible with the suspension of payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marcos Guerrero

Represented By
Richard A Loa

Joint Debtor(s):

Rosa I. Cancino-Guerrero

Represented By
Richard A Loa

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12788 Theresa Marie Marqua

Chapter 13

#108.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 39

*** VACATED *** REASON: Trustee filed a withdrawal - doc. 41. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa Marie Marqua

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-12800 Jean'e Milika Blair

Chapter 13

**#109.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns**

Docket 50

Tentative Ruling:

Debtor filed Opposition on 9/26/19 asserting that she turned over the 2013, 2014, 2015, and 2016 tax returns. Debtor claims she has multiple sclerosis that affects her memory and was not able to find her 2017 tax returns. Debtor also asserts that her 2018 tax returns are on extension and not due for filing until 10/15/19. Debtor explains that she was in a car accident in August 2019 and was hospitalized, which caused delay in finding and sending the tax returns to the Trustee.

Has Trustee received all tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13014 Rick Anthony Bucaria

Chapter 13

#110.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 66

***** VACATED *** REASON: Parties stipulated to suspend tax returns
because of extraordinary circumstances (dkt. no. 71) - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick Anthony Bucaria

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13123 Buenaventura Marquez

Chapter 13

**#111.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds**

Docket 26

Tentative Ruling:

On 9/11/19, Debtor filed an Opposition asserting that the \$11,730 tax refunds for the 2017 and 2018 tax years were spent on increased and necessary expenses that exceeded the tax refunds received. Debtor explains that \$478.86 will be paid to Trustee.

On 10/10/19, Trustee filed a Reply stating that Debtor did not disclose the increased income over the course of the case. Trustee states that in addition to not providing tax returns, Debtor failed to provide updated income and expenses disclosing this information. Trustee explains that Debtor's scheduled income was \$56,400 per year and requests that the court take judicial notice of Debtor's filed Schedule I under Rule 201. Trust further explains that a review of the tax returns disclosed Debtor's actual income: \$80,969 for 2015; \$113,205 for 2016; \$92,510 for 2017; and \$56,400 for 2018 with a business loss taken for an adjustment to \$21,718.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Buenaventura Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13157 Elissa Ann Wilson

Chapter 13

#112.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 39

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13169 Normandy Papa and Cristeta Gonzaga Papa

Chapter 13

#113.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 44

*** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #46. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Normandy Papa

Represented By
Lawrence B Yang

Joint Debtor(s):

Cristeta Gonzaga Papa

Represented By
Lawrence B Yang

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13173 Joan Yvonne Burgess

Chapter 13

#114.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 24

***** VACATED *** REASON: Trustee withdrew (dkt. no. 27) - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joan Yvonne Burgess

Represented By
Michael E Clark

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13317 Mario E Ortiz and Maria E Ortiz

Chapter 13

#115.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 44

*** VACATED *** REASON: Trustee file a withdrawal - doc. #47. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario E Ortiz

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Maria E Ortiz

Represented By
Yeznik O Kazandjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13365 Daniel Scott Richards

Chapter 13

#116.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 65

*** VACATED *** REASON: Withdrawal filed by the trustee - Doc. #67. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Scott Richards

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13446 Marlena L Sherman Linton

Chapter 13

#117.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 86

***** VACATED *** REASON: Parties stipulated that 2015, 2016, and 2018
tax refunds suspended (#88) - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marlena L Sherman 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13535 Craig F Paul

Chapter 13

#118.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 32

Tentative Ruling:

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Craig F Paul

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13827 Stephen L. Burton

Chapter 13

#119.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 95

*** VACATED *** REASON: Trustee filed a withdrawal on 9/3/19 - Doc.
#97. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen L. Burton

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13885 Herminia Acosta

Chapter 13

#120.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 26

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #28.If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Herminia Acosta

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13971 Ramon Ojeda and Juana Ojeda

Chapter 13

#121.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 51

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Ramon Ojeda

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Juana Ojeda

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-13986 Raymond Joseph Salazar

Chapter 13

#122.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 42

***** VACATED *** REASON: Trustee filed a withdrawal on 9/3/19 - Doc.
#44. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Joseph Salazar

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-14044 Ahmad Heidari and Nafiseh Alamdar Heidari

Chapter 13

#123.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 102

***** VACATED *** REASON: Ntc. of w/drawal filed 9/3/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ahmad Heidari

Represented By
Steven A Alpert

Joint Debtor(s):

Nafiseh Alamdar Heidari

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-14137 Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

#124.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 92

*** VACATED *** REASON: Trustee's filed a withdrawal - Doc. #94. If

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:15-14147 Jared Garcia Canchola

Chapter 13

#125.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 85

*** VACATED *** REASON: Trustee find a withdrawal - doc. #87. If

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10034 Dolores Zevallos

Chapter 13

#126.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 42

*** VACATED *** REASON: Ntc. of w/drawal filed 10/9/19 (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Zevallos

Represented By
Onyinye N Anyama

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10093 Robert Bentley Armani

Chapter 13

#127.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 38

***** VACATED *** REASON: Ntc. of w/drawal filed 9/10/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Bentley Armani

Represented By
Keith F Rouse

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10105 Alicia Socorro Pacheco and Edwin Pacheco

Chapter 13

#128.00 Motion for Order Modifying the Plan to
Increase the Plan Payment

Docket 50

***** VACATED *** REASON: Parties stipulated that Debtors' not required
to increase plan payments (#52) -ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Socorro Pacheco

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Edwin Pacheco

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10349 Eric Benhamou and Leslie Gayle Karten Benhamou

Chapter 13

#129.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 110

*** VACATED *** REASON: TrUstee filed a withdrawaL - doc. #113. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Benhamou

Represented By
Kevin T Simon

Joint Debtor(s):

Leslie Gayle Karten Benhamou

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10703 Carlos Castro and Maria D. Castro

Chapter 13

#130.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 52

*** VACATED *** REASON: Trustee filed a withdrawal - #56. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Castro

Represented By
Ali R Nader

Joint Debtor(s):

Maria D. Castro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10725 Jeremy Chick

Chapter 13

#131.00 Motion for Order Modifying the Plan to Increase
the Plan Payment

Docket 29

*** VACATED *** REASON: Parties stipulated that Debtor's payment
will increase starting 11/10/19 to \$1,190 and plan percent is increased to
100% (#132) - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Chick

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#132.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 124

*** VACATED *** REASON: parties stipulated to suspend 2017 and 2018
tax refunds [#128] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#133.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 62

Tentative Ruling:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sergio Rodriguez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11078 Art Summroell

Chapter 13

#134.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 65

***** VACATED *** REASON: Trustee filed a withdrawal - #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11278 Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

#135.00 Motion for Order Modifying the Plan to Increase
the Plan Payment

Docket 73

Tentative Ruling:

On 9/17/19, Trustee filed this Motion requesting to increase plan payments to \$5,587.88 starting November 13, 2019 and to increase the percent to unsecured creditors, or, alternatively, dismiss the petition.

On 10/8/19, Debtors filed an Opposition asking to deny the Motion, or, alternatively, modify the plan to no greater than \$905 based on Debtors' current monthly net income.

Debtors were given notice that they selected the incorrect hearing date and time of 11/12/19.

On 10/10/2019, Trustee filed a Reply stating the following issues with Debtors' proposal: (1) no current paystub has been provided to Trustee; (2) Debtors' budget now includes a \$721.41 payment for a vehicle. Trustee states that Debtors appeared to have purchased or leased a vehicle without court authorization to incur debt; and (3) Debtors increased the entertainment expense from \$100 to \$300 and the charitable expense from \$30 to \$200. The Trustee requests that Debtor provide the current paystub and address the budget concerns.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Armine Charkhchyan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Andranik Charkhchyan

Represented By
Rosie Barmakszian

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11278 Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

**#135.01 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment**

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armine Charkhchyan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Andranik Charkhchyan

Represented By
Rosie Barmakszian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11315 Samantha Michelle Johnson

Chapter 13

#136.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 33

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Samantha Michelle Johnson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11542 Dolores Margaret Lomeli

Chapter 13

#137.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 63

*** VACATED *** REASON: Trustee voluntarily dismissed (#70) - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Margaret Lomeli

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11542 Dolores Margaret Lomeli

Chapter 13

#138.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 65

***** VACATED *** REASON: Ntc. of w/drawal filed 10/15/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Margaret Lomeli

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11844 E. James Anderson and Doristeen Harris-Anderson

Chapter 13

#139.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 80

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

E. James Anderson

Represented By
Ali R Nader

Joint Debtor(s):

Doristeen Harris-Anderson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11905 Wojtek Bankowski and Jagoda Bankowski

Chapter 13

#140.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 32

*** VACATED *** REASON: Trustee filed a withdrawal - #34. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wojtek Bankowski

Represented By
Elena Steers

Joint Debtor(s):

Jagoda Bankowski

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11907 John Harlan Hancock

Chapter 13

**#141.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 41

Tentative Ruling:

On 9/12/19, Debtor filed an Opposition asserting that he will be current before the hearing.

Has Trustee received Debtor's payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

John Harlan Hancock

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11907 John Harlan Hancock

Chapter 13

#142.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Refunds

Docket 45

***** VACATED *** REASON: Parties stipulated to suspend 2016, 2017,
and 2018 tax refunds of \$6,532 #48).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Harlan Hancock

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-11938 Emilio I Ochoa

Chapter 13

#143.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 78

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Emilio I Ochoa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12085 Arthur H. Song

Chapter 13

#144.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 34

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Arthur H. Song

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12201 Andrea Beckham

Chapter 13

#145.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 42

Tentative Ruling:

On 9/18/19, Debtor filed an Opposition asserting that the delinquent payment will be cured before the hearing. Debtor also claims making an online payment of \$1,200 on 9/13/19.

Has Trustee received Debtor's payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Andrea Beckham

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12216 Sarkis Ohannes Mouchmouchian

Chapter 13

#146.00 Trustee's Motion for Order Modifying the Plan
to Increase the Plan Payment

Docket 44

Tentative Ruling:

Trustee requested this court to increase plan payments to \$3,130.25 starting November 1, 2019 and increase the percent to unsecured creditors, or, alternatively, dismiss the petition.

On 10/3/19, Debtor filed an Opposition asserting that the MOMOD only updates Debtor's income under his 2018 tax returns but does not account for expenses. Debtor filed amended Schedules I and J to reflect current monthly income and expenses. Debtor asserts that his monthly disposable income remains at \$215 per month and he does not have sufficient income to increase payments to \$3,130.25 per month. Debtor asks that his payments remain at \$215 per month.

On 10/10/2019, Trustee filed a Reply stating that based on a review of the amended budget, it appears that Debtor spent money on new vehicles, dental work, and college for an adult child instead of making a best effort to repay creditors. Trustee asserts that expenses must be reasonable and necessary, and creditors are only receiving 8%. Trustee further explains that the amended budget indicates an increase in several expenses without support or explanation, including: (1) the amended budget including car payments for two vehicles that is not indicated in Debtor's original Schedules; (2) \$1,250 per month for dental work; and (3) \$797 for books and tuition for an adult child. The Trustee requests the court to increase plan payments to \$3,130.25 as of November 1, 2019 and increase the percentage to unsecured creditors, or, alternatively, dismiss the petition.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sarkis Ohannes Mouchmouchian

Represented By
Kevin T Simon

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Sarkis Ohannes Mouchmouchian

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12257 Margarita Saenz

Chapter 13

#147.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 33

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #35. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Saenz

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12319 Erik Chavez

Chapter 13

#148.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Refunds

Docket 32

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Erik Chavez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12374 Faridh Barghi Amirabad

Chapter 13

#149.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 45

Tentative Ruling:

On 10/2/19, Debtor filed an Opposition asserting that the 2016, 2017, and 2018 federal and state tax returns will be provided to the Trustee before the hearing.

Has Trustee received Debtor's 2016, 2017, and 2018 federal and state tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Faridh Barghi Amirabad

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12488 **Manoella Moreno**

Chapter 13

#150.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 34

***** VACATED *** REASON: Trustee filed a withdrawal - #39. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manoella Moreno

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12694 Aleyda Arias

Chapter 13

#151.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 50

***** VACATED *** REASON: Ntc. of w/drawal filed 10/9/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-12783 Martin Luna and Icela Teresa Luna

Chapter 13

#152.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 59

Tentative Ruling:

On 10/8/19, Debtors filed an Opposition asserting that they will provide a copy of 2016, 2017, and 2018 tax returns and any refund, and/or file a motion to modify plan before the hearing. Debtors will request a 30-day continuance to receive and turnover their tax returns.

Has Trustee received Debtors' tax returns and refunds?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Martin Luna

Represented By
Todd L Turoci

Joint Debtor(s):

Icela Teresa Luna

Represented By
Todd L Turoci

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#153.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 84

Tentative Ruling:

On 9/5/19, Debtor filed an Opposition stating that he will provide 2016, 2017, and 2018 federal and state tax returns before the hearing.

Has Trustee received Debtor's tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-13379 Francisco Rodriguez

Chapter 13

#154.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 38

Tentative Ruling:

On 9/30/19, Debtor filed an Opposition stating that he will submit all tax returns before the hearing.

Has Trustee received Debtor's tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Francisco Rodriguez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-13555 Carlos M Jimenez Cuellar and Nicole Cuellar

Chapter 13

**#155.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns**

Docket 28

Tentative Ruling:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carlos M Jimenez Cuellar

Represented By
Marlin Branstetter

Joint Debtor(s):

Nicole Cuellar

Represented By
Marlin Branstetter

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:16-13568 Shakiba Bahari-Mehr

Chapter 13

#156.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 69

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #73. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shakiba Bahari-Mehr

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

#157.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 100

*** VACATED *** REASON: Motion withdrawn 10/10/19 - jc

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10141 Lisa Melonnie Schoen

Chapter 13

#158.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 39

***** VACATED *** REASON: Motion withdrawn 10/10/19 - jc**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Melonnie Schoen

Represented By
Scott Kosner

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10437 Osnat Bentov

Chapter 13

#159.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 112

Tentative Ruling:

On 9/18/19, Debtor filed an Opposition stating that the arrears were paid.

Debtor provided evidence in the form of exhibits of an \$8,500 payment to the Trustee via a cashier's check.

Has Trustee received the payment?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Osnat Bentov

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#160.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19; 8/20/19

Docket 109

Tentative Ruling:

Cont'd. fr. 8/20/19

Trustee asserts that Debtor has a \$3,273 delinquency.

Debtor filed an Opposition on 6/25/19 stating that he will bring his plan current before the hearing or will file a motion to modify.

No motion to modify has been filed.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Mario Rene Tejada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10662 Ned Gilman

Chapter 13

#161.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 85

*** VACATED *** REASON: bankruptcy case dismissed (#89) - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ned Gilman

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-10702 Vicente Rafael Arteaga

Chapter 13

#162.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19; 8/20/19

Docket 23

Tentative Ruling:

Cont'd. fr. 8/20/19

At the June 25 hearing, Debtor's attorney indicated that the debtor couldn't be reached.

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-11133 Nelson Ariel Sazo and Patricia Sazo

Chapter 13

#163.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19; 8/20/19, 9/24/19

Docket 29

***** VACATED *** REASON: Trsutee filed a withdrawal - doc. #41. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nelson Ariel Sazo

Represented By
Devin Sawdayi

Joint Debtor(s):

Patricia Sazo

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-11783 Kristofor Lee Masson

Chapter 13

#164.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 2/7/19, 3/26/19; 4/23/19, 6/25/19, 7/30/19; 8/20/19, 9/24/19

Docket 54

***** VACATED *** REASON: Resolved per stip (#164) - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kristofor Lee Masson

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman

Chapter 13

#165.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

Docket 79

Tentative Ruling:

Trustee declares that Debtors failed to turnover 2018 federal tax refunds of \$12,800.

On 10/8/19, Debtors filed an Opposition asserting that they are entitled to retain their earned income tax credits for 2017 and 2018 because the tax credits are government assistance for low income or working-class wage earners; and dismissal is an overly drastic remedy that should be used sparingly. Debtors state that of the \$12,800 in state and federal tax refunds the Trustee is seeking to recover, Debtors should be allowed to keep \$6,000. Debtors assert that they should be permitted to pay \$194.29 per month over the remaining 35-month term of the plan and given an opportunity to amend their plan and to incorporate the repayment of all or party of the tax refunds as part of their amended plan payments.

On 10/10/2019, Trustee filed a Reply asserting that the refund is not an earned income credit. Trustee explains that it is requesting only 2018 state and federal refunds and not 2017. Trustee states that she does not oppose a stipulation to increase payments from \$742 to \$1,118 per month, so that the refund can be paid over the remaining term of the plan.

On 10/15/2019, Debtors filed a Sur-Reply to Trustee's Reply. Debtors assert that Trustee is demanding that Debtors surrender their 2017 state and federal tax refunds despite Trustee's statement to the contrary. Debtors further asserts that the amount of the 2018 federal and state tax refund that Debtors must pay is only \$4,848, which can be repaid in the remaining 35 months at \$138.51 per month. Debtors argue that dismissal is a drastic remedy, and one that should be used sparingly, when there is no other remedy.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dana Alexander Lieberman

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

**CONT... Dana Alexander Lieberman and Elaine Michelle Lieberman
Richard Mark Garber**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:17-13139 Mariane Del Mundo Laya

Chapter 13

#166.00 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment

Docket 31

Tentative Ruling:

Trustee requests to increase plan payments to \$4,783.86 as of 11/2/19 and increase the percentage to unsecured creditors, or, alternatively, dismiss the case.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Mariane Del Mundo Laya

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-10018 Betty D Frey

Chapter 13

#167.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 8/20/19

Docket 72

Tentative Ruling:

Cont'd. fr. 8/20/19

On 7/24/19, Debtor filed an Opposition stating that she intends to bring plan payments current before 8/20/19.

Is Debtor now current on her plan payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Betty D Frey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-10083 Abdul K. Patel

Chapter 13

#168.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 44

*** VACATED *** REASON: Trsutee filed a withdrawal - doc. #49. If

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-10485 Marina Novak

Chapter 13

#169.00 Debtor's Motion for Hardship Discharge Without Discharge or Prejudice to Priority Claims of the Department of the Treasury - Internal Revenue Service and Franchise Tax Board

Docket 69

Tentative Ruling:

On 9/10/19, Debtor declared that she is terminally ill and has not been able to work for 6 months and has no source of income. Debtor further declared that she cannot afford to make any payments to her plan. Debtor requests a hardship discharge without discharge or prejudice to priority proof of claims of the IRS and FTB. Moreover, Debtor declares that plan modification is not possible.

On 9/17/19, Trustee disapproved of this Motion because Debtor has not provided her medical records to Trustee, and Trustee is unable to determine the extent and severity of Debtor's claimed illness.

Legal Standard

11 U.S.C. § 1328

(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 have 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.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Marina Novak

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-10485 Marina Novak

Chapter 13

#170.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 65

Tentative Ruling:

Cont'd. fr. 9/24/19

Trustee asserts that Debtor has a \$5,405.78 delinquency.

On 9/3/19, Debtor filed an Opposition stating that she will file a hardship discharge.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-10570 Laura Pena

Chapter 13

#171.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 4/23/19, 7/30/19; 8/20/19

Docket 36

Tentative Ruling:

Cont'd. fr. 8/20/19

On 3/22/19, Debtor filed an Opposition stating that she asked her attorney to set the matter for hearing to allow time to provide evidence of all plan payments.

Has Debtor provided evidence of plan payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Laura Pena

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-11002 Joshua M Smith

Chapter 13

#172.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment

Docket 43

Tentative Ruling:

Trustee requests to increase plan payments to \$3,750.37 as of 11/22/2019 and increase the percentage to unsecured creditors, or, alternatively, dismiss the petition.

Debtor filed an Opposition on 10/8/2019 stating that the plan payments should not increase after considering his monthly income and expenses. Debtor claims that he will file a motion to request a continuance of the hearing to allow time to review the matter with his attorney and to file a supplemental opposition with the correct amount for any plan payment increase. Debtor claims that he has not filed a motion to request a continuance because of a delay in the mail in receiving the Trustee's notice; (2) Debtor has been out of state; and (3) Debtor's attorney has been busy tending to Debtor's mother, who has cancer.

Debtor did not sign the Opposition and was instructed to re-file with the proper signatures on 10/9/2019.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-11116 Mark Richard Currie

Chapter 13

#173.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #64. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Richard Currie

Represented By
Andrew Moher

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

#174.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 8/20/19

Docket 35

Tentative Ruling:

Con'td. fr. 8/20/19

Trustee moves to dismiss because records indicate Debtor has a \$3,228 delinquency.

On 7/23/19, Debtor filed an Opposition stating that he will bring the plan current by the time of the hearing or will file a motion to modify.

On 8/14/19, Debtor filed a motion to modify plan.

On 8/26/19, Trustee approved the motion to modify plan.

On 9/24/19, an order granted Debtor's motion to modify.

What is the status of this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Fredy A. Caballero

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#175.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19; 8/20/19

Docket 60

Tentative Ruling:

Cont'd. fr. 8/20/19

Trustee indicates that Debtors are \$8,871 in default.

On 5/14/19, Debtors filed an Opposition stating that they intend to cure the delinquency before the hearing.

Have Debtors cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12079 Nicole Tanice Shepherd

Chapter 13

**#175.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 55

Tentative Ruling:

Trustee's Motion indicates that Debtor is \$2,551 in default.

On 10/8/19, Debtor filed an Opposition stating that she will tender funds to cure the delinquency.

Has Trustee received the funds?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Nicole Tanice Shepherd

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#176.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 64

Tentative Ruling:

Cont'd. fr. 9/24/19

Trustee indicates that Debtor is \$6,893 delinquent.

On 9/19/19, Debtor's attorney declared the following: the court granted Debtor's request to refinance the real property; Debtor's attorney solicited three offers, but Debtor and his family did not agree to a sale; Debtor's representative texted that the family is in the process of obtaining refinancing on all their properties and would pay off all debts; Debtor's representative informed Debtor's attorney that they will no longer need the bankruptcy; and Debtor's attorney sent a follow up letter regarding this Motion but has yet to hear back from Debtor or his family.

During the 9/24/2019 hearing, the court instructed Debtor to provide a title report showing the property was not transferred. The court also instructed to vacate the order authorizing title transfer.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12612 George Daniel Hernandez and Breda Marie Mulvihill-

Chapter 13

#177.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19, 9/24/19

Docket 66

***** VACATED *** REASON: Withdrawal filed by Trustee - Doc. #85. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Daniel Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Joint Debtor(s):

Breda Marie Mulvihill-Hernandez

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12737 Craig A. Lapiner

Chapter 13

**#178.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 65

Tentative Ruling:

Trustee's Motion indicates that Debtor is \$8,478 in default.

On 9/16/19, Debtor filed an Opposition stating that he will cure delinquency on or before 10/22/19.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Craig A. Lapiner

Represented By
Eliza Ghanooni

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:18-12773 Amanda Espinosa

Chapter 13

#179.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 32

*** VACATED *** REASON: Order granted motion to dismiss (#36) - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanda Espinosa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-10287 Paris Fuerte

Chapter 13

#180.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 36

Tentative Ruling:

On 9/17/19, Trustee's Motion indicates that Debtor is \$3,122 in default.

On 10/1/19, Debtor filed an Opposition stating that she will file a motion to modify.

Debtor has yet to file a motion to modify.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Paris 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#181.00 Motion RE: Objection to Claim Number 3 by Claimant U.S. Bank, National Association, et al. c/o PHH Mortgage Corporation, its Successors and/or Assigns.

fr. 7/30/19; 8/20/19

Docket 26

***** VACATED *** REASON: Continued to 12/17/2019 per stipulation
[#42]-ts**

Tentative Ruling:

Party Information

Debtor(s):

Bridget G Moran Smith

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

#182.00 Motion RE: Objection to Claim Number 4
by Claimant Select Portfolio Servicing, Inc.

fr. 9/24/19

Docket 21

***** VACATED *** REASON: Cont'd to 11/19/19 per order #29. If**

Tentative Ruling:

NO APPEARANCE REQUIRED - Continued to November 19, 2019.

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11143 Daniel Weber

Chapter 13

#183.00 Motion to Avoid Lien Junior Lien with Sortis Financial

Docket 36

***** VACATED *** REASON: Continued to 11/19/2019 to allow proper service. - ts**

Tentative Ruling:

Service: Improper service. No Opposition filed.
Property Address: 7509 Amigo Avenue, Reseda, CA 91335
First trust deed: \$457,292.64
Second trust deed (to be avoided): \$72,345.13
Debtor's Fair market value per appraisal: \$435,000

Sortis Financial has not filed an Opposition. Sortis Financial also did not file a claim. The proof of service in Debtor's Motion indicates that Sortis Financial was served at:

18451 N. Dallas Parkway
Dallas, TX 75403

However, the business search website (Secretary of State) indicates a different address for Sortis Financial:

5445 Legacy Drive Suite 410
Plano, TX 75024

Legal Standards

FRBP 7004(h). Service of Process on an Insured Depository Institution.

Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless –

- (1) the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;
- (2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Daniel Weber

Chapter 13

(3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.

Discussion

Sortis Financial was not served properly. Thus, the Motion cannot be granted. Debtor must properly serve Sortis Financial.

NO APPEARANCE REQUIRED - CONT'D. TO 11/19/2019 to allow proper service.

Party Information

Debtor(s):

Daniel Weber

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11159 Craig Huxley

Chapter 13

**#184.00 Chapter 13 Trustee's Objection to Homestead
Exemption**

fr. 8/20/19

Docket 21

Tentative Ruling:

Cont'd. fr. 8/20/19

All parties stipulated to continue to 10/22/19.

Trustee objects to Debtor's claimed exemption in song compositions allegedly worth \$5,000 under C.C.P. § 704.060 (Personal property necessary to and used in exercise of trade, business, or profession). That subsection allows an exemption of "(a) Tools, implements, instruments, materials, uniforms, furnishings, books, equipment, one commercial motor vehicle, one vessel, and other personal property. . .if reasonably necessary to and actually used by the judgment debtor in the exercise of the trade, business, or profession by which the judgment debtor earns a livelihood." C.C.P. § 704.060(a)(1). No opposition has been filed.

The question for the Court is whether song compositions constitute personal property reasonably necessary to and actually used in the exercise of the profession by which the judgment debtor earns a livelihood. "The question of whether section 704.060 applies generally poses a question of fact in the trial court to be determined upon common-sense principles, in view of the circumstances of the particular case." Kono v. Meeker, 196 Cal. App. 4th 81, 87 (2011)(holding that inventory items are not "tools of the trade"). Debtor works as a musician/producer according to Debtor's schedule I. Debtor has not filed any opposition. In order to determine whether Debtor's compositions are more akin to inventory or property used for Debtor's profession, more information may be required on how Debtor earns money from the compositions.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Craig Huxley

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Craig Huxley

Shai S Oved

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11165 Mercedes R. Morales

Chapter 13

#185.00 Chapter 13 Trustee's Objection to Homestead
Exemption

fr. 8/20/19

Docket 17

Tentative Ruling:

Cont'd. fr. 8/20/19

Trustee argues that Debtor has not provided sufficient support for her claim of exemption of \$100,000 as Debtor is 63 years old and earns \$75,112.92 per year according to her schedule I. C.C.P. 704.730(a)(2) allows an exemption for \$100,000 "if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead a member of a family unit, and there is at least one member of the family unit who owns no interest in the homestead or whose only interest in the homestead is a community property interest with the judgment debtor."

Debtor's schedules do not indicate that there are any other members of the family unit residing with her. Debtor is apparently too young and earns too much money to be entitled to the enhanced \$175,000 exemption. See C.C.P. 704.730(a)(3). Debtor has not filed an opposition. Unless Debtor can provide some evidence that she is entitled to the \$100,000 or \$175,000 exemptions, Debtor's homestead exemption will be limited to \$75,000 per C.C.P. 704.030(a)(1).

APPEARANCE REQUIRED.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#186.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
3rd TD on 22344 Burton Street, Canoga
Park, CA 91304

fr. 7/30/19, 9/24/19

Docket 23

Tentative Ruling:

Cont'd. fr. 9/24/19

9/18/19 Opposition: Debtor's property appraisal inaccurate, so there's equity in property such that lien may be secured.

Service: Proper

Property Address: 22344 Burton Street, Canoga Park, CA 91304

First trust deed: \$557,296.69 (Specialized Loan Servicing)

Second trust deed (subject of this Motion): \$120,347.67 (Wells Fargo)

Third trust deed: \$114,520.37 (Wells Fargo)

Fair market value per Debtor's appraisal: \$520,000.

Fair market value per Wells Fargo's appraisal: \$590,000

(Debtor' Motion indicates that the third lien is subject to the avoidance. However, Wells Fargo explains in its Supplemental Opposition that its lien is the second lien because of a reconveyance of the Wells Fargo lien).

Creditor Wells Fargo (as holder of second lien) opposed the Motion. Creditor alleges Debtor undervalued the property.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ronald Harris Gladle

Represented By
Matthew D Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Ronald Harris Gladle

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#187.00 Motion to Avoid Lien JUNIOR LIEN with
Wells Fargo Bank, N.A.
2nd TD on 22344 Burton Street, Canoga
Park, CA 91304

fr. 7/30/19, 9/24/19

Docket 22

Tentative Ruling:

Cont'd. fr. 9/24/19

Service: Proper. Opposition filed.
Property Address: 22344 Burton Street, Canoga Park, CA 91304
First trust deed: \$557,296.69
Second trust deed (to be avoided): \$120,347.67
Debtor's Fair market value per appraisal: \$520,000

On 9/18/19, Wells Fargo filed an Opposition asserting that its appraisal of the Property indicates a \$590,000 value as of May 22, 2019.

Legal Standard

To ascertain the amount of Respondent's claim for purposes of §506(a) and to determine whether the lien is wholly unsecured, the court must determine the present fair market value of the collateral securing the claim. 11 U.S.C. §506(a). The Ninth Circuit has determined that Debtors are able to combine section 506(a) with section 1322 (b)(2) to effectively "avoid" or "strip-off" a junior lien on a Debtor's principal residence if the lien is completely or wholly unsecured. See *Lam v. Investors Thrift* (In re Lam), 211 B.R. 36 (B.A.P. 9th Cir. 1997); *Zimmer v. PSB Lending Corp.* (In re Zimmer), 313 F.3d 1220 (9th Cir. Cal. 2002).

APPEARANCE REQUIRED so that the parties can inform the court whether an evidentiary hearing is required or whether the parties submit on the papers.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

CONT... Ronald Harris Gladle

Chapter 13

Debtor(s):

Ronald Harris Gladle

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 13

#188.00 Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

Docket 37

***** VACATED *** REASON: Per Stip. moved to 1pm (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:00 AM

1:19-12103 Paul Terry Landry

Chapter 13

#189.00 Motion for Order Compelling Attorney to File
Disclosure of Compensation and Disgorgement
of Fees Pursuant to 11 U.S.C. § 329

Docket 13

***** VACATED *** REASON: nNtc. of w/drawal filed 10/1/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Terry Landry

Represented By
Justin D Graham

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

11:30 AM

1:17-12784 Rene Lopez De Arenosa, Jr

Chapter 13

#190.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 68

Tentative Ruling:

Trustee's Motion indicates that Debtor is in default by \$48,689.68.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rene Lopez De Arenosa Jr

Represented By

Rene Lopez De Arenosa Jr

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 22, 2019

Hearing Room 302

1:00 PM

1:19-11422 Joe Kearney

Chapter 13

#191.00 Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

Docket 37

***** VACATED *** REASON: Continued to 12/17/2019 [#51]-ts**

Tentative Ruling:

NO APPEARANCE REQUIRED - CONTINUED TO 12/17/2019.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

9:30 AM

1:19-12565 Jose Rojas

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Rojas

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

9:30 AM

1:19-12548 Luis A Bonvehi

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis A Bonvehi

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

9:30 AM

1:19-12564 Heidi Mofrad

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heidi Mofrad

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

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.
9/12/18

Docket 1

Courtroom Deputy:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:14-14868 Marjorie Ann Stoddard

Chapter 13

#2.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 9/11/19

Docket 188

***** VACATED *** REASON: Resolved per APO (doc. 198) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marjorie Ann Stoddard

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:15-11162 Steven Sandler

Chapter 13

#3.00 Motion for relief from stay

US BANK TRUST NA

fr, 2/6/19; 3/13/19, 3/27/19, 5/1/19, 6/5/19, 6/26/19; 7/17/19, 8/21/19

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 8/21/19 because the loan modification was still in the portal. Nothing has been filed regarding this Motion since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

6/26/19 Tentative

At the 06/5/19 hearing, the parties indicated they will seek the assistance of the Court's LMM program. On June 16, 2019, Debtor filed a Motion to Commence LMM Program. The time for objection under LBR 9013-1(o) runs on or about July 1, 2019. Given the status of the LMM Motion, the Court finds cause to continue this hearing to July 17, 2019, to allow for the LMM Motion to be resolved.

NO APPEARANCE REQUIRED ON 6/26/19

6/5/19 TENTATIVE BELOW

At the last hearing, the parties indicated that the creditor had the package to review. Nothing has been filed since the last hearing. What is the status of this matter? This has been continued several times without any clear progress.

APPEARANCE REQUIRED

5/1/19 Tentative

This hearing was continued to allow the parties time to review loan modification documents. What is the status of the loan modification efforts?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Steven Sandler

Chapter 13

3/27/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

3/13/19 Tentative

At the previous hearing, the parties indicated that they were reviewing the possibility of a loan modification. What is the status of loan modification efforts?

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Movant(s):

US Bank Trust National Association,

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-10143 Mayra Hernandez

Chapter 13

#3.01 Motion for relief from stay

US BANK TRUST NA

fr. 10/16/19

Docket 49

***** VACATED *** REASON: stip filed vol. dismissal of motion 10/22/19)
(eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/16/2018

Chapter: 13

Service: Proper. Late Opposition filed.

Property: 8723 Lucia Place, Sun Valley Area, CA 91352

Property Value: \$628,394 (per debtor's schedules)

Amount Owed: \$407,888.04

Equity Cushion: 27.0%

Equity: \$220,505.96.

Post-Petition Delinquency: \$7,119.22 (2 late payments of \$3,027 and \$3,002)

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); **7** (waiver of the 4001(a)(3) stay); and **13** (if stay not granted, order APO).

On 10/3/2019, Debtor filed a late Opposition declaring that payments were tendered on 12/10/2018, but were not applied. Debtor claims he also made post-petition payments telephonically, which Movant did not accept notwithstanding Debtor being provided a confirmation receipt. Accounting statements given to Debtor indicated \$4,092.16 in default, and not \$7,119.22 as alleged in the Motion. Debtor argues that it would have a credit rather than

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Mayra Hernandez

Chapter 13

a default had Movant accepted the telephonic payment and applied the December 2018 payment.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mayra Hernandez

Represented By
Donald E Iwuchuku

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Kelsey X Luu
Can Guner
Francis Laryea
Erin Elam
Christina J O

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#4.00 Motion for relief from stay

QUICKEN LOANS INC.

fr. 8/21/19; 9/25/19

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from September 25, 2019, so that the parties had an opportunity to discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

9-25-19 TENTATIVE BELOW

This hearing was continued from 8/21/19 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

8-21-19 TENTATIVE BELOW

Petition Date: 3/1/18

Chapter 13 plan confirmed: 1/16/19

Service: Proper. Opposition filed.

Property: 12973 Correnti St., Pacoima, CA 91331

Property Value: \$497,595 (per debtor's schedules)

Amount Owed: \$343,381.76

Equity Cushion: 23%

Equity: <\$48,819.80>

Post-Petition Delinquency: \$13,824.08 (2 payments of \$1,650.89; 2 payments of \$1,359.50; 5 payments of \$1,380.66; post-petition advances of \$900)

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... **Joaquin Martinez**

Chapter 13

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, explaining that he experienced a decrease in rental income as his tenant (his brother) suffered complications from his diabetes and was unable to work and thus unable to tender rent. Now that Debtor's brother is working again and paying increased rent, Debtor would like to cure the deficiency via APO.

Valley Economic Development Center ("VEDC"), a secured creditor in this case (see PoC 6-1) filed a response, noting that there is an equity cushion protecting Movant's claim. VEDC also filed a response to inform the parties and the Court that it is a debtor-in-possession in its own chapter 11 case (1:19-bk-11629-DS). While VEDC does not oppose Movant obtaining relief from stay in this chapter 13 case, to the extent that any action by Movant implicates or affects VEDC's interest in the Property, it is VEDC's position that Movant may have to obtain relief from the automatic stay in VEDC's bankruptcy case.

Have Debtor and Movant had the opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-10662 Doris Elizabeth Rosales

Chapter 13

#5.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSC.

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 3/18/18

Chapter 13 plan confirmed: 10/12/18

Service: Proper; co-borrower Jose Rosales not served. No opposition filed.

Property: 8923 Lev Ave., Arleta, CA 91331

Property Value: \$435,000 (per debtor's schedules)

Amount Owed: \$409,152 (per Proof of Claim #8-2)

Equity Cushion: 0%

Equity: \$25,848

Post-Petition Delinquency: \$7,574.88 (approx. 3 payments of \$2,150.48; late charge of \$92.44; attorney's fees of \$1,031)

Movant alleges cause for 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 the last payment of \$1,720.39 was made on or about August 13, 2019.

Given the relatively small delinquency, have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Doris Elizabeth Rosales

Chapter 13

Debtor(s):

Doris Elizabeth Rosales

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-11140 Dahlia J-nai Jones

Chapter 13

#6.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 5/2/18

Chapter 13 plan confirmed: 1/16/19

Service: Proper; co-debtor served. Opposition filed.

Property: 14000 Carol Ln., Sylmar, CA 91342

Property Value: \$ (per debtor's schedules)

Amount Owed: \$522,863 (per Proof of Claim 1-1)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$9,297.82 (4 payments of \$2,656.52; less
suspense balance of \$1,328.26)

Movant alleges cause for 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 the last payment of \$1,328.26 was made on or about September 6, 2019.

Debtor opposes the Motion, requesting to cure the delinquency in an APO. Is Movant amenable to Debtor's offer?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Dahlia J-nai Jones

Chapter 13

Debtor(s):

Dahlia J-nai Jones

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-11672 Artura Flores and Rosalba Rubalcaba

Chapter 13

#7.00 Motion for relief from stay

WILMINGTON TRUST, NATIONAL ASSOC.

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/2/18

Chapter 13 plan confirmed: 11/2/18

Service: Proper. No opposition filed.

Property: 20353 Wyandotte St. Winnetka, CA 91306

Property Value: \$500,000 (per debtor's schedules)

Amount Owed: \$401,646 (per proof of claim 1-1)

Equity Cushion: 12%

Equity: \$98,354.

Post-Petition Delinquency: \$10,823 (6 payments of \$1,846.20; less suspense balance of \$253.82)

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 the last payment received was on or about June 19, 2019.

Party Information

Debtor(s):

Artura Flores

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosalba Rubalcaba

Represented By
Rebecca Tomilowitz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Artura Flores and Rosalba Rubalcaba

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10111 Shawn David Lucas

Chapter 13

#8.00 Motion for relief from stay

PUBLIC STORAGE

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/16/19

Chapter: 13

Service: Proper. No opposition filed.

Property: all personal properties of Debtor stored at self-storage facility located at

4610 Van Nuys Bl., Sherman Oaks, CA 91403, including those stored in

Unit 037

Property Value: unk. (listed as "clothes, household items)

Amount Owed: \$1,672

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$1,672 (4 payments of \$418)

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):

Shawn David Lucas

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Shawn David Lucas

Matthew D. Resnik

Chapter 13

Movant(s):

Public Storage

Represented By
Lovee D Sarenas

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10130 Bonnie Kay Lopez

Chapter 13

#9.00 Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/18/19

Chapter 13 plan confirmed: 6/5/19

Service: Proper. Opposition filed.

Property: 8051 Paso Robles Ave., Van Nuys CA 91406

Property Value: \$580,000 (per debtor's schedules)

Amount Owed: \$597,149 (per proof of claim 2-1)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$7,325.62 (3 payments of \$2,035.57; attorney's fees of \$1,031; less suspense balance of \$1,847.66)

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 the last payment received was on or about 6/21/19.

Debtor opposed the Motion, requesting to cure any deficiency in an APO. Is Movant amenable to Debtor's request?

APPEARANCE REQUIRED

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Bonnie Kay Lopez

Chapter 13

Debtor(s):

Bonnie Kay Lopez

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10359 Brian Wesley Aherne and Cheryl Marie Aherne

Chapter 7

#10.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

fr. 9/18/19

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 9/18/19 so that Debtor could tender two payments and the parties could discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

9-18-19 TENTATIVE BELOW

Petition Date: 2/6/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Toyota RAV4

Property Value: \$20,575 (per Movant's evidence – NADA Guide)

Amount Owed: \$ 20,858.95 (as of 8/2/2019)

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,537.35 (approx. 6 payments of \$419.57)

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.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Brian Wesley Aherne and Cheryl Marie Aherne

Chapter 7

Party Information

Debtor(s):

Brian Wesley Aherne

Represented By
Steven A Simons

Joint Debtor(s):

Cheryl Marie Aherne

Represented By
Steven A Simons

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Erica T Loftis Pacheco

Trustee(s):

Amy L Goldman (TR)

Represented By
Lovee D Sarenas

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10772 Donnie Polk

Chapter 13

#11.00 Motion for relief from stay

JPMC SPECIALTY MORTGAGE LLC

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 4/10/19

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 1817 Danforth Dr., Marietta GA 30062

Property Value: \$521,000 (per debtor's schedules)

Amount Owed: \$636,467

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$10,311 (4 payments of \$2,636.15; less suspense account balance of \$233.32)

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):

Donnie Polk

Represented By
Miguel Duarte

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Donnie Polk

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10836 Melissa D Kurtz

Chapter 13

#12.00

Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 9/11/19

Docket 32

*** VACATED *** REASON: Resolved per APO - hm

Courtroom Deputy:

- NONE LISTED -

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
Arnold L Graff
Angie M Marth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-11251 Glenn Alan Badgett

Chapter 13

#13.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSO.

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 5/20/19

Chapter: 13

Service: Proper; co-debtor Tina Varnell not served. No opposition filed.

Property: 20756 Saticoy St., Winnetka, CA 91306

Property Value: \$510,000 (per debtor's Mtn. to Continue Stay, doc. 20)

Amount Owed: \$566,641

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$10,129 (4 payments of \$2,532.28)

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):

Glenn Alan Badgett

Represented By
Donald E Iwuchuku

Movant(s):

U.S. Bank Trust National

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Glenn Alan Badgett

Kirsten Martinez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12079 Martin Pantoja

Chapter 13

#14.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/20/19

Chapter: 13

Service: Proper; original borrower served. No opposition filed.

Property: 19829 Emmett Rd. Santa Clarita, CA 91351

Property Value: not listed on Debtor's schedules

Amount Owed: \$567,684

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. A review of the docket for this case shows that this is an active chapter 13 case with a represented Debtor. There are no allegations in the Motion that this Debtor is involved in the alleged scheme to delay, hinder and 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); **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).

DENY relief requested in paragraph **11**, as such relief requires the filing of an adversary complaint under FRBP 7001.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Martin Pantoja

Chapter 13

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):

Martin Pantoja

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12158 Luis Humberto Medina Gutierrez

Chapter 7

#15.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/28/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Toyota Camry

Property Value: \$15,175 (per Movant's evidence NADA Guide)

Amount Owed: \$26,119

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,778.46 (three payments of \$592.82)

Movant alleges that the last payment received was on or about 7/1/19.

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 Humberto Medina Gutierrez

Represented By
Lauren M Foley

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Luis Humberto Medina Gutierrez

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12297 Victor Manuel DuBon and Irina Nazimova

Chapter 7

#16.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/12/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 BMW 428i

Property Value: \$25,125 (per Movant's evidence, NADA Guide)

Amount Owed: \$\$30,297

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,527.27

Debtors indicated their intent to surrender the vehicle.

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):

Victor Manuel DuBon

Represented By
Steven A Alpert

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Victor Manuel DuBon and Irina Nazimova

Chapter 7

Joint Debtor(s):

Irina Nazimova

Represented By
Steven A Alpert

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12344 Maria Ghyczy

Chapter 7

#17.00 Motion for relief from stay

CAB WEST, LLC

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/17/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Ford Explorer

Property Value: not provided (LEASE)

Amount Owed: \$26,256

Equity Cushion: n/a

Equity: n/a

Delinquency: \$516.04

Movant alleges that it regained possession of the vehicle on or about 9/12/19

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):

Maria Ghyczy

Represented By
Mark J Markus

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Maria Ghyczy

Chapter 7

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12423 Rodolfo Valenzuela-Sanchez

Chapter 13

#18.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 22314 Cohasset Street Canoga Park, CA 91303 .

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 9/25/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-10577, was a chapter 13 that was filed on 3/13/19 and dismissed on 8/7/19 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 at confirmation because the case depended on his wife's business' income. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, his wife has closed her business and is now receiving government aid to compensate her for the care of her elderly mother in law and disabled daughter. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence and has almost \$100,000 in equity.

Service proper on regular notice. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Rodolfo Valenzuela-Sanchez

Represented By
Joshua L Sternberg

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

CONT... Rodolfo Valenzuela-Sanchez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12290 Tyler Brooks Kimmel

Chapter 13

**#18.01 Motion for relief from automatic stay ACTION IN NON-BANKRUPTCY
FORUM RE: Lawsuit entitled Ingerson v. Hartsook Holding et. al.**

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/12/19

Chapter: 13

Service: Proper per Order Granting Application for Hearing on Shortened Time
(doc. 25). No opposition filed.

Movant: Greg Ingerson & Ingerson and Assoc., Inc.

Relief Sought to: Pursue Pending Litigation Commence Litigation ____
Pursue Insurance ____ Other

Litigation Information

Case Name: Ingerson v. Hartsook Holdings, LLC et al.

Court/Agency: Los Angeles Superior Court

Date Filed: 9/10/19

Judgment Entered: n/a

Trial Start Date: unk.

Action Description: Fraud; conversion; breach of fiduciary duty; quiet title

Grounds

Bad Faith Claim is Insured ____ Claim Against 3rd Parties ____ Nondischargeable

Mandatory Abstention ____

Non-BK Claims Best Resolved in Non-BK Forum

Other:

Debtor owns a limited liability company called Fairfax Property Group, LLC. Movant claims it is one of the entities through which Debtor has defrauded numerous people. Fairfax Property Group filed two Chapter 7 cases in 2018 - 1:18-bk-11380-VK and 1:18-bk-11688-MB. Both cases were dismissed for failure to file schedules. In the

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10:00 AM

CONT...

Tyler Brooks Kimmel

Chapter 13

Debtor's Statement of Related cases, these cases are not disclosed. When Debtor filed his latest bankruptcy case, Movant contends that he was in the middle of several lawsuits with some having resulted in judgments and with others in progress. Movant alleges that the reason for the numerous lawsuits is that Debtor has been involved in a pattern of fraud in connection with real estate holdings for an extended period of time. Movant believes the reason for the filing of the latest petition was because he has been unable to delay his eviction any longer, having done so for nearly a year. The landlord's Motion for Relief from Stay – Unlawful Detainer, was granted by the Court on October 16, 2019.

The lawsuit centers around the fraud that was allegedly perpetrated by Debtor on Movants including embezzlement of money from their joint venture. Plaintiff argues that he needs to finish the state court lawsuit so that he does not lose his entire investment through foreclosure.

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); and **6** (binding and effective relief for 180 days).

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Tyler Brooks Kimmel	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
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10:00 AM

1:19-12560 Amanda Espinosa

Chapter 13

#18.02 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 12157 Memphis Ave, Sylmar, CA 91342

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 10/9/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-12773-MT, was a chapter 13 that was filed on 11/15/18 and dismissed on 9/25/19 on Trustee's Motion to Dismiss for defaulted payments.

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 plan payments because her previous tenant stopped paying rent and eventually moved out. Debtor claims that there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, her employment income has remained steady, but her rental income increased. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence and source of income.

Service proper to secured creditors on shortened time. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Amanda Espinosa

Represented By
Donald E Iwuchuku

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CONT... Amanda Espinosa

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-10944 Jack I. Horn

Chapter 7

#18.03 Motion for relief from the automatic stay UNLAWFUL
DETAINER RE: 28831 Oakpath Dr Agoura Hills CA 91301 .

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 4/27/18
Ch. 7 closed w/o discharge: 8/10/18
Case reopened on Debtor's motion: 6/26/19
Service: Proper on shortened time procedures. No opposition filed.
Movant: Darren Rubin
Property Address: 28831 Oakpath Dr., Agoura Hills CA 91301
Type of Property: residential
Occupancy: holdover after month-to-month tenancy in default
Foreclosure Sale: n/a
UD case filed: n/a
UD Judgment: n/a

Movant alleges that Debtor rents a room in his house and that he served a 60-day notice to quit which expires on 10/23/19, but that Debtor refuses to vacate the Property. Because Debtor has "made vague references to his filing bankruptcy at some unknown point in time" but did not include Movant as a creditor, Movant seeks relief from stay to pursue an unlawful detainer action to regain possession of the room.

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); and **11** (binding and effective relief against any debtor for 180-days).

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10:00 AM

CONT... Jack I. Horn

Chapter 7

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Jack I. Horn

Represented By
Raymond H. Aver

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-12496 Zhong Lai

Chapter 13

#18.04 Motion for relief from stay

LI CHEN, HONG PENG

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/2/19

Ch: 13 (*pro se*)

Service: Proper on shortened time procedures. No opposition filed.

Movant: Li Chen; Hong Peng

Property Address: 19010 Kinbrace St., Porter Ranch, CA 91326

Type of Property: residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 10/2/19

UD Judgment: n/a (trial continued to 11/4/19)

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).

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Zhong Lai

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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CONT... Zhong Lai

Chapter 13

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12564 Heidi Mofrad

Chapter 13

#18.05 Motion for relief from stay

MAGNUM PROPERTY INVESTMENTS, LLC

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/9/19

Ch: 13 (*pro se*)

Service: Proper on shortened time procedure. Opposition filed.

Movant: Magnum Property Investments, LLC (purchaser at foreclosure)

Property Address: 6400 Kenwater Place, West Hills, CA 91307

Type of Property: residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 8/27/19

UD case filed: 9/10/19

UD Judgment: n/a

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). Movant alleges that this case was filed in bad faith because multiple repeat filings have affected the Property. Movant alleges that Debtor and her husband have filed at least seven cases affecting the Property merely to frustrate the foreclosure process, all of which but one were dismissed.

Debtor opposes the Motion, arguing that she wasn't given sufficient time on shortened notice to respond. She further argues that the foreclosure sale is invalid because her husband Ardashir (Alex) Khorrami was a debtor in a case filed on the same day as the foreclosure sale, 19-12144-MT (the "Ardashir Bankruptcy"). The Ardashir Bankruptcy was dismissed for failure to file schedules on September 16, 2019. Movant has moved for annulment of the

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10:00 AM

CONT... Heidi Mofrad

Chapter 13

stay in the Ardashir Bankruptcy; the hearing is set for November 6, 2019, at 10:00 a.m.

Having reviewed the histories of this case, the Ardashir Bankruptcy, and the other prior bankruptcy filings by Debtor and Ardashir Khorrami, the Court finds cause to continue this hearing to **November 6, 2019, at 10:00 a.m.**, to be heard with the Motion to Annul Stay in the Ardashir Bankruptcy.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Heidi Mofrad

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

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10:00 AM

1:18-10309 Henry Andreas Ingvarsson

Chapter 11

Adv#: 1:19-01102 Barton et al v. Ingvarsson et al

#19.00 Status Conferece re: Complaint for nondischargeability
of debt and objection to discharge pursuant to section 523(a)

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 1/29/20 at 10:00
a.m. - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Andreas Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Defendant(s):

Keri Ingvarsson

Pro Se

Henry Andreas Ingvarsson

Pro Se

TKC Media Group, LLC

Pro Se

Joint Debtor(s):

Keri Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Plaintiff(s):

Daniel and Helena Barton

Represented By

Sevan Gorginian

No Such Agency

Represented By

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10:00 AM

CONT... Henry Andreas Ingvarsson

Sevan Gorginian

Chapter 11

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10:00 AM

1:18-11965 Ian Jacoby

Chapter 7

Adv#: 1:18-01117 Williams v. Jacoby

#20.00 Pre trial conference re complaint for:
willful and malicious injury

fr. 1/9/19

Docket 1

***** VACATED *** REASON: Hrg continued to 1/15/20 at 10:00 AM (jr)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Pro Se

Plaintiff(s):

Garrett Williams

Represented By
Lazaro E Fernandez

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

- #21.00** Status Conference Re: Complaint for
1 - Violation of Real Estate Settlement
Procedures Act, 12 C.F.R Sec. 1024 et seq
2 - Violations of the Fair Debt Collection
Practices Act (FDCPA), 15 USC Sec.
1692, et seq
3 - Negligence, California Civil Code Sec.
1714
4 - Quiet Title, California Code of Civil
Procedure Sec. 760.020
5 - Objection to Claim

fr.6/5/19, 8/21/19, 8/28/19

Docket 1

***** VACATED *** REASON: Continued to December 11, 2019 at 11 am**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

As underlying Chapter 13 case should be dismissed soon, the adversary likely will be resolved elsewhere. In order to conserve resources, this matter will be continued in the hope that the bankruptcy case will be dismissed before next hearing date,

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Pro Se

**United States Bankruptcy Court
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10:00 AM

CONT... Salomon Llanos Chapter 13

Statebridge Company LLC Pro Se

Cascade Funding Mortgage Trust Pro Se

Plaintiff(s):

Salomon Llanos

Represented By
John Habashy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

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10:00 AM

1:18-13019 David Herrera

Chapter 7

Adv#: 1:19-01035 Beck v. Herrera

#22.00 Pretrial Conference Re: Complaint for
Determination of Nondischargeability of
Debt

fr. 5/22/19

Docket 1

***** VACATED *** REASON: Continued to December 18 at 11 am**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

NO APPEARANCE REQUIRED on 10/23/19
Matter is continued awaiting settlement motion.
Parties to appear on December 18, 2019 at 11 am unless matter resolved on
the papers and closed before then.

Party Information

Debtor(s):

David Herrera

Represented By
Michael E Clark

Defendant(s):

David Herrera

Pro Se

Plaintiff(s):

Dwayne S Beck

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

#23.00 Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket 26

***** VACATED *** REASON: Continued to 11/6/19 at 10 am**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Continued to 11/6/19 to be heard with the motion to vacate default and status conference. Premature to hear this before the other motion is considered.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Defendant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Chaidez Construction, Inc. Pro Se

Cesar Chaidez Pro Se

Lorena Lara Pro Se

Humberto Lara Pro Se

John White Pro Se

Movant(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

**United States Bankruptcy Court
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10:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-11292 Mani Mukherjee

Chapter 7

Adv#: 1:19-01104 Uddin et al v. Mukherjee

#24.00 Status Conference re: Complaint objecting to
Discharge of debt under 11 U.S.C. section 523
(a)(2) and (a)(6)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

It appears the most effective way to move this case at this point is a motion for summary judgment to see what issues are precluded following state court trial.

Case dispositive motion filing deadline (MSJ) due by December 4, 2019

Response brief due December 30, 2019

Reply brief due January 15, 2020

Hearing will be 1 pm January 29

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE
PROVISIONS WITHIN 7 DAYS.

Party Information

Debtor(s):

Mani Mukherjee

Represented By
Armen Shaghzo

Defendant(s):

Mani Mukherjee

Pro Se

Plaintiff(s):

Zohir Uddin

Represented By
Mazyar H Mazarei

Delwara Uddin

Represented By

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10:00 AM

CONT... **Mani Mukherjee**

Chapter 7

Mazyar H Mazarei

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-12110 Jorge Ramon Geldres and Ida L Vera Ramon

Chapter 7

#25.00 Motion for Order Compelling Attorney to File Disclosure of Compensation and Disgorgement of Fees Pursuant to 11 U.S.C. § 329

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jorge Ramon Geldres

Represented By
Bernal P Ojeda

Joint Debtor(s):

Ida L Vera Ramon

Represented By
Bernal P Ojeda

Movant(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:10-16648 Vadim A Lipel

Chapter 7

#26.00 Trustee's Final Report and Application for Compensation

Docket 199

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Appearance required. What are the reasons why this matter cannot remain open so that funds are not distributed before the litigation is complete?

Party Information

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
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Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:19-10796 Matthew Ray Holman

Chapter 7

#27.00 Trustee's Final Report and Applications for Compensation

Docket 42

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 10/23/19.

Party Information

Debtor(s):

Matthew Ray Holman

Represented By
Sanaz S Bereliani

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#28.00 Chapter 11 plan Motion to Confirm Third Amended Chapter 11 Plan of Reorganizaiton

Docket 228

***** VACATED *** REASON: Cont'd to 11/6/19 per order #245. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
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Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#29.00 Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18; 4/3/19
5/15/19, 8/21/19

Docket 1

***** VACATED *** REASON: Cont'd to 11/6/19 per order #245. If**

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 :9/3/19

Ballots to be returned and
objections to confirmation to be filed no later than:9/25/19

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:10/9/19
Confirmation hearing to be held on:10/23/19 at 10 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):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
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10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#30.00 Status and case management conference

fr. 12/12/18, 4/17/19; 5/15/19, 9/11/19

Docket 1

***** VACATED *** REASON: Stip. cont. to 12/18/19 @ 10am (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Debtor was supposed to explain at this hearing what its plan was and whether a settlement was reached. The operating reports show that significant post petition expenses are not being paid and debtor is sinking further into the red. The court is ready to dismiss this case unless debtor has significantly different news than the last 5 hearings.

Party Information

Debtor(s):

Happy Jump, Inc.

Represented By
Mark T Young

**United States Bankruptcy Court
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Wednesday, October 23, 2019

Hearing Room 302

10:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#30.01 Motion to Avoid Lien Abstract of Judgment
recorded on 3/15/2017

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Creditor's arguments objecting to the Motion are that (1) Debtor cannot avoid a judgment lien securing an alleged non-dischargeable debt before the resolution of the nondischargeability adversary proceeding; (2) because Creditors have not sought a judicial sale of the Property, there is no California provision for avoiding the judgment outside of when there is an "attempted sale of the homestead"; and (3) Debtor's filing of a Motion to Compel Abandonment shows his intention to sell the Property.

As to point one, the non-dischargeable nature of a debt secured by the judicial lien does not affect a debtor's ability to avoid the lien against his exempted property. US v. Holmes, 1998 WL 19489 (N.D. Cal. Jan. 5, 1998); see also In re Ash, 166 B.R. 202, 204 (D.Conn. 1994). The debtor is not discharging the judgment, rather, he is only avoiding the lien against his homestead. To satisfy the judgment, a creditor must "wait for the debtor to acquire additional property." In re Ewiak, 75 B.R. 211, 213 (W.D.Pa. 1987).

Under § 522, the court must essentially treat the judicial lien as non-existent until the date of the bankruptcy at which time there is a hypothetical attempt to levy on the property by the trustee. See Herman, 120 B.R. 127, 130 (B.A.P. 9th Cir. 1990). The state of affairs considered by the court is hypothetical, not actual. Owen v. Owen, 500 U.S. 305, 311-312, (1991). Thus, it is immaterial under a § 522(f) analysis whether Creditor began a judicial sale or not.

Lastly, in the Motion to Compel Abandonment, Debtor seeks to compel Chapter 7 Trustee to abandon any interest the Estate has in the Property *back to Debtor* as it is fully encumbered and is of no value to the Estate. This is not evidence that Debtor intends to sell the Property.

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10:00 AM

CONT... Eric Rodriguez

Chapter 7

522(f) Lien Avoidance	
See <u>In re Pike</u> , 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999).	
Must be avoided in reverse priority order. <u>In re Meyer</u> , 373 B.R. 84 (B.A.P. 9th Cir. 2007)	
Lien #1	PennyMac \$ 404,544.59
Lien#2	Sysco Ventura \$ 26,752.44
Lien#3	IRS \$ 61,729.45
Lien#4	Gamm, Noorali, Harrison (avoided) \$ 216,071.41
Exemption Claimed	\$ 100,000.00
Total of liens plus claimed exemption	\$ 809,097.89
FMV of property	\$ 553,111.00
Total amount of judicial liens that may be avoided	\$ 255,986.89

As Debtor explained in his Reply, an analysis under § 522(f) is a mechanical analysis of numbers. The calculation above shows that Debtor may avoid up to \$255,986.89 in judicial liens; as the value of the lien here is \$216,071, the lien may be avoided entirely.

Motion GRANTED. Debtor to lodge order within 7 days.

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers
David Brian Lally

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:19-12222 Thomas Milton Petty

Chapter 13

#30.02 Motion for relief from stay

GRACE JACOBSEN

fr, 10/16/19

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/5/2019

Ch: 13

Service: Proper. Opposition & Reply filed.

Movant: Grace Jacobsen

Property Address: 5512 Kester Avenue, Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: Holdover after month-to-month tenancy in default

Foreclosure Sale: N/A

UD case filed: 5/31/2019

UD Judgment: N/A (trial cont'd. to 10/3/2019)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Debtor fell behind on his rent due to his bills from his cancer treatment. Debtor requests that the Court set a date by which he must assume or reject the lease.

Movant contends in reply that Debtor has not paid rent since April 2019 and has created dangerous conditions on the property and seeks to complete the eviction to remove the dangerous conditions on the property.

APPEARANCE REQUIRED DUE TO SHORTENED TIME

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

CONT... Thomas Milton Petty

Chapter 13

Party Information

Debtor(s):

Thomas Milton Petty

Represented By
Matthew D. Resnik

Movant(s):

Grace Jacobsen

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:18-13040 Eric Rodriguez

Chapter 7

#31.00 Objection of Debtor's Claim of Homestead Exemption.

fr. 10/2/19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

In his Amended Schedule C, Debtor did not claim the exemption under C.C.P. § 704.070 of \$11,367.68 in a JP Morgan Chase bank account to which Creditor objected. As this objection was mooted by Debtor no longer claiming the exemption in his Amended Schedule C, this objection is overruled.

Movant to lodge order in accordance with this ruling in 7 days.

Party Information

Debtor(s):

Eric Rodriguez

Represented By
Elena Steers
David Brian Lally

Trustee(s):

Amy L Goldman (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#32.00 Status Conference Re:
Pending Discovery Matters

fr. 4/3/19, 6/26/19

Docket 52

*** VACATED *** REASON: Order continued to 11/13/19 @11am (eg)

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#33.00 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; 12/12/18, 2/27/19; 5/22/19, 7/31/19

Docket 210

Courtroom Deputy:

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
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11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#34.00 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, 2/12/18, 2/27/19; 5/22/19, 7/31/19

Docket 1

Courtroom Deputy:

Tentative Ruling:

based on the most recent status report, it appears we have no choice but to wait for the endless review the various agencies and departments require. Unless anyone has any other ideas, the court will get the latest updates from each party and put this over to January or February to see if requisite approvals have been obtained. Cal Trans's request for a deadline seems unrealistic, given the unforeseen and byzantine obstacles that have arisen thus far.

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L Rodriguez

**United States Bankruptcy Court
Central District of California
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Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#35.00 Motion for summary judgment

fr. 6/26/19, 8/28/19

Docket 36

***** VACATED *** REASON: Bankruptcy case dismissed 10/17/19 - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Defendant(s):

Charles Street Investments, Inc.

Represented By
Stella A Havkin

Charles Street Investment, LLC, an

Represented By
Stella A Havkin

Inaam Rasheed Naeem, an

Represented By
Stella A Havkin

Cardenas Three LLC, a California

Represented By
Jacky Wang

Estate of Shahid Naeem, decedent

Represented By
Stella A Havkin

DOES 1 through 50, inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Joint Debtor(s):

Svetlana Buzina

Represented By
R Grace Rodriguez

Plaintiff(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

Svetlana Buzina

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

1:17-13284 Arkady Aleksandrovich Buzin

Chapter 13

Adv#: 1:18-01021 Buzin et al v. Charles Street Investments, Inc. et al

#36.00 Status conference re complaint to determine the extent and validity of liens on real property; quiet title; cancellation of instruments; rescission under home equity sales contract act fraud; breach of fiduciary duty; breach of contract; breach of implied covenant of good faith and fair dealing; violation of mortgage foreclosure consultant law; declaratory relief

Counterclaim

Cardenas Thee LLC

Couter - Claimant

vs.

Arkady Aleksandrovich Buzin

Counter - Defendant

from: 5/10/18; 6/14/18; 8/30/18; 12/13/18; 3/14/19; 3/18/19(MB),
3/26/19, 6/26/19, 8/28/19

Docket 1

***** VACATED *** REASON: Bankruptcy case dismissed 10/17/19 - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

11:00 AM

CONT... Arkady Aleksandrovich Buzin

Chapter 13

Defendant(s):

Charles Street Investments, Inc.	Pro Se
Charles Street Investment, LLC	Pro Se
Inaam Rasheed Naeem	Pro Se
Cardenas Three LLC	Pro Se
Shahid Rasheed Naeem	Pro Se

Joint Debtor(s):

Svetlana Buzina	Represented By R Grace Rodriguez
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Plaintiff(s):

Arkady Aleksandrovich Buzin	Represented By R Grace Rodriguez
Svetlana Buzina	Represented By R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, October 23, 2019

Hearing Room 302

1:00 PM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#37.00 Motion for Adequate Protection Payments
and Opportunity to Object.

fr. 9/24/19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Mr. Humble misperceives the requirements of Chapter 13. He must pay a more reasonable payment to the trustee each month or his case will be dismissed. We can discuss at the hearing what the payment will be. The trustee should confirm at the hearing that the amounts will be held until the Chase objection to claim is resolved.

Party Information

Debtor(s):

Fred Feraydoon Humble

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, October 23, 2019

Hearing Room 302

1:00 PM

1:19-10985 Fred Feraydoon Humble

Chapter 13

#38.00 Motion RE: Objection to Claim Number 2 by Claimant
JPMorgan Chase Bank.

fr. 8/20/19, 9/18/19

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 4/23/2019, Fred Humble ("Debtor") filed chapter 13. [Dkt. No. 1]. On 2/5/2013, Debtor executed a Home Equity Line of Credit ("HELOC") for a \$130,000 loan secured by a deed of trust with JP Morgan Chase ("Chase"). [Claim 2-1]. Chase has submitted a proof of claim ("Claim") for \$85,485.81 with an interest rate of 5.25%. [Id.]. The claim is secured by Debtor's principal residence ("Property"). [Id., 10]. Debtor has filed an objection to the Claim. [Dkt. No. 25].

On 8/19/2019, Debtor filed a Proposed Payment Plan. [Dkt. No. 35]. Attached to Proposed Payment Plan is Creditor's statement for the 5/26/2019 to 6/25/2019 period ("May to June 2019 Statement"). [Id., 15]. The May to June 2019 Statement indicates a "Previous balance" of \$58,759.86. [Id.]. In that Proposed Payment Plan, Debtor claims that Creditor filed an adjusted proof of claim of \$58,000 on April 30, 2019. However, there is no evidence of an adjusted proof of claim in the docket. [Dkt. No. 35, 4].

Debtor alleges that:

- There is a discrepancy between the \$85,155.25 claimed and \$58,759.86 balance indicated in Creditor's July 15, 2019 statement. [Motion, 1]. The July 15, 2019 statement Debtor refers to is the May to June 2019 Statement indicating a \$58,759.86 balance. [Dkt. No. 35, 15].
- He paid \$64,285 during September 2018 to June 2019 and that he believes he

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CONT...

Fred Feraydoon Humble

Chapter 13

has a zero account balance. [Motion, 2-3].

- He paid semi-annual property taxes and insurance. [Id., 2].
- Creditor's willful delays to modify his loan modification application, which was pending since 2012 to 2018, caused the finance charges, and late fees and penalties to accumulate. [Id.].
- He requested Creditor to mail him a statement accounting for all fees, finance charges, late fees, penalties, attorney's costs, and other costs along with all payments made, but his request were unanswered. [Id., 3].
- Creditor's account statements, including 5/6/2019, are inaccurate. [Id.].
- Creditor erroneously created an escrow account in May 1995 despite Debtor not purchasing the house until October 1999 and not executing a HELOC until February 2003. [Id., 3].
- Some of his payments ranging from \$70 to \$2,000 were returned, and Creditor charged him late fees and penalties. [Id.].
- He wired \$43,085.38 on 4/19/2019 to reinstate his account to stop the foreclosure, but regardless of his payments, Creditor still demanded \$100,972.37 to payoff the account. [Id., 4].
- Creditor violated the HELOC agreement and that paragraphs 15, 16, and 17 do not apply in his case. [Id., 5]. (Paragraph 15 defines when a debtor is in default. [Claim 2-1]. Paragraph 16 is a provision explaining when Chase can refuse to make additional credit extensions or reduce a debtor's credit limit. Paragraph 17 is a provision giving Chase the right to foreclose on a property.)
- The HELOC agreement was assigned numerous times without his knowledge, consent, or signature. [Id., 5].
- Creditor's 9/18/2018 declaration that it was unable to contact Debtor and that it complied with California Civil Code § 2923.5 is false. [Id.].
- Legal service staff misled him when he was advised to include a list of all creditors, including a claim by LVNV and a *lis pendens* arising from a divorce. [Id., 6]. (This allegation will not be discussed because it relates to parties outside this Motion and is thus irrelevant.)

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CONT... **Fred Feraydoon Humble**

Chapter 13

On 9/19/2019, Creditor filed a response to Debtor's Objection ("Response"). [Dkt. No. 48]. Creditor responds that after Debtor paid \$43,085.38 on 4/19/2019 to reinstate, Creditor rescinded the recorded default notice. [Response, 2]. Creditor explains that Debtor is no longer in default but remains indebted to Creditor. [Id.]. Creditor further asserts that its proof of claim is valid, and Debtor provided no evidence to overcome the validity of the Claim. [Id.].

Under FRBP 3001(f), "a proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." A proof of claim provides "some evidence as to its validity and amount" and prima facie validity is "strong enough to carry over a mere formal objection without more." Lundell v. Anchor Construction Specialists, Inc., 223 F.3d 1035 (9th Cir. 2000), quoting Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991). To be legally sufficient and prima facie valid under FRBP 3001, a claim must: (1) be in writing; (2) make a demand on debtor's estate; (3) express the intent to hold the debtor liable for the debt; (4) be properly filed; and (5) be based upon facts which would make the allowance equitable. 9 Collier on Bankruptcy (15th ed. Rev. 2004) ¶ 3001.05[2].

An objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified. LBR 3007-1(c).

To defeat a claim, a debtor must present 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. "The objector must produce evidence which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir. 1992).

"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

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CONT... Fred Feraydoon Humble

Chapter 13

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.

On 8/19/2019, Debtor included in his filings a May to June 2019 statement from Creditor indicating a "Previous balance" of only \$58,759.86. [Dkt. No. 35, 15]. While Debtor's evidence was not included in Debtor's claim objection but was part of a filing for a separate motion for adequate protection, it will be considered as it is part of the pleadings filed in the case and the authenticity of the statement is not disputed by Chase. Creditor's proof of claim that was filed on June 21, 2019, which is around the same date as the May to June 2019 Statement, indicates an \$85,485.81 balance. [Claim 2-1]. There is a discrepancy between the Claim and the May to June 2019 statement. Debtor has thus provided sufficient evidence to overcome the presumption of validity of the claim filed. Debtor has alleged numerous other specifics requiring further documentation by both parties.

The burden reverts to Creditor 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)).

An evidentiary hearing will be set.

Party Information

Debtor(s):

Fred Feraydoon Humble

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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1:19-10985 Fred Feraydoon Humble

Chapter 13

Adv#: 1:19-01092 Fred Feraydoon Humble, Humble's Family and Mi v. JPMorgan Bank, N.A.

#39.00 Motion to Dismiss Adversary Proceeding

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On February 5, 2003, pro se Debtor and plaintiff, Fred Humble, entered into a \$130,000 home equity line of credit ("HELOC") with creditor and defendant, JP Morgan Chase ("Chase"). The HELOC was secured by Humble's residence located at 15956 Hart Street, Van Nuys ("Property"). [Dkt. No. 1-1, 5]. Disputes arose concerning the payments made on this HELOC. Humble then filed bankruptcy on April 23, 2019.

On July 29, 2019, Humble filed an adversary complaint ("Complaint") against Chase for breach of contract and violations of California Civil Code § 1102. [Dkt. No. 1]. The contract consists of a home equity line of credit (HELOC) agreement and Disclosure Statement ("Contract"), which is incorporated to his Complaint by reference. [Id., 2]. On August 29, 2019, Chase filed a motion to dismiss for failure to state a claim ("Motion") under Rule 12(b)(6). [Dkt. No. 42]. On October 15, 2019, Humble filed a late Opposition. [Dkt. No. 52].

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 Balisteri v. Pacifica Police Dep't., 901 F.2d 696, 699 (9th Cir. 1990)). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009). In evaluating a motion to dismiss, the court accepts plaintiff's well-pleaded factual allegations as true and draws reasonable inferences in plaintiff's favor. Tamayo v. Blagojevich, 526 F.3d

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CONT... Fred Feraydoon Humble

Chapter 13

1074, 1081 (7th Cir. 2008). 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).

The standard elements for a breach of contract claim are (1) the contract; (2) plaintiff's performance or excuse for nonperformance; (3) defendant's breach; and (4) damage to plaintiff. Wall St. Network, Ltd. V. New York Times Co., 164 Cal.App.4th 1171, 1178 (2008).

Humble also alleges violations of California Civil Code § 1102 which governs disclosures required upon transfer of residential property. That section generally "applies to any transfer by sale, exchange, real property sales contract as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements of single-family residential property."

Plaintiff includes extensive irrelevant and rambling allegations in the Complaint. The court has a duty to discern whether a poorly written pro se complaint states a cause of action. The commentary not alleging actual facts or elements of a claim will be ignored. The essential allegations cognizable in a breach of contract action are summarized herein and solely the ones Chase must respond to.

Plaintiff alleges that Chase breached the Contract by not addressing and acknowledging his concerns and complaints about overpaying and by not crediting all payments properly. [Complaint, 4, 6]. He alleges that Chase provided an erroneous escrow account that dates back to May 1995 despite the fact that Humble did not purchase his residence until October 1999. [Id., 6]. Humble also asserts that Chase provided erroneous statements and miscalculated and misapplied his payments. [Id., 5-6]. Humble claims being in direct communication with Chase via telephone, email, fax, and third-party communication, but Chase allegedly ignored his phone calls and correspondences in violation of the billing rights detailed in the Contract. [Complaint, 3-5]. The Contract's billing rights required Chase to "acknowledge" Humble's letter and "correct the error or explain why [Chase] believe[d] the bill was correct." [Dkt. No. 1-1, 8-9]. Instead, Chase allegedly "ignored" Humble's "correspondences." [Complaint, 5].

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CONT... Fred Feraydoon Humble

Chapter 13

Additionally, Humble claims that Chase breached the Contract by erroneously placing his account in default although he was not in default as defined in the Contract. Under the Contract's terms, default occurs if the borrower (a) engages in fraud or material misrepresentation; (b) if the borrower fails to pay any minimum payment within 60 days of the due date or the borrower fails to meet any repayment terms; or (c) the borrower's action or inaction adversely affects the Property or Chase's rights in it by defaulting on the mortgage or lien, failing to keep the Property insured, failing to pay real property taxes and assessments, or failing to keep the Property properly maintained and in good repair. [Dkt. No. 1-1, 6]. Humble explains that he was not in default because he missed no payments on the premium. [Complaint, 5]. In addition, although it is not clear how this is relevant, Humble claims that he is not in default because he is current on property taxes and because the house was not uninhabitable.

Humble further alleges that Chase breached the Contract by not giving him possession of the deed of trust. [Complaint, 3]. The Contract terms include a mortgage release when all payments have been made. [Dkt. No. 1-1, 6]. Humble alleges that he made all mortgage payments and has a zero balance. [Complaint, 7]. Accepting Humble's allegations as true and drawing reasonable inferences in Humble's favor, it is plausible that all amounts under Humble's account were paid and Chase breached the Contract by not releasing the mortgage.

Humble alleges that the Contract's terms do not provide a provision for charging late fees, but, that he was charged late fees [Complaint, 6]. Humble thus states sufficient facts to make it plausible that Chase breached the Contract by charging him late fees despite no provision in the Contract.

Finally, Humble claims that he was injured because Chase's conduct affected his credit and caused his accounts to go into default. [Id., 6]. Humble also alleges that Chase's actions caused him and his family pain and suffering. [Id., 5].

Accepting Humble's allegations as true — that he had no missing payments; Chase provided erroneous statements, fees, and penalties; he is current on all

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CONT... Fred Feraydoon Humble

Chapter 13

property taxes; and that the house was not uninhabitable — it is plausible that Chase breached the Contract by improperly placing Humble's account in default. In evaluating a motion to dismiss, the court accepts a plaintiff's well-pleaded factual allegations as true and draws reasonable inferences in plaintiff's favor. As such, Humble has stated allegations that make it plausible that Chase breached the Contract.

Humble has stated sufficient facts to allege a plausible breach of contract claim as to his first cause of action. First, there is a contract in the form of the HELOC and Disclosure Statement. Second, Humble alleges performing all conditions, covenants, and promises on his part under the terms and conditions of the Contract. Third, it is plausible that Chase breached the terms of the Contract. Fourth, Humble alleges damages in the form of pain and suffering, his account going into default, and negative effects on his credit.

Humble asserts that Chase also pursued a wrongful foreclosure because it was not authorized under the contract. The Contract provides Chase the right to foreclose on a property in default. [Dkt. No. 1-1, 6-7]. This allegation will be struck. As to the remaining allegations listed above, Humble's first cause of action states sufficient allegations for a plausible breach of contract claim against Chase. Chase's Motion is thus DENIED as to the first cause of action.

Humble's second cause of action alleges that Chase violated California Civil Code § 1102 by charging him erroneous late fees, penalties, and finance charges. [Complaint, 8]. Chase also allegedly violated § 1102 by failing to rescind the notice of default after Humble reinstated his account and proceeding with the foreclosure. [Id., 9]. In addition, Chase allegedly failed to disclose, inform, or explain the escrow charges dating back to May 1995, which is allegedly before Humble purchased the Property in October 1999. [Id.]. Moreover, Chase allegedly charged Humble property taxes and insurance despite never paying property taxes and insurance on Humble's behalf, which allegedly contributed to Humble paying late fees, penalties, and interest rates, and to his account going into default. [Id.].

Accepting Humble's factual allegations as true and drawing reasonable inferences in his favor, the allegations are nevertheless not connected to a transfer

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CONT... Fred Feraydoon Humble Chapter 13

of real property under section 1102. Therefore, there is no plausible claim under section 1102. Chase's Motion is GRANTED as to the second cause of action.

Humble filed a late Opposition on October 15, 2019. Humble repeats the allegations in his Complaint, but adds a request for sanctions against Chase for alleged misconduct, wrongful foreclosure proceedings, and inflicting pain and suffering. Humble did not serve Chase with the Opposition. [Dkt. No. 52]. In addition, the deadline to file the Opposition was two weeks before the October 23, 2019 hearing, which was October 9, 2019. LBR 9013-1. The Opposition was thus not timely filed. Any additional requests in this pleading will not be considered.

Defendant must answer the complaint by November 15, 2019.

Party Information

Debtor(s):

Fred Feraydoon Humble	Pro Se
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Defendant(s):

JPMorgan Bank, N.A. Chase Home	Represented By Justin D Balser
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Plaintiff(s):

Fred Feraydoon Humble, Humble's	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

1:00 PM

1:19-10985 Fred Feraydoon Humble

Chapter 13

Adv#: 1:19-01092 Fred Feraydoon Humble, Humble's Family and Mi v. JPMorgan Bank, N.A.

#40.00 Status Conference Re: Complaint Against
JPMorgan Chase Bank, N.A. and It's
Trustee Quality Loan Service Corp.
"Quality", for Breach of Contract, HELOC
Acct. #1744 Dated Feb. 5, 2003

fr. 9/18/19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Each party must submit a detailed summary of all charges and payments over the course of the loan so that the totals each is alleging can be properly analyzed. Then an evidentiary hearing will be set, once the court has the actual accounting records.

Party Information

Debtor(s):

Fred Feraydoon Humble Pro Se

Defendant(s):

JPMorgan Bank, N.A. Chase Home Pro Se

Plaintiff(s):

Fred Feraydoon Humble, Humble's Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 23, 2019

Hearing Room 302

2:00 PM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

#41.00 Status Conference Re: Chapter 7 Involuntary
Petition Against an Individual.

fr. 8/21/19, 7/31/19

Docket 1

***** VACATED *** REASON: Cont'd to 10/24/19 at 9:30 a.m. (doc. 28) -
hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anzhey Vsevolodo Barantsevich

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, October 24, 2019

Hearing Room 302

9:30 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

**#1.00 Status Conference Re: Chapter 7 Involuntary
Petition Against an Individual.**

fr. 8/21/19, 7/31/19, 10/23/19

Docket 1

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):

Anzhey Vsevolodo Barantsevich

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, October 25, 2019

Hearing Room 302

9:30 AM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

#0.00 Trial
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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19

Docket 151

*** VACATED ***

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, October 25, 2019

Hearing Room 302

9:30 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 29, 2019

Hearing Room 302

10:00 AM

1:17-13125 Yanna Aleksandrovich

Chapter 7

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

#1.00

Trial

re complaint for:

seeking damages in core adversary proceedings

fr. 5/2/18; 10/10/18, 11/14/18, 2/27/19, 3/27/19; 5/22/19

Docket 1

***** VACATED *** REASON: Moved to 1:00 p.m. per order #25. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, October 29, 2019

Hearing Room 302

1:00 PM

1:17-13125 Yanna Aleksandrovich

Chapter 7

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

#2.00

Trial

re complaint for:
seeking damages in core adversary proceedings

fr. 5/2/18; 10/10/18, 11/14/18, 2/27/19, 3/27/19; 5/22/19,

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 30, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#1.00 Motion to Compel Compliance with Court's
Financing Order and Hold Debtor in Contempt
Under 11 U.S.C Section 105; Request for Sanctions
Against Debtor and Its Counsel of Record

fr. 10/16/19

Docket 129

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

10-16-19 TENTATIVE BELOW

Construction Lenders ("Creditor") filed a motion asking this court: (1) to hold PB-1, LLC ("Debtor") in contempt under 11 U.S.C. § 105; (2) for sanctions against Debtor and its counsel of record; (3) for attorneys' fees in seeking to enforce the Financing Order either as sanctions or compensatory damages; and (4) to compel compliance with the court's financing order. [Dkt. No. 129].

The motion for contempt must be denied because it does not comply with Local Bankruptcy Rule 9020-1, which requires the Creditor to file a motion that conforms with LBR 9013-1 and to lodge an order to show cause to initiate contempt proceedings. Creditor neither served Debtor nor lodged an order. In its October 9, 2019 reply, Creditor requested to continue the hearing to allow time for compliance. [Dkt. No. 139, 15]. This may be discussed at the hearing, but may not be necessary.

However, the motion to compel may still be considered because the court has an independent duty to ensure compliance with its orders and to see that the plan is carried out as promised. The motion to compel turns on what the representations about the financing were and what the order provided.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 30, 2019

Hearing Room 302

10:00 AM

CONT...

PB-1, LLC

Chapter 11

The key representations in the supplemental financing motion and the testimony at the hearing were:

On July 5, 2019, Adam Goldberg declared that "Brian Peters and I own forty-four percent (for a total of 88%) of PB 5 LLC, an Arizona limited liability company, which is the owner of Creekside and as managers of PB 5 we have authority to encumber the property." [Dkt. No. 102, ¶ 7]. Goldberg further declared that "Creekside was purchased in January 2017, for 2,975,000 and it consists of over three acres of land and improvements with direct private access to Oak Creek." [Dkt. No. 102, ¶ 4].

During the July 18, 2019 hearing, Goldberg gave the following testimony:

"Q. Right. There was a question about the mortgages on the two properties. You refer to the two properties as one, correct? Copper Creek?"

A. Yeah. I mean there are two separate parcels, but it is the Copper Cliffs Drive property, yes.

Q. And do you have authority to encumber that property?"

A. I do.

Q. When you purchased the two properties together, how much money did you put down?"

A. At the tune of what the difference was from the purchase price to what the loan amount was, so I believe the number is close to 8- or \$900,000.

Q. So you put 8- or \$900,000 down. You borrowed money -- Copper Cliffs borrowed money, correct?"

A. PB-5 borrowed money from Poppy Bank, but at the time, I think it was First Community Bank. [Dkt. No. 127, 54:15-25; 55:1-7].

On July 29, 2019, the court granted the Financing Order under the following terms:

2. The Debtor is authorized to enter into the loan agreement with Agoura Hills Financial, Inc., A California Corporation ("Agoura") on the terms set forth in the

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 30, 2019

Hearing Room 302

10:00 AM

CONT...

PB-1, LLC

Chapter 11

Motion; . . .

4. Recordation of the deed of trust in favor of Agoura shall be subordinated only to liens of the Los Angeles County Treasurer & Tax Collector and to no other liens and/or encumbrances;

5. On or before August 9, 2019, the Debtor shall provide to counsel to Construction Lenders:

a. Copies of the note and deed of trust now encumbering the real property commonly known as 99 Copper Cliffs Drive, Sedona, Arizona ("Copper Cliffs");

b. A proposed deed of trust in favor of Construction Lender for recordation against Copper Cliffs as a second deed of trust in the amount of \$1,000,000.00;

c. Proof of availability of funds in amount of \$250,000.00;

d. Subject to the provisions of this Order and the Debtor's First Amended Plan of Reorganization, Construction Lenders' notes shall bear their contract rate of interest."

[Dkt. No. 110].

On August 8, 2019, one day before the due date stated in the Financing Order, Debtor's counsel emailed Creditor's counsel: (1) a proposed deed of trust and (2) an executed deed of trust. [Dkt. No. 131, 10]. The proposed deed of trust identified PB-1, LLC as the trustor. The executed deed of trust named Daniel J. Marinoff as Trustee on behalf of the Daniel Marinoff and Carol Marinoff Revocable Trust ("Marinoff Trust"). [Dkt. No. 131, Ex. 1]. The title record indicates that the Marinoff Trust is the record title owner of Parcel 1, and PB-5 is the record title owner of Parcel 2. (Johnson Decl. ¶¶ 4-5).

The Financing Order required Debtor to provide Construction Lenders' counsel "copies of the note and deed of trust now encumbering the real property commonly known as 99 Copper Cliffs Drive, Sedona, Arizona ("Copper Cliffs")." Debtor did not comply with the Financing Order because Goldberg represented during the July 18, 2019 hearing that Copper Cliffs Drive is composed of two separate parcels. Mr.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 30, 2019

Hearing Room 302

10:00 AM

CONT... PB-1, LLC

Chapter 11

Goldberg further represented that he purchased the two parcels together. [Dkt. No. 127, 54:15-25; 55:1-4]. Yet, Debtor did not provide copies of a note secured by a deed of trust that encumbers both parcels. Moreover, title records indicate that PB-5 is not the record title owner of both parcels as represented by Goldberg. The Marinoff Trust is the record title owner of Parcel 1, and PB-5 is the record title owner of only Parcel 2. (Johnson Decl. ¶¶ 4-5).

Debtor also failed to comply with the Financing Order because Goldberg declared that "Copper Cliffs," also known as "Creekside," would consist of "over three acres of land and improvements with direct private access to Oak Creek." [Dkt. No. 102, ¶ 4]. However, the Record of Survey shows that Parcel 1 is 1.07 acres, and Parcel 2 is 1.00 acre. (Johnson Decl. ¶ 7).

In its Opposition, Debtor's counsel argued that Debtor sent the proposed trust deed on August 8, 2019 for Creditor to edit, but Creditor did not revise the proposed deed of trust until more than one week later. Moreover, Creditor's revised deed of trust was unusable because it included the Marinoff Trust. [Dkt. No. 137]. Debtor further asserts that Construction Lenders failed to include language in the Financing Order requiring adequate protection through recordation of the trust deed before priming the loan. [Id., 4]. Debtor argues that Construction Lenders failed to perform due diligence to determine the owners of each parcel, the land area, among other things. [Id., 6, 7]. Debtor also asserts that the Financing Motion did not require Debtor to wait for the recordation of an adequate protection trust deed before recording the priming deed of trust. [Id., 4].

Debtor misses the point. The relevant issue is that Goldberg testified under oath that the property, "Copper Cliffs," which the Financing Motion specifically identifies, would consist of two parcels, which Goldberg testified that he purchased, and declared would consist of over three acres. The arguments concerning the appropriateness of the security instruments encumbering the property, whether Creditor's counsel performed due diligence, and various interpretations of the Financing Order language, do not change the fact that Goldberg provided false testimony and declaration about the characteristics of the

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, October 30, 2019

Hearing Room 302

10:00 AM

CONT... PB-1, LLC

Chapter 11

property that is the subject of the Financing Order.

Whether debtor should have waited to record the deed before priming the loan is a matter of interpretation of the order. The speed and failure to give Creditor adequate time for its due diligence only adds to the impression that Goldberg was avoiding close scrutiny of the so called adequate protection he was offering. What we should do about this will be discussed further at the hearing.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 5, 2019

Hearing Room 302

10:00 AM

1:18-12174 Hengameh Zadeh

Chapter 7

**#1.00 Motion for Turnover of Real Property of
the Estate**

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12569 Leonard Mendoza

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 -

Party Information

Debtor(s):

Leonard Mendoza

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12605 Ramin Ghamsari

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 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramin Ghamsari	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12623 Jocelyn Valle

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 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jocelyn Valle

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12686 Octavio Magallanes

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 -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12671 Salvador Aguilera

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 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Aguilera

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12674 Jose Antonio Ramirez

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Ramirez	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12673 Thomas Milton Petty

Chapter 13

#0.07 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 -

Party Information

Debtor(s):

Thomas Milton Petty	Pro Se
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Trustee(s):

Elizabeth F Rojas (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

9:30 AM

1:19-12668 Jason Freedman

Chapter 13

#0.08 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 -

Party Information

Debtor(s):

Jason Freedman

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#1.00 Motion for relief from stay

U.S.BANK N.A., SUCCESSOR TRUSTEE
BANK OF AMERICA, et., al.

fr. 8/21/19; 9/25/19

Docket 708

*** VACATED *** REASON: Cont'd per stipulation to January 8, 2020 at
10:00 a.m. - hm

Tentative Ruling:

- NONE LISTED -

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
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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:15-12120 Christopher Babson

Chapter 13

#2.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/2/19

Docket 72

*** VACATED *** REASON: Parties stipulated to an APO [#78] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Babson

Represented By
Ellen M. Cheney

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
John Rafferty
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:16-12315 Martha Alicia Ybanez

Chapter 11

#3.00 Motion for relief from stay

MICHELLE SOCHIL

fr. 10/2/19

Docket 155

Tentative Ruling:

Cont'd. fr. 10-2-2019

Continued to a date after the state court can decide what to do with the motion to vacate. Plaintiff needed a limited RFS to allow the state court to act.

Debtor filed an Opposition.

The court issued an order granting, in part, a limited RFS to permit the state court to determine Debtor's motion to vacate the default and default judgment based on State law issues of service, notice, diligence, and the like only. The court declined to lift the stay as to all issues related to the bankruptcy stay.

Plaintiff filed a Response asking the court to annul the stay. Plaintiff argues that it is being prejudiced because new evidence was discovered that Debtor sold the business, and the business, witnesses, and evidence are gone.

Plaintiff also filed a declaration re: the state court order and newly discovered evidence.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Martha Alicia Ybanez

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Martha Alicia Ybanez

Chapter 11

Movant(s):

Michelle Sochil

Represented By
Edmond Richard McGuire

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#4.00 Motion for relief from stay

WILMINGTON TRUST

Docket 89

Tentative Ruling:

Petition Date: 6-29-2017
Chapter 13 Plan Confirmed: 3-6-2018
Service: Proper. Late Opposition filed.
Property: 21608 Los Alimos Street
Chatsworth, CA 91311-1333
Property Value: \$500,000 (per debtor's schedules)
Amount Owed: \$492,407.04
Equity Cushion: 0.0%
Equity: \$10,342.13.
Post-Petition Delinquency: \$16,117.81 (3 late payments of \$2,836.35, \$3,319.11, and \$3,359.88 each).

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); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

Debtors filed a late Opposition explaining that the Property is necessary for an effective reorganization because it is Debtors' primary residence. Debtors further explain that they experienced financial hardship, which caused the loan default. Debtors request a repayment agreement to cure any post-petition delinquency.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Anthony Antonello

Represented By
Kevin T Simon

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Anthony Antonello and Tamara Marie Antonello

Chapter 13

Joint Debtor(s):

Tamara Marie Antonello

Represented By
Kevin T Simon

Movant(s):

Wilmington Trust, National

Represented By
Dipika Parmar
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:17-11993 Oleg Stepakov

Chapter 13

#5.00 Motion for relief from stay

JPMORGAN CHASE BANK

Docket 32

Tentative Ruling:

Petition Date: 7-26-2017
Chapter 13 Plan Confirmed: 11-14-2017
Service: Proper. No opposition filed.
Property: 2016 Mazda CX-5
Property Value: \$20,423 (per debtor's schedules)
Amount Owed: \$22,575.64
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$Unknown (Debtor's last payment was on 8-9-2019)

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):

Oleg Stepakov

Represented By
Alla Tenina

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:18-10114 Calina Guadalupe Salgado

Chapter 13

#6.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 64

Tentative Ruling:

Petition Date: 1-11-2018
Chapter 13 Plan Confirmed: 11-27-2018
Service: Proper (co-owner served). Late Opposition filed.
Property: 8817 Lindley Avenue, Northridge, CA 91325-3024
Property Value: \$518,673 (per debtor's schedules)
Amount Owed: \$410,427.23
Equity Cushion: 13.0%
Equity: \$108,245.77.
Post-Petition Delinquency: \$15,519.24 (2 late payments of \$2,299.23 each and 5 late payments of \$2,296.92 each).

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 **13** (if stay not granted, order APO).

Debtor filed a late Opposition explaining that she paid all mortgage payments in good faith and only stopped paying when U.S. Bank informed her that she had a credit on the account and did not have to pay for a few months. Debtor requests an APO for the missing payments.

Is Movant willing to enter into an APO?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Calina Guadalupe Salgado

Represented By
Anthony P Cara

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Calina Guadalupe Salgado

Chapter 13

Movant(s):

U.S. Bank National Association as

Represented By
Ashish R Rawat
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

#7.00 Motion for relief from stay

JOHN LEVIN MD

Docket 74

Tentative Ruling:

Petition Date: 3-21-2018

Chapter: 7 (no asset)

Service: Proper. Opposition filed.

Movant: John Levin, M.D.

Relief Sought to: Pursue Pending Litigation Commence Litigation
Pursue Insurance

Other: Movant seeks to renew and amend State Court judgment.

Litigation Information

Case Name: John Levin, M.D. v. John Gordon Jones

Court/Agency: California Superior Court, Santa Monica

Date Filed: 6-1-2009

Judgment Entered: 4-2-2010

Trial Start Date: Unknown

Action Description: The State Court has adjudicated the matter, and Creditor seeks to renew his judgment against Debtor and to amend the judgment to add Debtor's companies as a judgment debtor.

Grounds

Bad Faith Claim is Insured Claim Against 3rd Parties Nondischargeable

Mandatory Abstention Non-BK Claims Best Resolved in Non-BK Forum

Other: Creditor seeks to lift the stay for the limited purpose of renewing a State Court judgment against Debtor, which will expire in April 2020, and to amend the judgment to add Debtor's companies.

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs **5** (waiver of the 4001(a)(3) stay); and **6** (relief binding & effective for 180

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... **John Gordon Jones**
days against any debtor).

Chapter 7

Debtor filed an Opposition arguing that he needs the stay to research the status of his account with Creditor concerning the State Court judgment. Debtor alleges making payments to Creditor. Debtor asserts that he will be severely prejudiced if the stay is lifted.

Movant filed a Reply arguing that Debtor's Opposition is not connected to the Motion and serves only to muddy the waters. Movant argues that any payments Debtor made will be accounted for and stated in Movant's application for renewing the judgment. Debtor allegedly does not need the stay to research how much is owed to Movant.

There is a pending adversary proceeding in which Movant filed a complaint for exception to discharge and objection to discharge.

Parties should be prepared to discuss how the requested relief affects the adversary.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Movant(s):

John Levin, M.D.

Represented By
Michael Jay Berger

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#8.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr, 10/16/19

Docket 52

*** VACATED *** REASON: Parties stipulated to an APO [#61] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yoonah Mason

Represented By
Kevin T Simon

Movant(s):

U.S. Bank National Association, as

Represented By
Josephine E Salmon
Arnold L Graff
Angie M Marth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-10802 Cristina Flor

Chapter 13

#9.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

Docket 46

Tentative Ruling:

Petition Date: 4-4-2019

Chapter 13 Plan Not Confirmed: formerly a no asset Ch. 7.

Service: Proper. Opposition filed.

Property: 2018 Tesla

Property Value: \$ (per debtor's schedules)

Amount Owed: \$55,471.18

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$3,920.61 (2 late payments of \$1,865.30 and \$1,437.69 each).

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraphs **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

Debtor filed an Opposition arguing that Movant did not account for payments made. Debtor also asserts that Property is insured and that she will be prejudiced if the nonbankruptcy action is allowed to continue in the nonbankruptcy forum.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Cristina Flor

Represented By
Hasmik Jasmine Papian

Movant(s):

LOGIX FEDERAL CREDIT

Represented By
Reilly D Wilkinson

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11047 Edward Leonard Gaines

Chapter 13

#10.00 Motion for relief from stay

WELLS FARGO BANK

fr. 10/2/19

Docket 16

*** VACATED *** REASON: Parties stipulated to APO and order granting RFS entered [#23] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Leonard Gaines

Represented By
Scott Kosner

Movant(s):

Wells Fargo Bank, National

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#11.00 Motion for relief from stay

HSBC BANK USA

Docket 47

Tentative Ruling:

Petition Date: 5-22-2019

Chapter: 13

Service: Proper (co-debtor served). Opposition filed.

Property: 22344 Burton Street, Canoga Park, CA 91304

Property Value: \$520,000 (per debtor's schedules)

Amount Owed: \$487,103.60

Equity Cushion: 0.0%

Equity: \$32,896.40.

Post-Petition Delinquency: \$18,457.85 (2 late payments of \$3,737.74 and 3 late payments of \$3,660.79).

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); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

Debtor filed an Opposition explaining that his severe sickness caused income loss. Debtor argues that (1) this Motion is premature because Debtor has been working on his loan modification application after an order granting his motion to enter loan modification was entered; (2) Debtor has provided his counsel funds to tender to Movant; and (3) Debtor is prepared to make adequate protection payments of \$2,478 per month during the LMM program.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ronald Harris Gladle

Represented By
Matthew D. Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Ronald Harris Gladle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Erica T Loftis Pacheco
Darren J Devlin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11676 Scott Michael Graffius

Chapter 13

#12.00 Motion for relief from stay

US BANK NATIONAL ASSO.

Docket 15

Tentative Ruling:

This case was dismissed on October 4, 2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Scott Michael Graffius

Represented By
Jeffrey J Hagen

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

#13.00 Motion for relief from stay

ACAR LEASING LTD DBA
GM FINANCIAL LEASING

Docket 21

*** VACATED *** REASON: Stip. filed to cont. rfs hearing to 11/20/19 at
10 a.m. -ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Michael Niblett

Represented By
Elena Steers

Movant(s):

ACAR Leasing LTD d/b/a GM

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11923 Grace DeGuzman Castillo

Chapter 13

#14.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATES

Docket 25

Tentative Ruling:

Petition Date: 7-31-2019

Chapter 13 Plan Not Confirmed.

Service: Improper (co-owners served, but not secured creditor). No Opposition filed.

Property: 10204 Hanna Avenue, Los Angeles, CA 91311-2817

Property Value: \$592,000 (per debtor's schedules)

Amount Owed: \$505,863.25

Equity Cushion: 7.0%

Equity: \$91,151.34

Post-Petition Delinquency: \$8,902.10 (2 late payments of \$3,935.55 each).

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); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

Debtor's Schedule D indicates that Mr. Cooper holds a \$460,061 lien on the Property. Under LBR 4001-1(c)(1)(C)(iv), the movant must serve, if relief is sought as to property of the estate, the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record.

Movant must serve this secured creditor.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Grace DeGuzman Castillo

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Grace DeGuzman Castillo

Chapter 13

R Grace Rodriguez

Movant(s):

U.S. Bank National Association, as

Represented By
Arnold L Graff
Cassandra J Richey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11974 Dilip Vasant Ghotikar

Chapter 7

#15.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

Docket 11

Tentative Ruling:

Petition Date: 8-5-2019
Chapter: 7 (no asset)
Service: Proper. No Opposition filed.
Property: 9364 Hawk Eye Lane, Arleta, CA 91331
Property Value: \$599,000 (per debtor's schedules)
Amount Owed: \$545,012.32
Equity Cushion: 1.0%
Equity: \$53,987.68
Post-Petition Delinquency: \$N/A
Other: Debtor has not made 67 payments totaling \$202,464.74

GRANT relief under 11 U.S.C. 362(d)(1) & (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 **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):

Dilip Vasant Ghotikar

Represented By
Scott Kosner

Movant(s):

Logix Federal Credit Union FKA

Represented By
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Dilip Vasant Ghotikar

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11996 Shaka Robinson

Chapter 7

#16.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES

Docket 14

Tentative Ruling:

This case was dismissed on October 7, 2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Shaka Robinson

Pro Se

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Jennifer H Wang

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12035 Leonor Cecilia Garcia

Chapter 13

#17.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 27

Tentative Ruling:

Petition Date: 8-13-2019

Chapter 13.

Service: Proper. No Opposition filed.

Property: 2017 Honda Clarity

Property Value: \$Unknown (per debtor's schedules)

Amount Owed: \$34,593.08

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$897.22 (2 late payments of \$236.59 each)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (waiver of co-debtor stay); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Leonor Cecilia Garcia

Represented By
Ali R Nader

Movant(s):

HONDA LEASE TRUST

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12144 Alex Khorrami

Chapter 13

#17.01 Motion for relief from stay

MAGNUM PROPERTY INVESTMENTS, LLC

Docket 14

Tentative Ruling:

Petition Date: 8-27-2019

Ch: 13

Service: Proper. No Opposition filed.

Movant: Magnum Property Investments, LLC

Property Address: 6400 Kenwater Place, West Hills, CA 91307

Type of Property: Residential

Occupancy: Holdover after foreclosure sale.

Foreclosure Sale: 8-27-2019. Movant acquired title by foreclosure before petition filed.

UD case filed: 9-10-2019

UD Judgment: N/A

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (retroactive annulment of stay); and **6** (waiver of 4001(a)(3) stay).

Movant argues that cause exists to annul the stay under the factors listed in In re Fieldsted, 293 B.R. 12, 26 (9th Cir. B.A.P. 2003). Movant argues that the stay was not in effect at the time of the foreclosure sale; Debtor filed the case in bad faith, which involved multiple bankruptcy filings, to delay and/or hinder Movant's efforts to exercise its state law remedies to foreclose; Debtor will not be prejudiced by the annulment; and Debtor's Ch. 13 plan was dismissed, so the Property was not necessary for an effective reorganization.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Alex Khorrami

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Alex Khorrami

Chapter 13

Movant(s):

Magnum Property Investments, LLC

Represented By
Lane M Nussbaum

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12288 Jorge Luis Torrez

Chapter 7

#18.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 10

Tentative Ruling:

Petition Date: 9-11-2019
Chapter: 7 (no asset)
Service: Proper. No Opposition filed.
Property: 2015 Toyota Corolla
Property Value: \$10,650 (per Movant's valuation)
Amount Owed: \$16,519.09
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: N/A
Other: \$1,680.93 in arrears

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 Luis Torrez

Represented By
Marc C Rosenberg

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 303 Calendar**

Wednesday, November 6, 2019

Hearing Room 303

10:00 AM

1:19-12418 Rosana Benavides

Chapter 13

#19.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 7

Tentative Ruling:

Petition Date: 9-25-2019
Ch 13 Case Dismissed: 10-22-19 [#13]
Service: Proper. No Opposition filed.
Movant: BONYM
Property Address: 25230 Sagecrest Cir., Stevenson Ranch, CA 91381
Type of Property: Residential
Occupancy: Holdover after foreclosure
Foreclosure Sale: 10-16-2018
UD case filed: 2-4-2019
UD Judgment: Trial continued to 10-23-2019

Disposition: GRANT relief as requested in paragraph **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); **8** (relief under 362(d)(4)); and **9** (order binding and effective in any bankruptcy case against any debtor for 180 days).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Rosana Benavides

Pro Se

Movant(s):

The Bank of New York Mellon, fka,

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 303 Calendar**

Wednesday, November 6, 2019

Hearing Room 303

10:00 AM

CONT... Rosana Benavides

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12564 Heidi Mofrad

Chapter 13

#19.01 Motion for relief from stay

MAGNUM PROPERTY INVESTMENTS, LLC

fr. 10/23/19

Docket 8

Tentative Ruling:

Cont'd. from 10/23/19

At the last hearing, Debtor was instructed to file documents, including the schedules, at the end of the hearing. Nothing has been filed since the last hearing.

What is the status of this Motion?

APPEARANCE REQUIRED.

10/23/19 Tentative Below:

Petition Date: 10/9/19

Ch: 13 (*pro se*)

Service: Proper on shortened time procedure. Opposition filed.

Movant: Magnum Property Investments, LLC (purchaser at foreclosure)

Property Address: 6400 Kenwater Place, West Hills, CA 91307

Type of Property: residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 8/27/19

UD case filed: 9/10/19

UD Judgment: n/a

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). Movant alleges that this case was filed in bad faith because multiple repeat filings have affected the Property. Movant alleges that Debtor and her husband have filed at least seven cases affecting the Property merely to frustrate the foreclosure process, all of which but one were dismissed.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Heidi Mofrad

Chapter 13

Debtor opposes the Motion, arguing that she wasn't given sufficient time on shortened notice to respond. She further argues that the foreclosure sale is invalid because her husband Ardashir (Alex) Khorrami was a debtor in a case filed on the same day as the foreclosure sale, 19-12144-MT (the "Ardashir Bankruptcy"). The Ardashir Bankruptcy was dismissed for failure to file schedules on September 16, 2019. Movant has moved for annulment of the stay in the Ardashir Bankruptcy; the hearing is set for November 6, 2019, at 10:00 a.m.

Having reviewed the histories of this case, the Ardashir Bankruptcy, and the other prior bankruptcy filings by Debtor and Ardashir Khorrami, the Court finds cause to continue this hearing to **November 6, 2019, at 10:00 a.m.**, to be heard with the Motion to Annul Stay in the Ardashir Bankruptcy.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Heidi Mofrad

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12545 Moses Vahan Sahakian

Chapter 7

#20.00 Motion for relief from stay

LINDE APARTMENTS, LLC

Docket 13

Tentative Ruling:

Petition Date: 10-8-2019

Ch: 7 (no asset)

Service: Proper. No opposition filed.

Movant: Linden Apartments LLC

Property Address: 23460 Cinema Drive, Santa Clarita, CA 91354

Type of Property: Nonresidential

Occupancy: Holdover after lease default

Foreclosure Sale: N/A

UD case filed: 5-3-2019

UD Judgment: Trial continued to 11-18-2019

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); and **9** (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.

Party Information

Debtor(s):

Moses Vahan Sahakian

Pro Se

Movant(s):

Linden Apartments, LLC

Represented By
Barry L O'Connor

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Moses Vahan Sahakian

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12652 Fairfax Property Group, LLC

Chapter 7

#20.01 Order to show cause re Dismissal with
180-day bar to refile

Docket 4

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Fairfax Property Group, LLC

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor

Chapter 11

#21.00 Post-Confirmation Status Conference

fr. 1/12/17, 8/16/17, 11/1/17, 10/25/17, 12/13/17,
3/21/18, 1/30/19, 2/6/19

Docket 16

Tentative Ruling:

No Status report filed.

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor

Chapter 11

#22.00 Motion to Declare Proofs of Claim Timely

Docket 118

Tentative Ruling:

No opposition filed. Motion GRANTED. Order should be uploaded on LOU.
NO Appearance required.

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:16-13295 K&A Global Management Company, a California corpor Chapter 11

Adv#: 1:19-01086 Walters et al v. K&A Global Management Company, a California corpor

#23.00 Status Conference for Declaratory Relief

fr. 9/18/19

Docket 1

Tentative Ruling:

There has been no further status report after the denial of the motion to dismiss. The answer was due November 1. If the parties have not yet exchanged Rule 26 discovery and need a continuance, they should file such a request immediately.

Party Information

Debtor(s):

K&A Global Management

Represented By
Jeffrey S Shinbrot

Defendant(s):

K&A Global Management

Pro Se

Plaintiff(s):

James Walters

Represented By
Amman A Khan

Kellogg & Andelson Accountancy,

Represented By
Amman A Khan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-10828 Anna Barseghian

Chapter 7

Adv#: 1:19-01083 Zamora, Chapter 7 Trustee v. Baron et al

#24.00 Status Conference Re: Compliant for Avoidance of Transfer; Recovery of Avoided Transfer; Determination of Value, Priority, Extent and Validity of Lien; Declaratory Relief; Quiet Title; To Remove Cloud on Title; and Injunction

fr. 9/18/19

Docket 1

*** VACATED *** REASON: cont'd to 1/8/20 at 10 am

Tentative Ruling:

It appears this matter was not continued far enough out to have the default judgment or settlement motion filed as requested in the last motion. Having reviewed the docket and the procedural history of this case, the Court finds cause to continue this status conference to **January 8, 2020 at 10:00 a.m.** so that Plaintiff may file a Motion for Default Judgment or motion to approve settlement.

APPEARANCE WAIVED ON 11/6/19.

Party Information

Debtor(s):

Anna Barseghian

Represented By
Aris Artounians

Defendant(s):

Van Baron

Pro Se

Does 1-20

Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Anna Barseghian

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery
Law Office of Wesley H. Avery, APC

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-10828 Anna Barseghian

Chapter 7

Adv#: 1:19-01084 Zamora, Chapter 7 Trustee v. Barseghian

#25.00 Status Conference Re: Complaint for Denial
of Discharge.

fr. 9/18/19

Docket 1

***** VACATED *** REASON: Cont'd to 1/8/20 at 10 am**

Tentative Ruling:

It appears this matter was not continued long enough last motion to have settlemnt motion filed. Having reviewed the docket and the procedural history of this case, the Court finds cause to continue this status conference to **January 8, 2020 at 10:00 a.m.** so that Plaintiff may file a Motion for Default Judgment.

APPEARANCE WAIVED ON 11/6/19

Party Information

Debtor(s):

Anna Barseghian

Represented By
Aris Artounians

Defendant(s):

Anna Barseghian

Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By
Wesley H Avery

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery
Law Office of Wesley H. Avery, APC

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-10925 Roben Saeidian

Chapter 7

Adv#: 1:19-01090 POURATI v. Saeidian

#26.00 Status Conferencr Re: Complaint for Non-Dischargeability and Objection to Discharge for:

- 1 - Debts Incurred through Fals Pretenses, False Representation or Actual Frad under 11 USC Sec. 523(a)(2)(A);
- 2 - Debts incurred through Conversion under 11 USC Sec. 523(a)(4);
- 3 - Debts Incurred through Willful and Malicious Injury to Property under 11 USC sec. 523(a)(6);
- 4 - Objection to Discharge under 11 USC Sec. 727(a)(5)
- 5 - Objection to Discharge under 11 USC Sec. 727(a)(s); and
- 6 - Objection to Discharge under 11 USC Sec. 727(a)(3).

Docket 1

Tentative Ruling:

Parties may submit a mediation order. Please advise how long a continuance is needed for whatever RFS motion is being brought or to know what trustee payments will be.

Party Information

Debtor(s):

Roben Saeidian

Represented By
Hamid Soleimanian

Defendant(s):

Roben Saeidian

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Roben Saeidian

Chapter 7

Plaintiff(s):

ORAH POURATI

Represented By
David Pourati
Leonardo Drubach

Trustee(s):

David Seror (TR)

Represented By
Elissa Miller

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

#27.00 Motion of Jubilio Escalera to Set Aside Default

Docket 24

Tentative Ruling:

Plaintiff Robert Sautter ("Plaintiff") filed a verified Complaint against Santa Fe General Construction, Inc., Julio Escalera, et. al. The Complaint alleged (1) fraud; (2) civil conspiracy; (3) expungement of mechanic's liens; (4) quiet title; (5) cancellation of instruments; (6) title slander; (7) elder abuse; (8) declaratory relief; and (9) injunctive relief. The court entered default. Santa Fe General Construction, Inc. ("Santa Fe") and Jubilio Escalera (collectively, "Defendants") now move the court to set aside the default and resolve the issues on the merits ("Motion").

Plaintiff, who is 88 years old, owns and resides on a property located in Sherman Oaks, California ("Property"). Plaintiff and his wife purchased the Property and placed it in a trust. When Plaintiff's wife died, Plaintiff became the trust's sole trustee. The events leading to the adversary proceeding arose when Plaintiff's home went into foreclosure, and Plaintiff was introduced to Escalera, who allegedly promised to assist Plaintiff in saving his home from foreclosure. Escalera allegedly induced Plaintiff to sign over a fractional interest of the Property to a trust, which Escalera allegedly had formed without Plaintiff's knowledge. Plaintiff alleges that he has no affiliation with the trust, did not participate in the trust's formation, and is not aware of the named trustees whom he has never met. Plaintiff asserts that on the day before the foreclosure sale, one of the trustees, Lorena, filed a chapter 13 bankruptcy petition without Plaintiff's authorization and knowledge. Lorena included the Property as one of her assets. Later, Santa Fe, Escalera, and other defendants allegedly recorded mechanic's liens against the Property with neither Plaintiff's knowledge nor a written agreement with Plaintiff authorizing any work on the Property. Plaintiff also alleges that someone purporting to be him conveyed title to the Property to one of the defendants.

Santa Fe is a corporation and is unrepresented by counsel. A corporation or other artificial entity must be represented by counsel in federal court. Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993); United States v. Hagerman, 545 F.3d 579, 581 (7th Cir. 2008); Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985). A corporation may appear without counsel to file a proof of claim,

**United States Bankruptcy Court
Central District of California
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Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... **Robert Benjamin Sautter**

Chapter 13

to support an application for professional compensation, or to file a reaffirmation agreement if signed by an authorized representative of the entity. LBR 9011-2(a). Here, Escalera, who is not an attorney, is improperly representing Santa Fe. The Motion is DENIED as to Santa Fe because Santa Fe is unrepresented by counsel.

There are separate grounds for denial of the Motion as to both Defendants. Under Federal Rules of Bankruptcy Procedure ("FRBP") 7055, Federal Rules of Civil Procedure ("FRCP") 55 applies in adversary proceedings. Under FRCP 55, the court may set aside an entry of default for "good cause," and it may set aside a default judgment under Rule 60(b). The court evaluates whether a party has shown good cause by assessing three factors: (1) whether the defendant's culpable conduct contributed to the default; (2) whether setting aside the default will prejudice plaintiff; and (3) whether the defendant lacks a meritorious defense. TCI Group Life Ins. Plan v. Knoebber, 244 F.3d 691, 696 (9th Cir. 2001), *overruled on other grounds*, Egelhoff v. Egelhoff ex rel. Breiner, 532 U.S. 141 (2001). The party seeking to vacate a default judgment bears the burden of demonstrating that these factors favor setting aside the entry of default. TCI Group Life Ins., 244 F.3d at 696. The standard for determining whether to vacate an entry of default is the same as the standard used to determine whether to set aside a default judgment under Rule 60(b). United States v. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010). The factors are disjunctive, such that a finding that any one of these factors is true is sufficient reason for the court to set aside the default. Id.

A court has the discretion to grant or deny a motion to vacate a default judgment. Pena v. Seguros La Comercial, 770 F.2d 811, 814 (9th Cir. 1985). This discretion is limited, however, by two important policy considerations. Id. First, "judgment by default is a drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits." Mesle, 615 F.3d at 1091 (quoting Falk v. Allen, 739 F.2d 461 (9th Cir. 1984)). Additionally, relief from judgment is remedial and must be liberally applied. Mesle, 615 F.3d at 1091. Moreover, although the same test applies for motions seeking relief from entry of default under Rule 55(c) and default judgment under Rule 60(b), the test is more liberally applied in the Rule 55(c) context. Id., n.1. _____

Culpable Conduct

A party's conduct is culpable if he or she has received actual or constructive notice of an action's filing *and* intentionally failed to answer. Id. at 697 (citation omitted). A defendant's failure to answer is intentional if it is willful, deliberate, or evidence of bad faith. Id. (citation omitted). A defendant, who neglectfully fails to

**United States Bankruptcy Court
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Wednesday, November 6, 2019

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10:00 AM

CONT... **Robert Benjamin Sautter**

Chapter 13

answer, and provides a credible, good faith explanation, which negates any intention to take advantage of the opposing party, interfere with judicial decision making, or otherwise manipulate the legal process is not acting intentionally. Id. Such a defendant is not necessarily culpable. Id. In determining culpability, courts consider the circumstances, such as whether legal counsel represented the defendant, exigent circumstances, or the defendant's mental state. Mesle, 615 F.3d at 1093 (determining that party's conduct not culpable because party not represented by counsel); TCI Group Life Ins., 244 F.3d at 699.

Here, Defendants failed to answer after Plaintiff served them with notice of the summons and complaint at their last known address and at the address currently listed with the California Secretary of State. Escalera provided no evidence whatsoever of his claim of not receiving notice of the summons and complaint. There is no declaration and no statement about the address or service – simply a recitation of rote legal standards. Defendants have not disputed that the address for service was correct. Defendants are also not allegedly represented by counsel, as the Motion lists no attorneys for Defendants. The Motion is, however, clearly not a pro se pleading. It is a detailed, well-formatted legal pleading reciting case law and formulaic default judgment standards. It includes a "request for judicial notice" with legal citations. Although it contains no facts and no declarations, it is clearly done by counsel who has not disclosed it.

Prejudice to Plaintiff

The standard for determining prejudice is whether setting aside a default will hinder a plaintiff's ability to pursue a claim. TCI Group Life Ins., 244 F.3d at 701 (citations omitted). The setting aside of a default must result in greater harm to the plaintiff than merely delaying the case's resolution. Id. For a delay to be prejudicial, it "must result in tangible harm, such as loss of evidence, increased difficulties in discovery, or greater opportunity for fraud or collusion." Id. (quoting Thompson v. American Home Assur. Co., 95 F.3d 429, 433-34 (6th Cir. 1996)). Merely being forced to litigate on the merits or incurring costs to litigate is not prejudicial. TCI Group Life Ins., 244 F.3d at 701.

Here, Defendants filed the Motion to vacate entry of default in less than one month after the entry of default and have also filed an opposition to Plaintiff's motion for default judgment. They have done nothing, however, to explain the delay. Plaintiff is an 88-year-old veteran who was at risk of losing his home due to foreclosure on an allegedly invalid reverse mortgage and invalid mechanic's liens. Any delay in resolving this action puts a vulnerable plaintiff at further risk.

**United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff credibly argues that vacating the entry of default will result in prejudice in the form of Escalera engaging in more fraud or collusion. Plaintiff details in the Complaint that Escalera acted in bad faith by recording various mechanic's liens on the property despite having no contract with Plaintiff and having performed no work. Plaintiff attaches the supporting documents to his Complaint. The adversary proceeding has yet to be litigated and resolved, however, the Complaint provides considerable detail along with attachments of recorded documents and dates of transfers. Defendants provide no response of any sort to these detailed allegations. The court finds that setting aside the entry of default will significantly prejudice Plaintiff.

Meritorious Defense

A party in default must provide a meritorious defense. TCI Group Life Ins., 244 F.3d at 700; Hawaii Carpenters' Trust Funds v. Stone, 794 F.2d 508, 513 (1986). The underlying concern for this requirement is determining whether there is some possibility that the lawsuit's outcome after a full trial will be contrary to the result caused by the default. Stone, 794 F.2d. at 513. While the burden on the party seeking to vacate a default judgment is not extraordinarily heavy, Defendants have not presented any facts or law sufficient to assert a defense. The question of whether the defenses are true is determined in the later litigation, but there are no specific facts on which to even determine what defenses there are. To justify vacating a default judgment, a party must present the district court with specific facts that would constitute a defense. Franchise Holding II, LLC v. Huntington Rests. Group, Inc., 375 F.3d 922, 926 (9th Cir. 2004)(citation omitted). A mere general denial or conclusory statements without facts to support it is not enough to justify vacating a default or default judgment. Id.

Defendants not only failed to produce any evidence to support their defenses, but also failed to present specific statements of any sort. Defendants allege having filed an answer, but none was filed or attached to the Motion. Defendants did assert nine boilerplate defenses in the Motion, which they repeat in their opposition to Plaintiff's motion for default judgment. Defendants assert that they have acted in good faith; Plaintiff acted in bad faith for the improper, immoral, or illegal purpose and to harass the defendants; the doctrine of laches bars Plaintiff's claims; Plaintiffs claims are estopped; among other defenses. Although the standard for Defendants to present a defense is not extraordinarily heavy, Defendants' asserted defenses are unsupported by specific facts. Defendants have not satisfied their burden to present a meritorious defense.

Motion to vacate default and opposition to default judgment are DENIED.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Defendant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Chaidez Construction, Inc. Pro Se

Cesar Chaidez Pro Se

Lorena Lara Pro Se

Humberto Lara Pro Se

John White Pro Se

Movant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Plaintiff(s):

Robert Benjamin Sautter

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

#27.01 Plaintiff's Motion for Default Judgment Under LBR 7055-1

fr. 10/23/19

Docket 26

Tentative Ruling:

Plaintiff's causes of action are: (1) fraud; (2) civil conspiracy; (3) expungement of mechanic's liens; (4) quiet title; (5) cancellation of instruments; (6) slander of title; (7) elder abuse; (8) declaratory relief; and (9) injunctive relief.

Plaintiff has asked for a generalized default judgment and has not stated which causes of action he seeks judgment on and has not detailed the evidence supporting each cause of action.

A more detailed motion must be filed with law and analysis.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Defendant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Chaidez Construction, Inc. Pro Se

Cesar Chaidez Pro Se

Lorena Lara Pro Se

Humberto Lara Pro Se

John White Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Movant(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Plaintiff(s):

Robert Benjamin Sautter

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

- #28.00** Status Conference re: Complaint for: 1) Fraud;
2) Civil Conspiracy;
3) Expungment of Mechanics Liens
4) Quiet Title;
5) Cancellatio of Instruments;
6) Slander of Title; 7) Elder Abuse;
8) Declaratory Relief
9) Injunctive Relief

fr; 8/21/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Defendant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Chaidez Construction, Inc. Pro Se

Cesar Chaidez Pro Se

Lorena Lara Pro Se

Humberto Lara Pro Se

John White Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff(s):

Robert Benjamin Sautter

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

#29.00 Motion For Order: (1) Authorizing Sale Of Estate's Right, Title And Interest In Real Property Free And Clear Of Liens, Claims, And Interests; (2) Approving Overbid Procedure; (3) Approving Payment Of Commissions; And (4) Waiving Stay Under Rule 6004(h)

Docket 196

***** VACATED *** REASON: Cont'd to 11/20/19 per order 215. If**

Tentative Ruling:

Trustee Nancy Zamora moves to sell real property at 15336 Archwood St., Van Nuys, CA 91406 (the "Property") free and clear under § 363(f) to Gonzalo Macias for the purchase price of \$465,000. Trustee proposes an initial overbid amount of \$5,000, with subsequent bids in \$1,000 increments. Overbidders (except for the Macias) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Encore Escrow," in the amount of \$51,500 (the "Deposit") at least two (2) calendar days prior to the hearing on the Motion. Lienholder Ridic, LLC has agreed to accept a discounted payout. The Trustee estimates that the proposed sale will generate approximately \$46,032 in net proceeds to the estate as follows:

Proposed Sales Price \$465,000

Real Property Taxes <\$19,568>

E3 Lien <\$0> (to be sold free & clear, interest to attach to proceeds)

Pace Lien <\$0> (to be sold free & clear, interest to attach to proceeds)

Ridec Lien <\$380,000>

Estimated Tax Liability from Sale <\$800>

Closing Costs (estimated at 4%, including 2% discounted

Brokers' commission) <\$18,600>

Net Proceeds \$46,0326 (if Pace & E3 Liens are not allowed in their entirety)

Opposed by Solar Capital Solutions & Energy Efficient Equity (whose deed of trust is described by Trustee as "disputed," amount asserted \$70,103). As to Solar Capital, it does not oppose the proposed sale on the terms stated but does request that the Order contain additional terms to protect and preserve what it believes is its potential interest in the Net Proceeds. SCS requests that this Court order the Trustee to segregate the Net Proceeds generated by the sale into a separate escrow or bank account. Although Solar Capital admits that it does not have a recorded trust deed

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

against the Property, it asserts that it has a "substantial claim" against NRG Investments, and will be asserting that the transfer of the Property and other properties from NRG to GND was a voidable and void transfer.

As to Solar Capital's opposition, Trustee is agreeable to inserting language in the sale order that the Net Proceeds will be segregated in a separate bank account, pending the Court's decision on the allowability of certain disputed claims asserted against the Property. In an attempt to resolve E3's objection, Trustee is currently in discussions with Ridec to, among other things, confirm whether Ridec is agreeable to: (1) allow the Trustee to hold all of the Property's sale proceeds after paying real property taxes, broker's commissions, and other closing costs from escrow; and (2) still discount its claim to \$380,000. Assuming that Ridec agrees to allow Trustee to hold all of the Property's sale proceeds after paying real property taxes, broker's commissions, and other closing costs from escrow, E3's objections should be resolved. This is because E3's alleged lien (in the asserted payoff amount of \$79,621.51) would be adequately protected, and simply attach to the Property's net proceeds in the amount of approximately \$426,032.

The Court is inclined to grant Trustee's Motion, with the requested language added regarding segregation of the proceeds until the disputed claims are resolved. What is the status of Trustee's negotiation with Ridec?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#30.00 Chapter 11 plan Motion to Confirm Third Amended Chapter 11 Plan of Reorganizaiton

fr. 10/23/19

Docket 228

*** VACATED *** REASON: Cont'd per stipulation to 11/13/19 at 10:00 a.m. - hm

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

#31.00 Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18; 4/3/19
5/15/19, 8/21/19, 10/23/19

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 11/13/19 at 10:00
a.m. - hm**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#32.00 Status Conference re: Complaint for 1) Cancellation of
Written Instruments; 2) Quiet Title and 3) Declaratory Relief

fr. 5/15/19, 8/21/19

Docket 3

***** VACATED *** REASON: Con't to 11-13-19 at 10:00 a.m. - hm**

Tentative Ruling:

This status conference is continued to **November 13, 2019, at 10:00 a.m.**, to be heard with Defendant MERS' Motion to Set Aside Default.

APPEARANCES WAIVED ON 11/6/19.

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC

Pro Se

Bayview Financial Trading Group

Pro Se

M&T Mortgage Corp.

Pro Se

Bayview Loan Servicing LLC

Pro Se

Nationstar Mortgage, LLC

Pro Se

Benjamin Kolodaro

Pro Se

Nily Kolodaro

Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

CONT... Castillo I Partnership

Chapter 11

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#33.00 Chapter 11 Plan of Reorganization

fr. 2/6/19, 4/3/19, 5/15/19, 7/31/19, 9/18/19,

Docket 75

***** VACATED *** REASON: Cont'd to 1/15/20 per order #165. If**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#34.00 Scheduling and Case Management Conference

fr. 3/28/18; 10/24/18; 2/6/19, 2/27/19, 4/3/19, 5/15/19,
7/31/19, 9/18/19

Docket 1

***** VACATED *** REASON: Cont'd to 1/15/20 per order #165. If**

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 6, 2019

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#35.00 Motion of Hawkeye Entertainment, LLC, Debtor and Debtor-in-Possession for and Order (1) Authorizing the Assumption of non-Residential Real Property lease and Sublease, (2) Determining the Debtor and Sublessor not to be in Breach of Default, thereby Deeming them in Compliance with Bankruptcy Code Sec. 365(b)(1)(A) and Excusing the Debtor from any Additional Compliance with Sec. 365(b)(1)(B) and (C), and (3) Authorizing the Debtor to Enter into a Revised Sublease that Amends and Extends the Sublease; or Alternatively, Extending the Time Period within which the Debtor may Assume or Reject Unexpired non-Residential Leases and Executory Contracts

Docket 21

*** VACATED *** REASON: Cont'd to 12/18/19 at 10:00 a.m. - hm

Tentative Ruling:

Continued per stipulation to 12/18/19 at 10:00 a.m. as a Status Conference re Assumption of Lease

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

Movant(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

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1:17-12250 Church of Merch, LLC

Chapter 7

#36.00 Trustee's Final Report and Applications for
Compensation

Docket 32

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 on 11-6-19. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Church of Merch, LLC

Represented By
Stuart R Simone

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:11-16307 Diana Lopez

Chapter 7

#37.00 Motion to Disallow Claims 22-1 of Balsam Bashout

Docket 287

Tentative Ruling:

Claimant Balsam Bashout filed Claim 22-1 on January 27, 2012 asserting a claim totaling \$79,000.00. The Claimant asserted that Claim 22-1 is entitled to partial priority status by checking off box 5 on the proof of claim form. See Claim 22-1. The Claim attaches only a series of checks made payable to LDT Investments, without explanation as to the purpose for the checks or how these checks are related to any loss of the Claimant. The Trustee's letter sought that explanation but has produced no response. The basis for the claim is thus lacking and it should be disallowed.

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.

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Service proper. No response filed. Objection sustained.

NO APPEARANCE REQUIRED. RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Diana Lopez

Represented By
Kathleen P March

Trustee(s):

David Seror (TR)

Represented By
Claire E Shin
Steven T Gubner
David Seror (TR)
Corey R Weber
Richard Burstein
Jessica L Bagdanov

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1:18-10313 Harold H Choe

Chapter 7

#38.00 Motion of Chapter 7 Trustee Objecting to the Claims of Exemption by the Debtor in IRAs as Set Forth in Debtors Amended Schedule C Filed May 24, 2019

fr. 7/31/19

Docket 44

Tentative Ruling:

On February 1, 2018, Harold Choe ("Debtor") filed a voluntary chapter 7 petition. On May 24, 2019, Debtor filed an amended Schedule C, listing the property he claimed as exempt. ECF doc. 37. On June 24, 2019, Trustee filed her objection to Debtor's following claims of exemption: (1) claim of exemption in the amount of \$53,478 in Debtor's "IRA [E Trade]" pursuant to C.C.P. §704.115(a)(1) & (2) and (b); and (2) claim of exemption in the amount of \$75,283.00 in Annie Choe, Debtor's non-filing spouse's ("Mrs. Choe") "IRA [E Trade]" pursuant to C.C.P. §704.115(a)(1) & (2) and (b) (together, the "Exemptions"). (the "Objection," ECF doc. no. 44). In the Objection, Trustee alleges that the Exemptions do not satisfy the requirements for exemption under C.C.P. §704.115(a)(1) & (2) and (b) because the IRA contributions do not qualify under the Internal Revenue Code for deduction from Debtor's income for tax purposes and are therefore not exempt.

On July 17, 2019, Debtor filed an opposition to the Objection (the "Debtor Opposition," ECF doc. 46). Debtor contends that he made contributions to Debtor's E Trade IRA on an annual basis during his employment and that one contribution was made post-retirement but returned by E*Trade. The Debtor Opposition is supported by a declaration by Debtor, but no documentary evidence was provided. In addition, on July 17, 2019, Debtor filed an amended Schedule C, asserting different claims of exemption in the IRAs (the "July 17 Amended Schedule C," ECF doc. 47).

On July 17, 2019, Mrs. Choe filed her opposition to the Objection, wherein she argues that stay-at-home mothers are entitled to contribute to their own IRAs and that she only contributed to her IRA on an annual basis only during the time of

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Harold H Choe

Chapter 7

Debtor's employment. ECF doc. no. 48. Notwithstanding this, Mrs. Choe also argues that she was not properly served with the Objection so this Court does not have jurisdiction to consider the Objection as relates to Mrs. Choe's IRA. Mrs. Choe's opposition is likewise supported by her declaration, but no documentary evidence.

STANDARD

California Civil Procedure Code ("CCP") section 704.115 provides in relevant part:

ARTICLE 3. Exempt Property.

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 from a private retirement plan are exempt.

CCP section 704.115.

"[I]ndividual retirement accounts ... are specifically excepted from ERISA's anti-alienation requirement." See, Rawlinson v. Kendall (In re Rawlinson), 209 B.R.

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501, 503 (9th Cir. BAP 1997) *quoting Patterson v. Shumate*, 504 U.S. 753, 763 (1992). As such, these plans are not excluded from the bankruptcy estate, and may be subject to the reach of the bankruptcy trustee or creditors.

Under California law, IRAs may be exempted from creditor claims pursuant to CCP § 704.115(a)(3). To qualify for an exemption in an IRA, the source of the funds in the IRA must have come from "compensation." See In re Smith, 570 B.R. 844, 850 (Bankr. D. Idaho 2017) *citing* IRC § 219(b)(1)(A). "Compensation is a term defined to mean 'earned income.'" Id. *citing* 26 U.S.C. § 219(f)(1).

CCP §704.115(a)(3), as shown above, defines the term "private retirement plan" and limits the exemption to amounts held in the plan that are exempt from federal income taxation under Section 408 or 408A of the Internal Revenue 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.

ANALYSIS

On July 17, 2019, Debtor filed an amended Schedule C, changing the claimed exemptions in the IRAs from § 704.115(a)(1) & (2); (b), to § 704.115(a)(3); (b); and (e) ("Am. Sch. C"). See ECF doc. 37 and 47. Trustee requests that her objection, filed June 24, 2019, be deemed an objection to Am. Sch. C.

On July 19, 2019, Trustee contends that her counsel contacted counsel for E*Trade in an effort to obtain statements for the IRAs to determine the timing and amounts of contributions to each of the IRAs. On July 20, 2019, Trustee states that E*Trade's counsel advised that E*Trade would likely provide, without the need for the issuance of a subpoena, the full extent of statements, up to the past 7 years (the extent of retention of statements by E*Trade), on the condition that both Debtor and Mrs. Choe consent to the release of the statements.

On July 22, 2019, Trustee's counsel contacted counsel for both Debtor and Mrs. Choe seeking their consent. Trustee's Reply, Ex. 6. While only Mrs. Choe's counsel responded to the inquiry by Trustee's counsel, as of the filing of her Reply, Trustee contends that neither counsel has consented to the release of the IRAs'

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statements.

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Following the July hearing, E*Trade produced Debtor and Mrs. Choe's IRA statements from 2012-2019. In her Supplemental Brief, Trustee states that E*Trade produced three total accounts, notwithstanding that Debtor's schedules only provided for an IRA for Debtor and an IRA for Annie (see, Objection at Exhibit "1"). The IRA statements provided for Debtor and Mrs. Choe are as follows:

- i. Annie C. Choe IRA Account Ending xxxx-0189 (See, Exhibit "7")
- ii. Annie C. Choe Roth IRA Account Ending xxxx-3943 (See, Exhibit "8")
- iii. Harold H. Choe IRA Account Ending xxxx-3333 (See, Exhibit "9")

Trustee explains that, in response to discovery in the State Court, she learned that Debtor retired in December 2014. A review of the statements for Debtor's IRA, however, shows that in April 2017, Debtor made a contribution of \$6,500 (post-retirement). A review of the each of Mrs. Choe's IRA accounts (xxxx-0189, Supplemental Brief, Ex. 7 and xxxx-3943, id. at Ex. 8) shows that in April 2017 in account xxxx-0189, Mrs. Choe contributed \$6,500 to her IRA (post-retirement). Trustee maintains that the post-retirement contributions in April 2017 do not qualify under the Internal Revenue Code for deduction from income for tax purposes and is therefore not exempt.

No response has been filed, by either Debtor or Mrs. Choe, to Trustee's Supplemental Brief. The Court will grant Trustee's Motion and disallow the Exemptions in the amount of \$13,000, representing Debtor's \$6,500 post-retirement contribution to his IRA and Mrs. Choe's \$6,500 post-Debtor's retirement contribution to her IRA.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

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Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

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1:19-11935 Maria Estela San Vicente

Chapter 11

**#39.00 Scheduling and Case Management Conference
and Filing of Monthly Reports**

Docket 31

Tentative Ruling:

Having considered the status report, is Debtor amenable to the following dates for this chapter 11 case:

Claims deadline: January 13, 2020 - give notice by November 15

Objection to Claims filed by: March 13, 2020

Plan and Disclosure filed by: May 8, 2020 and noticed for June 24 at 11 a.m.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Maria Estela San Vicente

Represented By
Michael R Totaro

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1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#40.00 Motion For Summary Judgment with Proof
of Service

Docket 42

Tentative Ruling:

This is Plaintiffs' Motion for Summary Judgment under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) following entry of a state court judgment. Plaintiffs initiated a state court action against Debtor (and others) on October 20, 2015, styled as Victor Poteet, Michael Clofine, Gene Salkind, and The Workshop, LLC v. David Brown Levy, Rich Deluca, Prime 100 Business Consultants, Thomas Nilsen, TNT Consulting, LLC and Triumph Movie, LLC, Case No. 15-1264-BC, in the Business Court for Davidson County, Tennessee, Twentieth Judicial District ("State Court Action"). The complaint in the State Court Action asserted claims for: 1) securities fraud - violation of the Tennessee Securities Act of 1980; 2) violation of the Tennessee Consumer Protection Act; 3) fraud and fraudulent inducement; 4) civil conspiracy; 5) conversion; and breach of contract. The following facts are found by the Tennessee Court and are undisputed.

Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code on December 10, 2015 [Bankr. Doc. No. 1]. The instant Adversary Proceeding was initiated by Plaintiffs against Debtor on March 1, 2016. On April 14, 2016, the Court entered an Order Granting Relief from Stay, permitting Plaintiffs to continue to litigate the Tennessee Action. ECF doc. 46. Plaintiffs stipulated that they "shall be bound by the record of the Tennessee Court under the principles of issue preclusion so that the Adversary Proceeding, Adv. Case No. 1:16-ap-01024-MT, will be litigated by way of motions for summary judgment based upon what is ultimately decided in the Nonbankruptcy Action in Tennessee." Id. On February 7, 2018, the State Court entered an Order for entry of judgment by default in favor of Plaintiffs against Debtor in the State Court Action ("Default Order"). On June 10, 2019, the State Court entered an Award of Damages and Final Judgment Against Defendants David Brown Levy, Triumph Movie, LLC, Pitch Dark Entertainment, LLC, and Douglas Ben Gregg in

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the State Court Action.

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Beginning in approximately July 2015, Debtor, acting for himself and through and on behalf of Triumph Movie, LLC, and Pitch Dark Entertainment, LLC, sought to entice Plaintiffs and others to invest in a movie project entitled "Triumph" through the offer and sale of investment contracts under which Plaintiffs and others would invest funds that would be used for the filming, production, and marketing of "Triumph." Proposed Findings of Fact and Conclusions of Law ("PFF&CL"), ¶ 3. As a material inducement to investment, Debtor, acting for himself and on behalf of Triumph Movie, LLC and Pitch Dark Entertainment, LLC represented to Plaintiffs and to other potential investors that the actor Kevin Spacey would appear in "Triumph" in the role of Coach Cutting, that Mr. Spacey's role as a major Hollywood actor would ensure that "Triumph" would be a financial success from an investment perspective, and that it was a worthwhile investment with a guaranteed return. Id. at ¶4

Plaintiffs were unaware that all of the representations made by Debtor about Mr. Spacey and his alleged involvement in "Triumph" were false and were deliberately made by Debtor with the intention of inducing investors such as Plaintiffs to invest substantial sums of money in the film. Additional intentional misrepresentations were made that Mr. Spacey was receiving an equity interest in "Triumph." Id. at ¶5-6.

Debtor and others caused a purported contract dated July 7, 2015 between Mr. Spacey and Triumph Productions, LLC, purportedly signed by Mr. Spacey, wherein Spacey purportedly agreed to act in the role as Coach Culling in "Triumph," to be provided to Plaintiffs. This contract, in fact, did not exist. Debtor created and forged Mr. Spacey's signature to the contract.

Debtor and others met with Victor Poteet on July 27, 2015, to discuss potential investment in "Triumph." Debtor and others sought to induce Victor Poteet to invest substantial funds in the project. Debtor falsely and intentionally stated in this meeting that he had contacted Mr. Spacey directly; that Mr. Spacey had an interest in issues related to cerebral palsy (a central focus of the film) because his niece suffered from cerebral palsy; and that Mr. Spacey was willing to take the role of Coach Cutting in "Triumph" for \$100,000

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for five days of filming, plus travel and related expenses. Each of these statements was known by Debtor to be false at the time he made it. Debtor further falsely and intentionally stated in this meeting that the (non-existent) agreement with Mr. Spacey had made Mr. Spacey's agent angry with Debtor, but that Mr. Spacey had nevertheless signed the agreement with Debtor and that Debtor would e-mail another copy of the (fictitious) contract. These statements were known by Debtor to be false at the time he made them to persuade Victor Poteet to invest in Triumph Movie.

Debtor sent Plaintiffs additional falsified and fictitious documents, including an alleged "deal memo" for Mr. Spacey; a copy of a purported budget for "Triumph" showing an alleged salary of \$100,000 for Mr. Spacey plus funds for travel and expenses; and a filming schedule falsely stating that Mr. Spacey would begin filming the role of "Coach Cutter" on September 4, 2015. Debtor also falsely stated that he had hooked "Triumph" for showing at the upcoming Sundance Film Festival.

The representations about Mr. Spacey's alleged involvement in the film were intended to be, and in fact were, a material inducement to Plaintiffs to invest in the film. Debtor, joined by others, made the foregoing material misrepresentations and omissions with scienter, knowing that they were false at the time they were made.

Debtor further compounded this fraud by making additional false and fraudulent misrepresentations intended to induce Victor Poteet to invest additional funds in Triumph Movie. Debtor falsely told Victor Poteet that a check from another investor had "bounced" and that Debtor needed additional funds to deal with a cash flow issue and to make payroll. In fact, Debtor sought to divert these additional funds for his own use and benefit.

Each of these false statements, misrepresentations, omissions, and actions was willful and knowing. Mr. Spacey was never involved in this project, a fact known to the Debtor at the time that they were inducing Plaintiffs to invest. In reasonable and justifiable reliance upon these and other false and fraudulent representations, Plaintiffs signed Investment Contracts and invested a combined \$320,000 in "Triumph Movie."

The filming of "Triumph Movie" was never completed and Plaintiffs have been damaged as they have lost their entire principal investment. None of the Plaintiffs has

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received any portion of the contractually guaranteed 20 percent return on investment. Debtor, Triumph Movie, LLC, Pitch Dark Entertainment, LLC, and others developed a common scheme and conspired to accomplish by concerted action the unlawful purpose of committing securities law fraud, violation of the Tennessee Consumer Protection Act, common law fraud and fraudulent inducement, and conversion. These actions and this common scheme constitute a civil conspiracy. Debtor, Triumph Movie, LLC, Pitch Dark Entertainment, LLC and Douglas Ben Gregg each engaged in overt acts in furtherance of the conspiracy, as detailed above, including, but not limited to, creating a fictitious alleged contract for Mr. Spacey to appear in Triumph Movie, including a forged signature of Mr. Spacey; advertising that Mr. Spacey would be "starring" in "Triumph Movie;" falsely representing the return on investment and share of net profits to be received by each Plaintiff; falsely representing the uses to which Plaintiffs' investments would be put, and unlawfully diverting and converting Plaintiffs' funds to their own use and benefit.

Issue Preclusion

Collateral estoppel [issue preclusion] deals with particular facts or issues that were decided in the earlier litigation even though it did not involve the same claims as the current litigation. Massengill v. Scott, 738 S.W.2d 629, 631–632 (Tenn. 1987). Issue preclusion applies to a party's contentions in a later lawsuit when: (1) the party or someone in privity with it was a party to an earlier legal proceeding; (2) the identical issue came up in the earlier proceeding; (3) the party or the person in privity with it had a full and fair opportunity to litigate the issue in the earlier proceeding; (4) the issue was actually litigated and decided on the merits in the earlier proceeding; (5) the court entered a final judgment in the earlier proceeding. Patton v. Estate of Upchurch, 242 S.W.3d 781, 787 (Tenn. Ct. App. 2007).

Issue preclusion principles apply to dischargeability proceedings. Grogan v. Garner, 498 U.S. 279 (1991). When a state court has determined factual issues using standards identical to those in the dischargeability proceeding, issue preclusion bars re-litigation of those issues in bankruptcy court. Spilman v. Harley, 656 F.2d 224, 227–228 (6th Cir.1981). Federal courts use the preclusion principles of the state of judgment in determining the preclusive effects of that judgment in the federal court. In re Byard, 47 B.R. 700, 703

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(Bankr. M.D. Tenn. 1985). Therefore, this court must compare the issues decided by the Tennessee court to the issues under §§ 523(a)(2) and (a)(6) of the bankruptcy code.

Actual fraud & Misrepresentation re securities sales under Tenn. Code Ann. § 48-1-121

Tennessee Securities Act of 1980 states, in pertinent part:

(a) It is unlawful for any person, in connection with the offer, sale or purchase of any security in this state, directly or indirectly, to:

(1) Employ any device, scheme, or artifice to defraud;

(2) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or

(3) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

(b) It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise, in this state, to:

(1) Employ any device, scheme, or artifice to defraud the other person;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person; or

(3) Take or have custody of any securities or funds of any client except as the commissioner may by rule permit or unless the person is licensed as a broker-dealer under this part.

(c) It is unlawful for any person to make or cause to be made, in any document filed with the commissioner or in any proceeding under this part,

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any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

Tenn. Code Ann. § 48-1-121.

Fraud & Misrepresentation re securities; liability in civil actions - Tenn. Code Ann.
§ 48-1-122

Tennessee Securities Act of 1980 states, in pertinent part:

(c)(1) Any person who willfully engages in any act or conduct which violates § 48-1-121 shall be liable to any other person (not knowing that any such conduct constituted a violation of § 48-1-121) who purchases or sells any security at a price which was affected by the act or conduct for the damages sustained as a result of such act or conduct unless the person sued shall prove that the person sued acted in good faith and did not know, and in the exercise of reasonable care could not have known, that such act or conduct violated § 48-1-121.

(2) Damages shall be the difference between the price at which the other person purchased or sold securities and the market value which the securities would have had at the time of the other person's purchase or sale in the absence of the act or conduct plus interest at the legal rate.

Tenn. Code Ann. § 48-1-122 (West)

Section 523(a)(2)(A)

Under § 523(a)(2)(A), a creditor seeking a finding of nondischargeability must show:

(1)(a) the debtor obtained money by means of a materially false representation;

(1)(b) when the debtor made the representation, the debtor knew it was false or recklessly disregarded whether it was true or false;

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(2) the debtor intended to deceive the creditor;

(3) the creditor justifiably relied on the false representation; and

(4) its reliance was the proximate cause of loss.

In re Crownover, 417 B.R. 45, 51–52; 56 (Bankr. E.D. Tenn. 2009), *citing* In re Rembert, 141 F.3d 277, 280–81 (6th Cir.1998).

The facts found by the Tennessee court for fraudulent conduct under the under Tennessee Securities Act of 1980 are sufficient for a finding of nondischargeability under § 523(a)(2)(A). Debtor obtained money from Plaintiffs to invest in "Triumph" with the materially false representation that Mr. Spacey had signed a "deal memo" to appear in "Triumph," a false budget showing Mr. Spacey's purported salary and expenses, as well as a false filming schedule. RJN ISO MSJ, Ex. A ¶ 5-6. At the time that Debtor made these false representations, he knew they were not true because he created and forged Mr. Spacey's signature on the contract. Id. at ¶ 4. The State Court found that Debtor intended to deceive Plaintiffs into believing that a notable star like Mr. Spacey was involved in "Triumph" by falsifying the contract and other documents so that they would invest in "Triumph" and making up alleged conversations with Mr. Spacey and his representatives. Id. at ¶ 3; 5. The State Court found that Plaintiffs justifiably relied on the false representations made by Debtor when they invested a combined \$310,000. Id. at ¶ 9. Lastly, Plaintiffs' reliance on the false contract, budget, schedule, and Debtor's recounting of fake conversations with Mr. Spacey and his representatives was the proximate cause of loss, as Debtor thereafter diverted and used the funds for some other purpose. See also Id. at ¶¶ 10 & 11.

The damages attributed to the violations of the Tennessee Securities Act of 1980 is the difference between the purchase price of the securities and the value that the securities would have had in the absence of the fraudulent conduct by Debtor; here, the principal investment plus the 20 percent guaranteed return. RJN ISO MSJ, Ex. B, p. 8, ¶ 1.

Section 523(a)(6)

To prove willful and malicious injury under § 523(a)(6), the creditor must prove that

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the debtor intentionally committed the acts leading to the creditor's injury, and the debtor intended those acts to cause injury to the creditor. Kawaauhau v. Geiger, 523 U.S. 57 (1998). Intent to cause harm can be proved by evidence that the debtor knew the harm was substantially certain to follow. Markowitz v. Campbell (In re Markowitz), 190 F.3d 455, note 10 (6th Cir.1999). A debtor's intentional breach of a contract does not prove willful and malicious injury because it proves only the intent to commit the act that caused the injury and not the intent to cause the injury. Barnett v. Rich (In re Rich), 401 B.R. 281 (Bankr.S.D.Ohio 2009).

Plaintiffs argue that the findings by the State Court under Tennessee Securities Act of 1980 are sufficient to meet the standard for a willful and malicious injury. The findings of the State Court examine Debtor's fraudulent course of conduct in connection with soliciting investments in "Triumph." Under the cause of action for violation of the Tennessee Securities Act of 1980, the Court found that Debtor was liable for securities fraud by engaging in the "fraudulent conduct described above" and "by selling or offering to sell securities without being registered to do so. RJN ISO MSJ, Ex. B, p. 8. Under § 523(a)(6), a mere lack of justification or excuse for a debtor's actions is not enough to prove willful and malicious conduct. Markowitz, 190 F.3d 455, note 10, citing Roumeliotis v. Popa (In re Popa), 140 F.3d 317 (1st Cir.1998).

While the State Court did find that Debtor engaged in actual fraud and misrepresentation in violation of Tenn. Code Ann. § 48-1-121, there are no findings that Debtor's actions rise to the level of required under § 523(a)(6). Willfulness cannot be proved by showing that the debtor should have known his decisions and actions put the plaintiffs at risk. Markowitz, 190 F.3d 455, note 10. To prove willfulness, a creditor must show by a preponderance of the evidence that the debtor intended his actions, and the debtor either intended his actions to cause injury to the creditor or the debtor believed that injury to the creditor was substantially certain to follow. Markowitz, 190 F.3d 455, 464-465. If the creditor proves willfulness, then malice is necessarily implied. The intent to cause injury to another person or another person's property is malicious unless the debtor had a just cause or excuse for acting with the intent to cause the injury. In this understanding of § 523(a)(6), the lack of a just cause or excuse is evidence of willfulness and malice but not

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CONT...

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Chapter 7

complete proof. See In re Crownover, 417 B.R. 45, 51–52; 56 (Bankr. E.D. Tenn. 2009).

Violation of Tenn. Consumer Protection Act

In order to recover under TCPA, a plaintiff must prove: (1) that the defendant engaged in an unfair or deceptive act or practice set forth in T.C.A. § 47–18–104(b); and (2) that the defendant's conduct caused an ascertainable loss. T.C.A. § 47–18–109(a)(1). Upon a finding that a provision of the TCPA has been violated, the court may award reasonable attorney's fees and costs. T.C.P.A. § 47–18–109(e)(1).

If the defendant's conduct was willful or knowing, the court may award treble damages. T.C.P.A. § 47–18–109(a)(3). "Like punitive damages, treble damages are not intended to compensate an injured plaintiff but rather to punish the defendant and to deter similar conduct in the future." Smith Corona Corp. v. Pelikan, Inc., 784 F.Supp. 452, 483–84 (M.D. Tenn. 1992) (citation omitted). In determining whether treble damages should be awarded, a court may consider the following:

- (A) The competence of the consumer or other person;
- (B) The nature of the deception or coercion practiced upon the consumer or other person;
- (C) The damage to the consumer or other person; and
- (D) The good faith of the person found to have violated this part.

T.C.P.A. § 47–18–109(a)(4).

In Tomlin v. Crownover (In re Crownover), 417 B.R. 45 (Bankr. ED Tenn. 2009), the plaintiffs' prepetition state court judgment against the debtor was, in part, for violations of the TCPA, and the plaintiffs sought to use the doctrine of collateral estoppel to obtain summary judgment against the debtor on their dischargeability claims. In deciding that the judgment for violations of the TCPA was not entitled to collateral estoppel with regard to nondischargeability under 11 U.S.C. § 523(a)(6), the court pointed out that "willful" under the TCPA means the debtor intended to commit the acts, id. at 58, but 11 U.S.C. § 523(a)(6)

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requires a finding that the debtor intended his actions to bring about the harm suffered. Id.
In Crownover, the bankruptcy court explained:

The state court judgment simply did not address whether the debtor's violation of the TCPA went beyond intentional, unfair or deceptive practices to the point of being willful and malicious within the meaning of § 523(a)(6). Under the law of collateral estoppel, the state judgment does not establish that the judgment debts come within the discharge exception in § 523(a)(6).

Crownover, 417 B.R. at 58.

The trebling of the damage award, and thus the bulk of the award, was under the TCPA. The Findings of Fact and Conclusions of Law, and the Award of Damages entered in the State Court Action as relates to the TCPA *may* establish the requisite *mens rea* under § 523(a)(6). The Court is inclined to allow Defendants to file a brief, applying the findings related to violations of the TCPA to the "willful and malicious" standard under 11 U.S.C. § 523(a)(6) as directed by the reasoning of Crownover. But see In re Burge, 2018 WL 3219626 (Bankr. M.D. Tenn. June 29, 2018)(applying the reasoning of Crownover to hold that a "willful or knowing violation" of the TCPA does not require a finding of intent to cause, or knowledge of the substantial likelihood of, harmful consequences, such that a finding did not preclusively establish a "willful and malicious injury" under 11 U.S.C. § 523(a)(6)), *appeal docketed*, no. 18-6177 (6th Cir. Jan. 30, 2019).

Plaintiffs also seek attorney's fees. The plaintiffs have not presented any argument as to why attorney's fees are included in the § 523(a) judgment. Some of these fees were incurred as part of the bankruptcy case as well. Plaintiffs should file additional law as to why these fees can be included and which fees specifically can be awarded. See RJN ISO MSJ, Ex. B, p.14, ¶¶ 8-9; p. 18, ¶15.

APPEARANCE REQUIRED

Party Information

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CONT... David Brown Levy

Chapter 7

Debtor(s):

David Brown Levy Pro Se

Defendant(s):

David Brown Levy Pro Se

Plaintiff(s):

Victor Poteet Represented By
Bernard J Kornberg
Donald H Cram III

Michael Clofine Represented By
Bernard J Kornberg
Donald H Cram III

Gene Salkind Represented By
Bernard J Kornberg
Donald H Cram III

The Workshop LLC Represented By
Bernard J Kornberg
Donald H Cram III

Trustee(s):

Nancy J Zamora (TR) Represented By
Wesley H Avery

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1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#41.00 Status conference re complaint for dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18, 8/15/18, 1/16/19, 2/27/19, 6/5/19, 9/18/19

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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CONT... David Brown Levy

Chapter 7

US Trustee(s):

United States Trustee (SV)

Pro Se

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1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#42.00 Motion to Dismiss Adversary Proceeding

Docket 43

***** VACATED *** REASON: Cont'd to 12/11/19 per order #50. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Represented By
Eamon Jafari

Kirill Kizyuk

Represented By
Eamon Jafari

Prime Capital Group, Inc., a

Represented By
Eamon Jafari

Mkrtchyan Investments, LP, a

Represented By
Eamon Jafari

Arthur Aristakesyan

Represented By
Eamon Jafari

Phantom Properties, LLC, a Nevada

Represented By
Eamon Jafari

Dimitri Lioudkovski

Represented By
Yevgeniya Lisitsa

LDI Ventures, LLC, a California

Represented By
Eamon Jafari

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CONT... Nazaret Kechejian

Chapter 13

Yevgeniya Lisitsa

Plaintiff(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:14-13940 Maria Polanco de Amaya

Chapter 13

#1.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 10/16/19

Docket 64

Tentative Ruling:

Cont'd. fr. 10-16-19

The last hearing was continued for the parties to work out an APO. Nothing has been filed since the last hearing.

What is the status of this Motion?

APPEARANCE REQUIRED.

10-16-19 Tentative Below:

Petition Date: 8/22/2014

Chapter: 13

Service: Proper. No Opposition filed.

Property: 13534 Muscatine Street, Los Angeles, CA 91331

Property Value: \$375,000 (per debtor's schedules)

Amount Owed: \$390,575.83

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$8,864.17 (6 late payments of \$1,545.64 each)

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 13 (if stay not granted, order APO).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS for 10-16-19 tentative.**

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CONT... **Maria Polanco de Amaya** Chapter 13

Party Information

Debtor(s):

Maria Polanco de Amaya

Represented By
Susan Jill Wolf

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:15-12942 **Seth Eric Simon**

Chapter 13

#2.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19, 7/31/19, 9/11/19

Docket 88

Tentative Ruling:

Cont'd. fr. 9-11-19

The property is in escrow and the hearing was continued to complete the sale. The hearing for the motion for authority to sell is scheduled for 11-19-19. U.S. Bank opposes the motion for authority to sell because the sales proceeds would not fully satisfy U.S. Bank's claim. T'ee. approves of the sale.

APPEARANCE REQUIRED.

9-11-19 TENTATIVE BELOW:

This hearing was continued so the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED for 9-11-19 tentative.

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter 13 plan confirmed: 3/31/16

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10:00 AM

CONT... Seth Eric Simon

Chapter 13

*Service: Proper. Opposition filed.
Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335
Property Value: \$336,788.84 (per debtor's schedules)
Amount Owed: \$319,819.55 (per RFS motion)
Equity Cushion: 0.0% (assuming 8% cost of sale)
Equity: \$7,426
Post-Petition Delinquency: \$30,343.53*

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED for 6-26-19 tentative.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11310 Hilda Correa

Chapter 13

#3.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19, 6/5/19, 7/31/19, 9/18/19, 10/2/19

Docket 57

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10:00 AM

CONT... Hilda Correa

Chapter 13

Tentative Ruling:

Cont'd. fr. 10-2-19

The last hearing was continued so the parties can resolve the dispute surrounding the accounting of payments. Otherwise, an evidentiary hearing may be required.

What is the status of this Motion?

APPEARANCE REQUIRED.

10-2-19 TENTATIVE BELOW:

This hearing was continued from 9-18-19 because Debtor contends that she is current on all postpetition mortgage payments and requests continuance to provide proof. What is the status of this Motion?

3/27/19 Tentative Below

Petition Date: 5/18/2017

Chapter 13 Plan confirmed: 04/26/2018

Service: Proper. Original borrower was served. Opposition filed but POS does not list Movant.

Property: 16459 Nordhoff Street, North Hills, California 91343

Property Value: \$593,213 (per debtor's amended schedule C)

Amount Owed: \$550,859.09 (per RFS motion)

Equity Cushion: Unk

Equity: Unk

Post-Petition Delinquency: \$12,724.34 (2 preconfirmation payments of \$2,424.01; 2 postconfirmation payments of \$2,424.01; 2 post confirmation payments of \$2,439.86; less suspense account or partial paid balance: \$1,851.42)

Last payment was received on 8/17//2018

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 6 (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to William Sierra); 7 (waiver of the 4001(a)(3) stay); and 13 (if RFS not granted, adequate protection). Movant is unaware of the method by which Debtor has acquired an interest in the property.

Debtor opposes the Motion, arguing that: (1) more payments have been to Movant than the Motion accounts for; and (2) the property is fully provided for in the chapter

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CONT... Hilda Correa Chapter 13

13 plan. Debtor states she is current on all plan payments and post-petition mortgage payments, and if any petition arrearages exist that it will be cured by the hearing date. Debtor also states that she purchased the property in August 2005 and continues to be her primary residence.

APPEARANCE REQUIRED for 3-27-19 tentative.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10250 Gabriela Kinney Puentes Chapter 13

#4.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr, 10/16/19

Docket 41

Tentative Ruling:

Cont'd. fr. 10-16-19

At the last hearing, Debtor's attorney claims that Debtor has a serious medical condition. Debtor filed a late declaration and alleges paying 5 late payments of \$1,772.14, but Debtor is looking for the proof.

Debtor filed an Opposition on 10-15-19 explaining that she has suffered severe medical hardship. Debtor requests 21 days to provide evidence of mortgage payments.

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CONT... **Gabriela Kinney Puentes**

Chapter 13

Has Debtor provided Movant with evidence of mortgage payments?

APPEARANCE REQUIRED.

10-16-19 Tentative Below:

Petition Date: 1/28/2018

Chapter: 13

Service: Proper. No Opposition filed.

Property: 13863 Eustace Street, Pacoima, CA 91331

Property Value: \$420,000 (per debtor's schedules)

Amount Owed: \$393,470.08

Equity Cushion: 0.0%

Equity: \$26,530.

Post-Petition Delinquency: \$8,555.40 (5 late payments of \$1,772.14 each)

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 (waive co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 13 (if stay not granted, order APO).

*NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS for 10-16-19 tentative.*

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

Movant(s):

The Bank Of New York Mellon fka

Represented By
Mark S Krause

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-11140 Dahlia J-nai Jones

Chapter 13

#5.00 Motion for relief from stay

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CONT... Dahlia J-nai Jones

Chapter 13

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK

fr. 10/23/19

Docket 50

Tentative Ruling:

Cont'd. fr. 10-23-19

Debtor requested an APO. The last hearing was continued for the Movant's attorney to determine whether his client is willing to enter into an APO.

What is the status of this Motion?

APPEARANCE REQUIRED.

10-23-19 TENTATIVE BELOW:

Petition Date: 5/2/18

Chapter 13 plan confirmed: 1/16/19

Service: Proper; co-debtor served. Opposition filed.

Property: 14000 Carol Ln., Sylmar, CA 91342

Property Value: \$ (per debtor's schedules)

Amount Owed: \$522,863 (per Proof of Claim 1-1)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$9,297.82 (4 payments of \$2,656.52; less suspense balance of \$1,328.26)

Movant alleges cause for 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 the last payment of \$1,328.26 was made on or about September 6, 2019.

Debtor opposes the Motion, requesting to cure the delinquency in an APO. Is Movant

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CONT... **Dahlia J-nai Jones**
amenable to Debtor's offer?

Chapter 13

APPEARANCE REQUIRED for 10-23-19 tentative.

Party Information

Debtor(s):

Dahlia J-nai Jones

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12323 Ruben Lepe, Jr. and Lucy Ivette Salazar

Chapter 13

#6.00 Motion for relief from stay

LAKEVIEW LOAN SERVICING, LLC

Docket 40

Tentative Ruling:

Petition Date: 9-17-2018
Chapter 13 Plan Confirmed: 5-23-2019
Service: Proper (Co-Debtor Served). Opposition filed.
Property: 7454 Vantage Avenue, North Hollywood, CA 91605
Property Value: \$641,473 (per debtor's schedules)
Amount Owed: \$495,447.56
Equity Cushion: 15.0%
Equity: \$146,025.44
Post-Petition Delinquency: \$12,977.72 (4 late payments of \$3,244.43 each)

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); **7** (waiver of the 4001(a)(3) stay); and **13** (if stay not granted, order APO).

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CONT... Ruben Lepe, Jr. and Lucy Ivette Salazar Chapter 13

Debtors' Opposition asserts that the Property is necessary for an effective reorganization because it is Debtors' principal residence. Debtors explain that they fell behind on payments because of illness. Debtors wish to enter into an APO to cure postpetition delinquency over a 9-month period. Debtors expect to make the regular monthly payment for November 1.

Debtors filed a motion to modify or suspend plan payments.

What is the status of this Motion?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ruben Lepe Jr.

Represented By
Tamar Terzian

Joint Debtor(s):

Lucy Ivette Salazar

Represented By
Tamar Terzian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10727 Mary Kristin Burak Chapter 13

#7.00 Motion for relief from stay

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION

fr. 9/11/19

Docket 30

***** VACATED *** REASON: Vol. Dismissal of Motion filed by Movant,
ECF doc. 43 - hm**

Tentative Ruling:

- NONE LISTED -

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CONT... Mary Kristin Burak Chapter 13

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11118 Miguel Hernandez Garcia Chapter 13

#8.00 Motion for relief from stay

WELL FARGO BANK, N.A.

Docket 29

*** VACATED *** REASON: Continued per stipulation to 12-18-19 at
10:00 a.m. [#40] -ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Hernandez Garcia

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11118 Miguel Hernandez Garcia Chapter 13

#9.00 Motion for relief from stay

JPMORGAN CHASE BANK N.A.

fr, 10/16/19

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CONT... Miguel Hernandez Garcia

Chapter 13

Docket 22

*** VACATED *** REASON: Parties stipulated to an APO [#36] - ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Hernandez Garcia

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11611 Dov Kladnov

Chapter 13

#10.00 Motion for relief from stay

ACAR LEASING LTD d/b/a GM FINANCIAL LEASING

Docket 29

Tentative Ruling:

Petition Date: 7-1-2019
Chapter 13 Not Confirmed.
Service: Proper (Co-Debtor Served). No Opposition filed.
Property: 2018 Cadillac Escalade
Property Value: Unknown
Amount Owed: \$45,710.40
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: Unknown

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law); 5 (co-debtor stay is

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CONT... **Dov Kladnov**

Chapter 13

terminated, modified, or annulled); **6** (waiver of 4001(a)(3) stay); **11** (if RFS not granted, APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Dov Kladnov

Represented By
Shalem Shem-Tov

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12487 Leslie Linda Johnson

Chapter 7

#11.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY

Docket 8

Tentative Ruling:

Petition Date: 10-1-2019
Chapter: 7 (no asset)
Service: Proper. No Opposition filed.
Property: 2017 Ford Fusion
Property Value: Unknown
Amount Owed: \$18,268.36
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: Unknown
Other: \$976.91 in arrears.

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)

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CONT... **Leslie Linda Johnson** **Chapter 7**
(3) stay); and **11** (if RFS not granted, APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Leslie Linda Johnson

Represented By
David S Hagen

Movant(s):

Ford Motor Credit Company

Represented By
Jennifer H Wang

Trustee(s):

Nancy J Zamora (TR)

Pro Se

1:19-12355 Dang Ly Phuong **Chapter 13**

#12.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

8165 Tunney Avenue Reseda, CA 91335

fr, 10/16/19

Docket 9

Tentative Ruling:

Cont'd. fr. 10-16-19

At the last hearing, the parties indicated that they are working on a stay current
APO.

What is the status of this Motion?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 13, 2019

Hearing Room 302

10:00 AM

CONT... Dang Ly Phuong

Chapter 13

APPEARANCE REQUIRED.

10-16-19 Tentative Below:

On 9/18/2019, Debtor filed this chapter 13 case. Debtor had two previous bankruptcy cases that were dismissed within the previous year. The First Filing, 15-14024, was a chapter 13 that was filed on 12/9/2015 and dismissed on 1/7/2019 for failure to make plan payments.

Debtor now moves for an order continuing the stay as to all creditors. Debtor asserts that the present case was filed in good faith notwithstanding the dismissal of the previous case and that the presumption of bad faith under 11 U.S.C. § 362(c)(3) (C)(i). Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence. There has been a substantial change in Debtor's financial affairs. After the previous case was dismissed, Debtor's daughter moved into her home to financially assist Debtor. In addition, Debtor's daughter received an employment offer.

Service proper.

On 10/2/2019, Wilmington Trust ("Creditor") filed an opposition. Creditor requests this court to dismiss Debtor's case or issue an adequate protection order because Creditor believes that Debtor has not provided sufficient evidence of changed financial circumstances. Creditor holds a \$420,000 promissory note secured by a deed of trust. Debtor's Schedules reflects a \$663.72 in social security and \$4,963.72 in family contributions. However, Debtor provided no further information on the alleged contributions, and Debtor's daughter provided no declaration.

APPEARANCE REQUIRED for 10-16-19 tentative.

Party Information

Debtor(s):

Dang Ly Phuong

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11888 ALLIANCE FUNDING GROUP INC.

Chapter 7

**United States Bankruptcy Court
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CONT... ALLIANCE FUNDING GROUP INC.

Chapter 7

Adv#: 1:18-01076 Seror v. Aslanjan et al

#13.00 Status Conference re: First Amended Complaint

fr. 8/29/18, 10/3/18; 10/10/2018, 2/6/19

Docket 3

Tentative Ruling:

APPEARANCE REQUIRED.

The parties should indicate whether any opposition to a deadline to complete mediation of April 17, 2020

Pretrial would be June 10 at 11 am

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

**United States Bankruptcy Court
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CONT... ALLIANCE FUNDING GROUP INC. Chapter 7

Natalia Usmanova	Represented By Eamon Jafari
Alexander Usmanov	Represented By 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
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Trustee(s):

David Seror (TR)	Represented By Reagan E Boyce Richard Burstein
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1:17-13341 Castillo I Partnership Chapter 11
Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#14.00 Motion to Set Aside Entry of Default.

Docket 61

***** VACATED *** REASON: Please refer to cal. no. 21.04 (eg)**

Tentative Ruling:

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CONT... Castillo I Partnership

Chapter 11

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC

Represented By
Valerie J Schratz

Bayview Financial Trading Group

Pro Se

M&T Mortgage Corp.

Pro Se

Bayview Loan Servicing LLC

Pro Se

Benjamin Kolodaro

Pro Se

Nily Kolodaro

Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:11-16307 Diana Lopez

Chapter 7

#15.00 Trustee's Motion for Order Disallowing Claim
No. 15 and 11-1

Docket 292

Tentative Ruling:

Claimants Jaime and Myrna Farias filed Claim 15 on January 15, 2013 asserting a claim totaling \$553,050.00 in the LDT case and Claim 11-1 asserting a claim for \$1,145,060 in the Lopez case. Trustee argues that both Claims were released as a result of the release provisions in the Trustee's settlement agreement with Claimants (ECF doc. 634.) Because the basis for the claims are lacking Trustee contends they should be disallowed.

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CONT... Diana Lopez

Chapter 7

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. A general release bars all previously arising claims. Villacres v. ABM Industries, Inc., 189 Cal. App.4th 562, 587-89 (2010).

Service proper. No response filed. Objection sustained.

NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Diana Lopez

Represented By
Kathleen P March

Trustee(s):

David Seror (TR)

Represented By
Claire E Shin

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CONT... Diana Lopez

Chapter 7

Steven T Gubner
David Seror (TR)
Corey R Weber
Richard Burstein
Jessica L Bagdanov

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#16.00 Trustee's Motion for Order Disallowing Claim Nos. 15 and 11-1

Docket 721

Tentative Ruling:

Claimants Jaime and Myrna Farias filed Claim 15 on January 15, 2013 asserting a claim totaling \$553,050.00 in the LDT case and Claim 11-1 asserting a claim for \$1,145,060 in the Lopez case. Trustee argues that both Claims were released as a result of the release provisions in the Trustee's settlement agreement with Claimants (ECF doc. 634.) Because the basis for the claims are lacking Trustee contends they should be disallowed.

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.

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CONT... **L.D.T. Investments Inc.** **Chapter 7**

"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. A general release bars all previously arising claims. Villacres v. ABM Industries, Inc., 189 Cal. App.4th 562, 587-89 (2010).

Service proper. No response filed. Objection sustained.

NO APPEARANCE REQUIRED. TRUSTEE 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
Richard Burstein
Elissa Miller
Aram Ordubegian
Andy Kong
Jessica L Bagdanov
Ronald P Abrams
Talin Keshishian

1:12-10231 Owner Management Service, LLC and Trustee Corps Chapter 7

#17.00 Motion of Chapter 7 Trustee for Order Deeming Estate's Interest in Real Property Located at 4642 Ranchgrove Dr., Irvine, CA 92604 (APN 449-232-07) Abandoned Nunc Pro Tunc to October 16, 2019.

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CONT... Owner Management Service, LLC and Trustee Corps
Docket 2302

Chapter 7

Tentative Ruling:

Having reviewed the motion, finding that service was proper and good cause appearing, the motion is GRANTED and the property is deemed abandoned *nunc pro tunc* to October 16, 2019.
TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 11/13/19

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
Jorge A Gaitan

1:19-11633 Luis Portillo and Maria Reina Calles

Chapter 7

#18.00 Trustee's Motion to Dismiss Case

Docket 15

Tentative Ruling:

Chapter 7 Trustee David Seror moves (a) to dismiss this case under § 302 because

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CONT... **Luis Portillo and Maria Reina Calles** **Chapter 7**

this case was filed as joint case, but Debtors testified at the § 341(a) meeting of creditors that they are not married to each other and are thus ineligible to be joint debtors.

Service proper. No response filed.

Motion GRANTED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 11/13/19

Party Information

Debtor(s):

Luis Portillo

Represented By
Sydell B Connor

Joint Debtor(s):

Maria Reina Calles

Represented By
Sydell B Connor

Trustee(s):

David Seror (TR)

Represented By
David Seror

1:19-12110 **Jorge Ramon Geldres and Ida L Vera Ramon** **Chapter 7**

#19.00 Motion for Order Compelling Attorney to File Disclosure of Compensation and Disgorgement of Fees Pursuant to 11 U.S.C. § 329

fr. 10/23/19

Docket 13

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

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CONT... **Jorge Ramon Geldres and Ida L Vera Ramon**

Chapter 7

Debtor(s):

Jorge Ramon Geldres

Represented By
Bernal P Ojeda

Joint Debtor(s):

Ida L Vera Ramon

Represented By
Bernal P Ojeda

Movant(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

Diane C Weil (TR)

Pro Se

1:12-10229 **C.M. Meiers Company, Inc.**

Chapter 11

#20.00 Application for Compensation Second Fee for Larry W Gabriel,
Trustee's Attorney, Period: 10/31/2013 to 9/1/2019, Fee: \$81,252.00,
Expenses: \$0.

Docket 510

Tentative Ruling:

No objection. The court finds the fees and costs appropriate. Motion to
approve GRANTED. NO Appearance required.

Party Information

Debtor(s):

C.M. Meiers Company, Inc.

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Stanley H Shure
Larry W Gabriel

**United States Bankruptcy Court
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CONT... C.M. Meiers Company, Inc. Chapter 11
Justin Santarosa

1:18-12276 Catherine J. Watkins Chapter 11

#21.00 Post Status Conference

fr. 12/12/18, 3/6/19, 5/15/19, 8/21/19

Docket 1

*** VACATED *** REASON: Case is closed

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catherine J. Watkins

Represented By
Michael R Totaro

1:19-12619 Jean Francois Valero and Susan Wilkins Valero Chapter 13

#21.01 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 17

Tentative Ruling:

On 10-16-2019, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-13012, was a chapter 13 that was filed on 12-17-2018 and dismissed on 6-26-2019 because Debtor failed to remit plan payments and appear at the § 341 hearing.

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

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CONT... **Jean Francois Valero and Susan Wilkins Valero** **Chapter 13**

dismissal of the previous case, because Debtor now has stable business income. Debtor explains that the last Ch. 13 bankruptcy case failed because of the lack of guidance from former counsel. Debtor is now working closely with another attorney to timely file documents. 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 financial affairs. Debtor states that since the First Filing was dismissed, Debtor's income has increased by \$423 to \$12,000, and Debtor continues to obtain more contracts to earn more business income.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Jean Francois Valero

Represented By
Lionel E Giron

Joint Debtor(s):

Susan Wilkins Valero

Represented By
Lionel E Giron

Movant(s):

Jean Francois Valero

Represented By
Lionel E Giron

Susan Wilkins Valero

Represented By
Lionel E Giron

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-13341 Castillo I Partnership **Chapter 11**

#21.02 Chapter 11 plan Motion to Confirm Third Amended Chapter 11 Plan of Reorganizaiton

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CONT... Castillo I Partnership

Chapter 11

fr. 10/23/19, 11/6/19

Docket 228

Tentative Ruling:

This plan cannot be confirmed until the claims asserted in adversary complaint Castillo I v. MERS, et al. (19-01013-MT) are resolved.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Movant(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:17-13341 Castillo I Partnership

Chapter 11

#21.03 Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18; 12/12/18; 4/3/19
5/15/19, 8/21/19, 10/23/19, 11/6/19

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Castillo I Partnership

Represented By

**United States Bankruptcy Court
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CONT... Castillo I Partnership

Chapter 11

Mark E Goodfriend

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

#21.04 Motion to Set Aside Entry of Default.

Docket 61

Tentative Ruling:

Rule 55(c) provides that a court may set aside a default for "good cause shown." Franchise Holding II, LLC. v. Huntington Restaurants Grp., Inc., 375 F.3d 922, 925–26 (9th Cir. 2004). The "good cause" standard that governs vacating an entry of default under Rule 55(c) is the same standard that governs vacating a default judgment under Rule 60(b). See TCI Group Life Ins. Plan v. Knoebber, 244 F.3d 691, 696 (9th Cir. 2001). The good cause analysis considers three factors: (1) whether the movant engaged in culpable conduct that led to the default; (2) whether movant had a meritorious defense; or (3) whether reopening the default judgment would prejudice the non-moving party. See id. As these factors are listed in the disjunctive, a court has the discretion to deny a motion "if any of the three factors was true." American Ass'n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1108 (9th Cir.2000). Movant bears the burden of showing that any of these factors favored setting aside the default. See TCI Group, 244 F.3d at 697.

"The law does not favor defaults; therefore, any doubts as to whether a party is in default should be decided in favor of the defaulting party." Bonita Packing Co. v. O'Sullivan, 165 F.R.D. 610, 614 (C.D. Cal. 1995).

Here, Movant's contends that its delay in responding to the Complaint was due to it not being properly served, a contention that Plaintiff denies. A review of the Proof of Service of Summons and Complaint (ad. ECF doc. 7) and the Motion for Entry of Default (ad. ECF doc. 16) shows that MERS was served at the 1818 Library Street, Suite 300, Reston, VA 20190 address that is listed on the California Secretary of State website as the street address of principal executive office. The entity that MERS designated with the CA Secretary of State as the agent for services of process, however, is Genpact Registered Agent, Inc., 15420 Laguna Canyon Road Suite 1000, Irvine, CA 92618. <https://businesssearch.sos.ca.gov/CBS/Detail>. Movant correctly points out that Plaintiff does not appear to have exercised due

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CONT... Castillo I Partnership Chapter 11

diligence in executing service on MERS, especially in light of the Court having warned Plaintiff during prior hearings that creditors must be served properly. On this record, the Court cannot find that Movant engaged in culpable conduct that led to the default.

The existence of a prior judgment in favor of Movant on what seems to be identical claims asserted in the Complaint demonstrates a sufficiently meritorious defense. There is no prejudice to Plaintiff in setting aside this default where the treatment for the Castillo Property in Plaintiff's as-yet-confirmed third amended chapter 11 plan depends on the resolution of the claims (if any) Plaintiff holds against Movant here.

Motion to Set Aside Entry of Default is GRANTED.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC

Represented By
Valerie J Schratz

Bayview Financial Trading Group

Pro Se

M&T Mortgage Corp.

Pro Se

Bayview Loan Servicing LLC

Pro Se

Benjamin Kolodaro

Pro Se

Nily Kolodaro

Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

1:17-13341 Castillo I Partnership

Chapter 11

Adv#: 1:19-01013 Castillo I Partnership v. MORTGAGE ELECTRONIC REGISTRATION

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CONT... Castillo I Partnership Chapter 11

#21.05 Status Conference re: Complaint for 1) Cancellation of
Written Instruments; 2) Quiet Title and 3) Declaratory Relief

fr. 5/15/19, 8/21/19, 11/6/19

Docket 3

Tentative Ruling:

Party Information

Debtor(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

Defendant(s):

MORTGAGE ELECTRONIC Pro Se

Bayview Financial Trading Group Pro Se

M&T Mortgage Corp. Pro Se

Bayview Loan Servicing LLC Pro Se

Nationstar Mortgage, LLC Pro Se

Benjamin Kolodaro Pro Se

Nily Kolodaro Pro Se

Plaintiff(s):

Castillo I Partnership

Represented By
Mark E Goodfriend

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1:17-12784 Rene Lopez De Arenosa, Jr

Chapter 13

#22.00 Setting hearing on debtor's objection to creditor's declaration on re default under adequate protection order

Docket 78

Tentative Ruling:

Given what debtor stated at a recent hearing, there appears to be a miscommunication here. The parties should talk before the hearing.

Party Information

Debtor(s):

Rene Lopez De Arenosa Jr

Represented By

Rene Lopez De Arenosa Jr

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#23.00 Status Conference Re:
Pending Discovery Matters

fr. 4/3/19, 6/26/19; 10/23/19

Docket 52

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

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CONT... John Gordon Jones

Chapter 7

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#24.00 Motion for Abandonment of Debtor's Asset
Known as 4551 Lindley Avenue, Tarzana,
CA 91356

fr. 8/28/19, 10/2/19

Docket 169

Tentative Ruling:

The trustee has withdrawn her opposition because she does not have a buyer. The motion to abandon is GRANTED
No appearance required; movant should submit an order within 7 days

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

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CONT... Green Nation Direct, Corporation

Chapter 11

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

1:19-11377 Steven Michael Joyner

Chapter 7

Adv#: 1:19-01087 Frazee v. Joyner

#25.00 Motion for Default Judgment Under LBR 7055-1

fr. 10/2/19

Docket 10

Tentative Ruling:

Steven Joyner (pro se "Debtor/Defendant") filed a dissolution of marriage case in state court against his ex-spouse, RoseAnn Frazee ("Plaintiff"). The state court awarded Plaintiff \$10,000 in need-based attorney's fees after determining that there was a disparity in access to funds to retain counsel. Debtor filed a Ch. 7 no asset petition and listed Plaintiff as an unsecured creditor (19-11377). Plaintiff filed a Complaint asserting that the attorney's fees is a nondischargeable form of domestic support obligation under 11 U.S.C. § 523(a)(5) and § 101(14A)(B).

An award of attorney's fees in a marital dissolution proceeding may be a form of domestic support obligation under §§ 523(a)(5) and 101(14A) as alimony, maintenance, or support. Gately v. Moore (In re Gately), BAP No. CC-16-1086, 2016 Bankr. LEXIS 3987, at *7 (Nov. 15, 2016)(reasoning that attorney fee award based on a finding of income disparity and financial need is a form of domestic support). Labels in a divorce decree do not determine the question of whether a fee award constitutes a domestic support obligation. Id. Rather, bankruptcy courts must make a factual inquiry, on a case-by-case basis, to determine whether the award is actually in the nature of support. Id. Some factors bankruptcy courts consider include whether the family court intended to base the award on need or how the debt is characterized under state law. Id. at *8. The Ninth Circuit and other circuits have customarily held that attorney's fees awarded in connection with a dissolution proceeding are non-dischargeable in bankruptcy under § 523(a)(5) as alimony, maintenance, or support. Rehkov v. Lewis (In re Rehkov), BAP No. AZ-05-1395,

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CONT... Steven Michael Joyner

Chapter 7

2006 Bankr. LEXIS 4870, at *3 (Aug. 17, 2006).

Here, the state court awarded the attorney's fees after a finding that there was a disparity in access to funds to retain counsel. The state court also assessed the relative circumstances of the parties, including a review of assets and debts, expenses, Plaintiff's disability, and Defendant's new spouse income. The award of attorney's fees was need-based and is a form of domestic support obligation under §§ 523(a)(5) and 101(14A) and is thus nondischargeable.

Party Information

Debtor(s):

Steven Michael Joyner

Represented By
Stephen L Burton

Defendant(s):

Steven Michael Joyner

Pro Se

Plaintiff(s):

Roseann Frazee

Represented By
Roseann Frazee

Trustee(s):

Nancy J Zamora (TR)

Pro Se

1:19-11377 Steven Michael Joyner
Adv#: 1:19-01087 Frazee v. Joyner

Chapter 7

#26.00 Status Conference Re: Complaint for
Nondischargeability of Debt Pursuant to
11 U.S.C. Sec. 523(a)(5) or (15)

fr.10/2/19

Docket 1

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 13, 2019

Hearing Room 302

11:00 AM

CONT... Steven Michael Joyner
Cont'd. fr. 10-2-19

Chapter 7

No Status Report filed.

Party Information

Debtor(s):

Steven Michael Joyner

Represented By
Stephen L Burton

Defendant(s):

Steven Michael Joyner

Pro Se

Plaintiff(s):

Roseann Frazee

Represented By
Roseann Frazee

Trustee(s):

Nancy J Zamora (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, November 13, 2019

Hearing Room 302

1:00 PM

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

#27.00 Motion For Summary Judgment, In the Alternative,
Motion for Partial Summary Judgment

fr. 7/17/19; 8/28/19

Docket 13

*** VACATED *** REASON: Cont'd per stipulation to 1/8/20 at 1:00 p.m.
- hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

Trustee(s):

Nancy J Zamora (TR)

Represented By
Lei Lei Wang Ekvall
Reem J Bello

1:10-16648 Vadim A Lipel

Chapter 7

Adv#: 1:19-01041 Lipel v. Davis et al

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 13, 2019

Hearing Room 302

1:00 PM

CONT...

Vadim A Lipel

Chapter 7

#28.00 Status Conferencere re: First Amended Complain
fr. 7/31/19; 8/28/19

Docket 9

*** VACATED *** REASON: Cont'd per stipulation to 1/8/20 at 1:00 p.m.
- hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadim A Lipel

Represented By
Douglas D Kappler

Defendant(s):

Lesly Davis

Represented By
Talin Keshishian

BRUTZKUS, GUBNER,

Represented By
Talin Keshishian

Plaintiff(s):

Vadim A Lipel

Represented By
Blake J Lindemann

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11668 Ruth Gabriela Carmona and Julio Enrique Carmona

Chapter 7

**#0.01 Pro se Reaffirmation Agreement Between Debtor and
Hyundai Motor Finance**

Docket 13

Tentative Ruling:

Petition date: 7/5/19

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 Hyundai Accent

Debtor's valuation of property (Sch. B): \$5,156

Amount to be reaffirmed: \$8,795.50

APR: 2.99% (fixed)

Contract terms: \$245.57 per month for 37 months

Monthly Income (Schedule I): \$3,655

Monthly expenses: (Schedule J): \$3,750

Disposable income: <\$95>

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 seeking more hours at work, as well as a second or third job. This payment is provided for in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 8, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Ruth Gabriela Carmona and Julio Enrique Carmona

Chapter 7

Debtor(s):

Ruth Gabriela Carmona Pro Se

Joint Debtor(s):

Julio Enrique Carmona Pro Se

Trustee(s):

David Seror (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11872 Jeremy Lawrence Dean and Tatiana Paola Dean

Chapter 7

**#0.02 Reaffirmation Agreement Between Debtor and
Bank of America, N.A**

Docket 15

Tentative Ruling:

Petition date: 7/25/19

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 Jeep Cherokee

Debtor's valuation of property (Sch. B): \$13,196

Amount to be reaffirmed: \$18,962

APR: 4.99% (fixed)

Contract terms: \$397.63 per month for 53 months

Monthly Income (Schedule I): \$4,872.86

Monthly expenses: (Schedule J): \$5,408.91

Disposable income: <\$536.05>

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 states that their family will help pay any payments. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 16, 2019, whichever is later.

Party Information

Debtor(s):

Jeremy Lawrence Dean

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Jeremy Lawrence Dean and Tatiana Paola Dean
Oscar R Swinton

Chapter 7

Joint Debtor(s):

Tatiana Paola Dean

Represented By
Oscar R Swinton

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11893 Luis Rodolfo Alvarez

Chapter 7

**#0.03 Pro se Reaffirmation Agreement Between Debtor and
Nissan Motor Acceptance Corp.**

Docket 10

Tentative Ruling:

Petition date: 7/9/19

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 Nissan Sentra

Debtor's valuation of property (Sch. B): \$8,000

Amount to be reaffirmed: \$15,320

APR: 4.9% (fixed)

Contract terms: \$261.49 per month for 60 months

Monthly Income (Schedule I): \$1,800

Monthly expenses: (Schedule J): \$2,221

Disposable income: <\$421>

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 provides no explanation for how he will make this payment, which is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 15, 2019, whichever is later.

Party Information

Debtor(s):

Luis Rodolfo Alvarez

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Luis Rodolfo Alvarez

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11949 Armen Dzhakhangiryants

Chapter 7

**#0.04 Reaffirmation Agreement Between Debtor and
JPMorgan Chase Bank, N.A.**

Docket 21

Tentative Ruling:

Petition date: 7/31/19

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 Porshe Cayman

Debtor's valuation of property (Sch. B): \$79,140

Amount to be reaffirmed: \$76,293.47

APR: 5.54% (fixed)

Contract terms: \$1,620.62 per month for 53 months

Monthly Income (Schedule I): \$755

Monthly expenses: (Schedule J): \$775

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, who is unemployed with no income per his schedules, explained on Sch. B that his girlfriend is making the payments for this vehicle. This payment is not listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 10, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Armen Dzhakhangiryants

Chapter 7

Debtor(s):

Armen Dzhakhangiryants

Represented By
Michael Jay Berger

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12107 Arin Gharabedian and Armine M Gharabedian

Chapter 7

**#0.05 Reaffirmation Agreement Between Debtor and
U.S. Bank National Association**

Docket 12

Tentative Ruling:

Petition date: 7/31/19

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 Mercedes Benz

Debtor's valuation of property (Sch. B): \$10,000

Amount to be reaffirmed: \$6,801.09

APR: 2.23% (fixed)

Contract terms: \$649.94 per month for 10 months

Monthly Income (Schedule I): \$9,571.13

Monthly expenses: (Schedule J): \$9,595

Disposable income: <\$23.87>

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 they work on base plus commission and so expects an increase in income. Debtor is also seeking to reaffirm the debt on a 2017 Volkswagon (see cal. no. 0.06)

Debtor has a right to rescind agreement anytime prior to discharge, or until November 30, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Arin Gharabedian and Armine M Gharabedian

Chapter 7

Debtor(s):

Arin Gharabedian

Represented By
David S Hagen

Joint Debtor(s):

Armine M Gharabedian

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12107 Arin Gharabedian and Armine M Gharabedian

Chapter 7

#0.06 Reaffirmation Agreement Between Debtor and VW Credit, Inc.

Docket 11

Tentative Ruling:

Petition date: 7/31/19

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 Volkswagon Golf

Debtor's valuation of property (Sch. B): \$20,000

Amount to be reaffirmed: \$22,824.73

APR: 0.00% (fixed)

Contract terms: \$422.68 per month for 54 months

Monthly Income (Schedule I): \$9,571.13

Monthly expenses: (Schedule J): \$9,595

Disposable income: <\$23.87>

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 they work on base plus commission and so expects an increase in income. Debtor is also seeking to reaffirm the debt on a 2012 Mercedes Benz (see cal. no. 0.05)

Debtor has a right to rescind agreement anytime prior to discharge, or until November 30, 2019, whichever is later.

Party Information

Debtor(s):

Arin Gharabedian

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Arin Gharabedian and Armine M Gharabedian
David S Hagen

Chapter 7

Joint Debtor(s):

Armine M Gharabedian

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12312 Danny Eugene Black, Jr.

Chapter 7

**#0.07 Reaffirmation Agreement Between Debtor and
Ford Motor Credit Company LLC (2016 Ford Fusion)**

Docket 11

Tentative Ruling:

Petition date: 9/13/19

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 Fusion

Debtor's valuation of property (Sch. B): \$11,600

Amount to be reaffirmed: \$17,777.12

APR: 1.9% (fixed)

Contract terms: \$489.63 per month for 37 months

Monthly Income (Schedule I): \$4,727.96

Monthly expenses: (Schedule J): \$4,843.85

Disposable income: <\$115.89>

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?

Debtor explains that his monthly shortfall is small and that his family has promised to help with payments, should it become necessary.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 22, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Danny Eugene Black, Jr.

Chapter 7

Debtor(s):

Danny Eugene Black Jr.

Represented By
Jeffrey J Hagen

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12465 Jack Rollin Cleek, II and Ryan Louise Chavanette-Cleek

Chapter 7

**#0.08 Pro se Reaffirmation Agreement Between Debtor and
Navy Federal Credit Union**

Docket 7

Tentative Ruling:

Petition date: 9/29/19

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 Honda Pilot

Debtor's valuation of property (Sch. B): \$11,326

Amount to be reaffirmed: \$7,436.18

APR: 7.29% (fixed)

Contract terms: \$379.60 per month for 21 months

Monthly Income (Schedule I): \$4,293.61

Monthly expenses: (Schedule J): \$4,495

Disposable income: <\$201.39>

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 does not explain that how they will make this payment. Debtors do state that they plan to keep current on this payment that is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 15, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Jack Rollin Cleek, II and Ryan Louise Chavanette-Cleek

Chapter 7

Debtor(s):

Jack Rollin Cleek II

Represented By
Louis J Esbin

Joint Debtor(s):

Ryan Louise Chavanette-Cleek

Represented By
Louis J Esbin

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-13206 Amy Algos Bacashihua

Chapter 13

#55.00 Trustee's Motion to Dismiss Case Trustee
Motion To Dismiss Case Due to Expiration
of the Plan

Docket 45

Tentative Ruling:

Trustee states that Debtor is in material default and has a \$15,526.76 remaining balance.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Amy Algos Bacashihua

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-13751 Mike Ginzburg and Natasha Ginzburg

Chapter 13

#56.00 Trustee's Motion to Dismiss Case (Plan Expiration)

Docket 74

Tentative Ruling:

Debtor filed an opposition with no arguments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Mike Ginzburg

Represented By
Joshua L Sternberg

Joint Debtor(s):

Natasha Ginzburg

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-14171 Caridad Gadia Corpus

Chapter 13

#57.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19

Docket 71

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Caridad Gadia Corpus

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15003 Pardeep Gupta

Chapter 13

#58.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19

Docket 78

*** VACATED *** REASON: Trustee withdrew motion [#86] -ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pardeep Gupta

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15455 Sirous Salem

Chapter 13

#59.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 68

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sirous Salem

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15605 Rolando Chavez and Irma Chavez

Chapter 13

#60.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr/ 8/20/19, 10/22/19

Docket 34

Tentative Ruling:

Cont'd. fr. 10/22/2019

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rolando Chavez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Irma Chavez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10366 Dieter Cortez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr, 10/22/19

Docket 52

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dieter Cortez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10366 Dieter Cortez

Chapter 13

#62.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec 1329(A) and the percentage to be Paid to Unsecured Creditors or, in the alternative, Dismissing the Chapter 13 Petition Due to the Debtor's Failure to Make their Best Efforts to Repay Creditors Pursuant to 11 USC Sec. 1307(c)(6)

Docket 55

Tentative Ruling:

Cont'd. fr. 10-22-19

Trustee moved to modify the Plan to increase Plan Payment and percentage paid to unsecured creditors, or, alternatively, to dismiss the petition due to Debtor's failure to make best efforts to repay creditors.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dieter Cortez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10674 Shireen Janti Reid

Chapter 13

**#63.00 Chapter 13 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment**

Docket 40

Tentative Ruling:

Trustee moved to modify the Plan to increase Plan Payment and percentage paid to unsecured creditors, or, alternatively, to dismiss the petition due to Debtor's failure to make best efforts to repay creditors.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Shireen Janti Reid

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10707 Edward F Wrona and Diletta Wrona

Chapter 13

#64.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 34

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Edward F Wrona

Represented By
Devin Sawdayi

Joint Debtor(s):

Diletta Wrona

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10822 Tracey Lynne Baumert

Chapter 13

#65.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr,10/22/19

Docket 112

Tentative Ruling:

Cont'd. fr. 10-22-19

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 10/2/19, Debtor filed an Opposition asserting that he will provide 2015, 2016, 2017, and 2018 federal and state tax returns to Trustee before the hearing.

Has Debtor provided Trustee the tax returns? If so, does this resolve the Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Tracey Lynne Baumert

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10859 Victor Hugo Castillo and Maria De los Angeles Castillo

Chapter 13

#66.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 43

Tentative Ruling:

Con't. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Victor Hugo Castillo

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria De los Angeles Castillo

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10926 Luis Alberto Melchor and Sandra Rodriguez Melchor

Chapter 13

#67.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 10/22/19

Docket 40

***** VACATED *** REASON: Resolved per stipulation [#58]-ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Melchor

Represented By
Steven L Bryson

Joint Debtor(s):

Sandra Rodriguez Melchor

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#68.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 143

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-11377 Carla Yvette Carr

Chapter 13

#69.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19

Docket 41

***** VACATED *** REASON: trustee withdrew [#47] – ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carla Yvette Carr

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12398 Miguel Catala-Morales

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19, 10/22/19

Docket 45

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #50. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Catala-Morales

Represented By
Jaenam J Coe

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12800 Jean'e Milika Blair

Chapter 13

#71.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 50

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Tentative Ruling:

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#72.00 Motion for Authority to Sell or Refinance Real Property

Docket 95

Tentative Ruling:

Debtor filed this Motion to sell the property located at 6601 Wilbur Avenue, Unit 53, Reseda, CA 91335. The proposed sale price is \$230,000. No proceeds will remain after the sale. Trustee is authorized to demand upon escrow the remaining balance after escrow's payment of the encumbrances to U.S. Bank, BoNYM, and Citibank, even though the amount is insufficient to pay off the Plan.

U.S. Bank, as holder of the 1st trust deed and a claim of \$303,597.31 opposed. U.S. Bank has a RFS motion that was continued from 11-13-19 to 11-19-19 at 11:00 a.m. U.S. Bank opposes because the proposed sale would only generate \$171,066.81 for U.S. Bank. U.S. Bank denied Debtor's request for a short sale.

Trustee approves of the sale on the condition that Trustee can take the statutory fees on claims paid through escrow; Trustee receives all net proceeds and the final closing statement; and Trustee can increase the % to unsecured creditors if funds permit.

Debtor replied asserting that U.S. Bank's conduct is unreasonable and in bad faith. Debtor indicates that U.S. Bank had notice of the short sale at a hearing and that there is a buyer for the short sale since August 2019. Debtor asserts that if this Motion is denied and RFS is not granted, the property value would only generate \$220,000. In addition, a foreclosure sale will prejudice the second lienholder because it will not receive any proceeds. A foreclosure sale will also allegedly prejudice Debtor by having the foreclosure on his record, which will financially ruin him for another 10 years. Debtor asserts that BSI for US Bank refused to conduct an appraisal, declined the short sale, and demanded the full amount.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Seth Eric Simon

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#72.01 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19, 7/31/19, 9/11/19, 11/13/19

Docket 88

Tentative Ruling:

Cont'd. fr. 11-19-19

At the last hearing, Debtor's attorney indicated that the sale is still under process on the motion to sell or refinance. The hearing was continued to 11-19-19 at the same time as the motion to sell or refinance.

APPEARANCE REQUIRED.

11-13-19 Tentative Below:

Cont'd. fr. 9-11-19

The property is in escrow and the hearing was continued to complete the sale. The hearing for the motion for authority to sell is scheduled for 11-19-19. U.S. Bank opposes the motion for authority to sell because the sales proceeds would not fully satisfy U.S. Bank's claim. T'ee. approves of the sale.

APPEARANCE REQUIRED for 11-13-19 tentative.

fr. 7/31/19 , 9/11/19

This hearing was continued so the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter 13 plan confirmed: 3/31/16

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Seth Eric Simon

Chapter 13

Service: Proper. Opposition filed.

Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335

Property Value: \$336,788.84 (per debtor's schedules)

Amount Owed: \$319,819.55 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$7,426

Post-Petition Delinquency: \$30,343.53

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED for 6-26-19 tentative.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-13357 Sergio Montes and Juana Yanira Montes

Chapter 13

#73.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #65. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Montes

Represented By
Kevin T Simon

Joint Debtor(s):

Juana Yanira Montes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-13535 Craig F Paul

Chapter 13

#74.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 32

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #37. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig F Paul

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#75.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 6/25/19, 7/30/19, 9/24/19

Docket 225

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor filed opposition in 3-7-2019 stating the he believes he will be current before the next hearing or he will file a motion to modify plan. Debtor filed a motion to modify or suspend plan payments. Trustee disapproves of the motion to modify or suspend plan payments because Trustee has not received updated Schedules I and J or evidence of income and cannot determine whether proposed modification is feasible.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#76.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 233

Tentative Ruling:

Cont'd. fr. 9-24-19

This was continued so that the motion to modify can be resolved. Trustee disapproves of the motion to modify because Trustee has not received updated Schedules I and J or evidence of income, and cannot determine whether the modification is feasible.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10083 Griselda Renteria

Chapter 13

#77.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 68

Tentative Ruling:

Debtor opposed asserting that she will provide 2016, 2017, and 2018 tax returns before the hearing.

Has Trustee received the tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Griselda Renteria

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10125 Ben Diep

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 79

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.82]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ben Diep

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10194 Heliodoro Navarro

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 84

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heliodoro Navarro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10256 Patricia Ann Mosley

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 41

***** VACATED *** REASON: trustee withdrew motion [#46] – ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Mosley

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#81.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 52

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #54. If**

Tentative Ruling:

Party Information

Debtor(s):

Jim K. Nikolopoulos

Represented By
Scott D Olsen

Joint Debtor(s):

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10545 Ali Talaishahir

Chapter 13

#82.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 48

***** VACATED *** REASON: trustee withdrew motion [#52] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ali Talaishahir

Represented By
Russ W Ercolani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#83.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 62

***** VACATED *** REASON: trustee withdrew motion [#68] -ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Rodriguez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11207 Jonel Quintela Martinez and Ivey Montalbo Martinez

Chapter 13

#84.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec. 1329(a) and the Percentage to be Paid to Unsecured Creditors or, in the Alternative, Dismissing the Chapter 13 Petition Due to the Debtors' Failure to make their Best Efforts to Repay their Creditors Pursuant to 11 USC Sec.1307(c)(6)

Docket 50

*** VACATED *** REASON: Trustee filed a withdrawal - doc. #53. Lf

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonel Quintela Martinez

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ivey Montalbo Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11279 Carl N. Ciarfallo and Theresa R. Ciarfallo

Chapter 13

#85.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 32

Tentative Ruling:

Debtor opposes arguing that his plan payments are current and that he will provide Trustee his 2018 tax returns. Debtor explains that he is working with accountant to prepare 2017 tax returns and will provide other documents before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carl N. Ciarfallo

Represented By
Joseph A Weber

Joint Debtor(s):

Theresa R. Ciarfallo

Represented By
Joseph A Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11356 Denny Tedesco and Suzie Tedesco

Chapter 13

#86.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 81

Tentative Ruling:

Debtors opposed arguing that they will provide 2016, 2017, and 2018 state and federal tax returns before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Denny Tedesco

Represented By
Kevin T Simon

Joint Debtor(s):

Suzie Tedesco

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11844 E. James Anderson and Doristeen Harris-Anderson

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 80

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #85. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

E. James Anderson

Represented By
Ali R Nader

Joint Debtor(s):

Doristeen Harris-Anderson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11907 John Harlan Hancock

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 41

***** VACATED *** REASON: Motion withdrawn 10/29/19 - jc**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Harlan Hancock

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11938 Emilio I Ochoa

Chapter 13

#89.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 78

***** VACATED *** REASON: Trustee filed a withdrawal - doc. 83. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emilio I Ochoa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12201 Andrea Beckham

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 46

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #48. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Beckham

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12216 Sarkis Ohannes Mouchmouchian

Chapter 13

#91.00 Trustee's Motion for Order Modifying the Plan
to Increase the Plan Payment

fr. 10/22/19

Docket 44

Tentative Ruling:

Cont'd. fr. 10-22-19

On 10-23-19, Debtor filed a declaration in support of the opposition with attached amended Schedules I and J. Debtor requests to maintain his payments at \$215 per month. Debtor explains that his income remains stagnant, but his expenses have increased. Debtor asserts that he has additional income from social security benefits. Debtor explains that he and his wife were required to lease two new vehicles because one lease expired and another vehicle broke, and that the lease payments of \$252 and \$259 per month on two vehicles are not extravagant. Debtor explains that his wife needed a \$15,000 dental work, which cost \$1,250 per month, and his son's college expenses is \$797 per month.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee requested this court to increase plan payments to \$3,130.25 starting November 1, 2019 and increase the percent to unsecured creditors, or, alternatively, dismiss the petition.

On 10/3/19, Debtor filed an Opposition asserting that the MOMOD only updates Debtor's income under his 2018 tax returns but does not account for expenses. Debtor filed amended Schedules I and J to reflect current monthly income and expenses. Debtor asserts that his monthly disposable income remains at \$215 per month and he does not have sufficient income to increase payments to \$3,130.25 per month. Debtor asks that his payments remain at \$215 per month.

On 10/10/2019, Trustee filed a Reply stating that based on a review of the amended budget, it appears that Debtor spent money on new vehicles, dental work, and

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Sarkis Ohannes Mouchmouchian

Chapter 13

college for an adult child instead of making a best effort to repay creditors. Trustee asserts that expenses must be reasonable and necessary, and creditors are only receiving 8%. Trustee further explains that the amended budget indicates an increase in several expenses without support or explanation, including: (1) the amended budget including car payments for two vehicles that is not indicated in Debtor's original Schedules; (2) \$1,250 per month for dental work; and (3) \$797 for books and tuition for an adult child. The Trustee requests the court to increase plan payments to \$3,130.25 as of November 1, 2019 and increase the percentage to unsecured creditors, or, alternatively, dismiss the petition.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Sarkis Ohannes Mouchmouchian

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12264 Alicia Butterfield

Chapter 13

#92.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 62

Tentative Ruling:

Debtor opposed asserting that she will cure the deficiency on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12374 Faridh Barghi Amirabad

Chapter 13

#93.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 45

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.51]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Faridh Barghi Amirabad

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12578 Waqas Memon

Chapter 13

#94.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 78

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #84. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Waqas Memon

Represented By
William R Ramsey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Represented By
Huy N Tran

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12613 Susan Griffin

Chapter 13

#95.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 50

Tentative Ruling:

Debtor opposed on 10-15-19 stating that she will file a motion to modify or suspend plan payments. No motion to modify or suspend plan payments has been filed yet.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Susan Griffin

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12759 Kalipse Karsyan

Chapter 13

#96.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 57

***** VACATED *** REASON: Ntc. of w/drawal filed 11/12/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kalipse Karsyan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12783 Martin Luna and Icela Teresa Luna

Chapter 13

#97.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 59

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Luna

Represented By
Todd L Turoci

Joint Debtor(s):

Icela Teresa Luna

Represented By
Todd L Turoci

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#98.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 65

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Gregory Toussaint

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13326 Julie Kristine Underwood

Chapter 13

#99.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 26

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #31. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Kristine Underwood

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13379 Francisco Rodriguez

Chapter 13

#100.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

fr. 10/22/19

Docket 38

Tentative Ruling:

Cont'd. fr. 10-22-19

Order granting stipulation modifying plan entered.

Will Trustee withdraw this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Francisco Rodriguez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13537 Tillman Pink, III

Chapter 13

#101.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 44

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.46]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tillman Pink III

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13555 Carlos M Jimenez Cuellar and Nicole Cuellar

Chapter 13

#102.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 28

Tentative Ruling:

Cont'd. fr. 10-22-19

At the last hearing, all parties agreed to continue.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carlos M Jimenez Cuellar

Represented By
Marlin Branstetter

Joint Debtor(s):

Nicole Cuellar

Represented By
Marlin Branstetter

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

#103.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 118

***** VACATED *** REASON: Trsutee filed a withdrawaL - doc. #120. lf**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria G. Alonso

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10543 Jessica Reyes Gaeta

Chapter 13

#104.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 38

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#105.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 45

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed explaining that she defaulted because of extreme illness, but she is now recuperating and should be able to pay the defaulted amount on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Teresa Ann Marquez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10702 Vicente Rafael Arteaga

Chapter 13

#106.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19; 8/20/19, 10/22/19

Docket 23

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Cont'd. fr. 8/20/19

At the June 25 hearing, Debtor's attorney indicated that the debtor couldn't be reached.

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#107.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19
4/23/19, 6/25/19, 7/30/19, 9/24/19

Docket 59

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Fr. 7/30/19

What is the status of the motion to modify?

Fr. 6/25/19

Debtor filed a motion to modify on April 22. On April 24, Trustee filed an opposition to the motion to modify on several grounds. What is the status of that motion to modify? Are the parties trying to work out the issues on the motion to modify?

FR. 4/23/19

Ruling for February 7, 2019: Continued to 4/23/19 at 11:00.

*Ruling for December 18, 2018:
Continued to February 7, 2019 at 11:30 a.m.*

*Ruling for November 1, 2018:
Cont. to 12/6/18 at 11:30.*

*Ruling for July 19, 2018
Continued to November 1, 2018 at 11:30 a.m.*

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

*Ruling for June 7, 2018
Continued to July 19, 2018, at 11:30 a.m.*

*Ruling for April 5, 2018:
Continued to June 7, 2018, at 11:30 a.m.*

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#108.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 138

Tentative Ruling:

Cont'd. fr. 9-24-19

Trustee alleges that Debtors are \$7,992 in default.

Debtors opposed explaining that they had a dispute with Chase and made extra payments, but the dispute is not resolved. Debtors explain that they will pay Trustee before the 9-24-19 hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#109.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19, 7/30/19, 9/24/19

Docket 78

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed asserting that she is current on payments and has overpaid. Debtor attached proof of payment via cashier's checks in her declaration.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11380 Maria Magdalena Carmona

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 71

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

Debtor opposed explaining that she faced financial difficulties but intends to be current on or before 8-20-19.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Magdalena Carmona

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#111.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19, 9/24/19

Docket 50

Tentative Ruling:

Cont'd. fr. 9-24-19

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

#112.00 Motion to Dismiss Case for Failure to
Make Plan Payments

Docket 58

Tentative Ruling:

Debtor opposed explaining that he will file motion to modify or suspend plan payments, which has not been filed yet.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Eduardo N Trillo Jr.

Represented By
Elena Steers

Joint Debtor(s):

Maritess Biglangawa Trillo

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

#113.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 62

Tentative Ruling:

Debtor opposed asserting that he will be current by the hearing date. Debtor explains that he paid \$2,000 and \$1,000 in October 2019.

Did Trustee receive the payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman

Chapter 13

#114.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19

Docket 79

Tentative Ruling:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13139 Mariane Del Mundo Laya

Chapter 13

#115.00 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment

fr. 10/22/19

Docket 31

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee requests to increase plan payments to \$4,783.86 as of 11/2/19 and increase the percentage to unsecured creditors, or, alternatively, dismiss the case.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Mariane Del Mundo Laya

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13196 Isaac Nessim Azoulay

Chapter 13

#116.00 Chapter 13 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment

Docket 49

Tentative Ruling:

Trustee requests to increase plan payments to \$4,783.86 as of 11/2/19 and increase the percentage to unsecured creditors, or, alternatively, dismiss the case.

Debtor's Opposition states that Trustee's proposal would overpay creditors by \$244,835. Debtor explains that Trustee based her demands on the non-filing spouse's 1031 exchange, which is separate property and not earned income.

Trustee filed a Reply explaining that she was not able to determine the source of income because Debtor did not provide a complete tax return. Trustee requests that Debtor turn over a complete 2018 tax return and provide evidence of current income.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Isaac Nessim Azoulay

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

**#117.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 85

Tentative Ruling:

Debtor opposes and explains that she will file and serve a motion to modify or suspend plan payments. Thee. opposes Debtor's motion to modify or suspend plan payments, which is set for hearing on 12-17-19 at 11:00 a.m.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dawn O. Olivieri

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10222 Maria Audelia Navarro

Chapter 13

#118.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 48

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #52. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Audelia Navarro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#119.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 68

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed explaining that he suffered financial hardship because his brother and tenant failed to pay rent due to diabetes complications. Debtor would like to reinstate his post-petition arrears by modifying the plan. Debtor has not filed a motion for plan modification.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10629 Jose Jaime Estrada

Chapter 13

**#120.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 46

Tentative Ruling:

It looks like the opposition came in late and an order was entered dismissing the case. As debtor believes he can cure, the dismissal order was vacated. The parties should advise at the hearing when the cure can be made.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Jaime Estrada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#121.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18; 4/23/19, 6/25/19; 8/20/19, 9/24/19

Docket 54

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, Debtors' counsel said that the state trial is complete, and she filed a proposed judgment, which the state court judge has not signed yet. There is a motion for attorney's fees in state court.

The parties agreed to continue for Debtors to file an amended plan and for the parties to discuss the objection to claim and adversary proceeding.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#122.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19; 4/23/19, 6/25/19; 8/20/19, 9/24/19

Docket 1

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, Debtors' counsel said that the state trial is complete, and she filed a proposed judgment, which the state court judge has not signed yet. There is a motion for attorney's fees in state court.

The parties agreed to continue for Debtors to file an amended plan and for the parties to discuss the objection to claim and adversary proceeding.

APPEARANCE REQUIRED.

9/24/19 Tentative Below:

Parties filed a Joint SR on 9/17/19, apprising the Court of the resolution of the State Court Action on or about 8/28/19. Now that this portion of the litigation appears to be resolved, the parties should be prepared to discuss how to advance this adversary matter.

APPEARANCE REQUIRED for 9/24/19 tentative.

Party Information

Debtor(s):

Hamid Farkhondeh

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Hamid Farkhondeh

Chapter 13

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10934 Maria Mercedes Arana

Chapter 13

#123.00 Motion RE: Objection to Claim Number 3 by Claimant CAM VII Trust, c/o Scheer Law Group, LLP / BSI Financial Services, Inc., predecessor in interest to Wilmington Savings Fund Society dba Christiana Trust, not individually, but solely as Trustee for NYMT Loan Trust I c/o Fay Servicing, LLC., its Successors and/or Assigns.

Docket 63

***** VACATED *** REASON: Ntc. of w/drawal filed 10/17/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Mercedes Arana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#124.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(v)(2)]

Docket 76

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12410 Terry Gale Moorhead

Chapter 13

#125.00 Motion to Dismiss Case for Failure to
Make Plan Payments

Docket 33

Tentative Ruling:

Debtor opposed explaining that \$975 in payments were not accounted for and that delinquent payments will be cured by the end of October 2019. An order granting Debtor's motion for authority to sell real property was entered.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Terry Gale Moorhead

Represented By
Leon D Bayer
Jeffrey N Wishman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12503 Barbara Koff

Chapter 13

#126.00 Motion For Sanctions/Disgorgement against Specialized Loan Servicing, LLC for Failure to Act in Good Faith white in the Loan Modification Mediation Program

Docket 50

***** VACATED *** REASON: Resolved per stipulation [#53] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Koff

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12549 Moshe Cohen

Chapter 13

#127.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(v)(2)]

Docket 55

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Moshe Cohen

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#128.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19, 10/22/19

Docket 64

Tentative Ruling:

Cont'd. fr. 10-22-19

The court issued an order granting the Debtor's motion to transfer interest in real property. The court then issued an order vacating the prior order. Debtor's attorney filed a declaration that the order vacating the prior order was recorded.

MOTION GRANTED. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12708 Jose Estrada

Chapter 13

#129.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 47

Tentative Ruling:

All parties agreed to continue at the last hearing.

Debtor opposes explaining that he already made a \$4,000 payment and that he intends to catch up on payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Estrada

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#130.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 47

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

Debtor opposed explaining that she will bring payment receipts at the 9-24-19 hearing and/or she will file a motion to modify/suspend plan payments. Debtor has not filed a motion to modify/suspend plan payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Yoonah Mason

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#131.00 Objection to Homestead Exemption

fr. 7/30/19, 9/24/19

Docket 21

Tentative Ruling:

Cont'd. fr. 9-24-19

Trustee informed the court at the last hearing that Debtor is going to take photos of the antiques to determine if it has any value. The schedules will need to be amended if a household items is valued over \$600.

The paralegal of Debtor's attorney submitted a declaration with photos of the household items.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

9-24-19 Tentative Below:

*This hearing was continued from 7/30/19 so that the Debtor could submit an itemized list of the antiques with a value for each. Nothing has been filed since the last hearing. What is the status of this Objection?
APPEARANCE REQUIRED for 9-24-19 tentative.*

7/30/19 TENTATIVE BELOW

Trustee objects to Debtor's claim of exemption of \$15,000 for "household furnishings, appliances, provisions, wearing apparel, and other personal effects" under C.C.P. § 704.020. The statute allows an exemption for such property:

(1) If ordinarily and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor's family at the judgment debtor's principal place of residence. . .

(b) In determining whether an item of property is "ordinarily and reasonably necessary" under subdivision (a), the court shall take into account both of the following:

(1) The extent to which the particular type of item is ordinarily found in a household.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Mary Kristin Burak

Chapter 13

(2) Whether the particular item has extraordinary value as compared to the value of items of the same type found in other households.

C.C.P. § 704.020(a)(1)-(b). Trustee argues that, pursuant to Debtor's testimony at the 341(a) hearing, "Debtor stated household items included antiques with possible extraordinary value." Trustee requests that the Court "deny the Debtor's exemptions of equity in her personal property and order the Debtor to commit the non-exempt equity to the plan under a liquidation analysis." This is too extreme. Trustee is asking the Court to deny an entire category of exemptions, some of which are certainly allowable, based upon the possibility that a portion of the exemption is not allowable. The Court will not do so, but it will order the Debtor to produce an itemized list (or more detailed schedules) of the antiques with a value for each. This motion can be continued as a holding date in case the parties need the court to determine whether any individual items are "ordinarily and reasonably necessary" within the meaning of § 704.020(a)(1).

APPEARANCE REQUIRED for 9-24-19 tentative.

Party Information

Debtor(s):

Mary Kristin Burak

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

#132.00 Motion RE: Objection to Claim Number 4
by Claimant Select Portfolio Servicing, Inc.

fr. 9/24/19, 10/22/19,

Docket 21

***** VACATED *** REASON: Cont'd to 12/17/19 at 11:00 per order #35. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11143 Daniel Weber

Chapter 13

#133.00 Motion to Avoid Junior Lien with Sortis Financial

fr. 10/22/19

Docket 36

Tentative Ruling:

Cont'd. fr. 10-22-19

Service: Debtor filed an Amended Proof of Service, which indicates that Sortis Financial, LLC was served properly. No Opposition filed.

Property Address: 7509 Amigo Avenue, Reseda, CA 91335

First trust deed: \$457,292.64

Second trust deed (to be avoided): \$72,345.13

Fair market value per appraisal: \$435,000

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.

10-22-19 Tentative Below:

Service: Improper service. No Opposition filed.

Property Address: 7509 Amigo Avenue, Reseda, CA 91335

First trust deed: \$457,292.64

Second trust deed (to be avoided): \$72,345.13

Debtor's Fair market value per appraisal: \$435,000

Sortis Financial, Inc. has not filed an Opposition. Sortis Financial also did not file a claim. The proof of service in Debtor's Motion indicates that Sortis Financial was served at:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Daniel Weber

Chapter 13

*18451 N. Dallas Parkway
Dallas, TX 75403*

However, the business search website indicates a different address for Sortis Financial:

*5445 Legacy Drive Suite 410
Plano, TX 75024*

Legal Standards

FRBP 7004(h). Service of Process on an Insured Depository Institution.

Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless –

- 1. the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;*
- 2. the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or*
- 3. the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.*

Discussion

Sortis Financial was not served properly. Thus, the Motion cannot be granted. Debtor must properly serve Sortis Financial.

CONT'D. TO 11/19/2019 to allow service.

NO APPEARANCE REQUIRED FOR 10-22-19 tentative.

Party Information

Debtor(s):

Daniel Weber

Represented By
Joshua L Sternberg

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Daniel Weber

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11251 Glenn Alan Badgett

Chapter 13

#134.00 Motion to Avoid JUNIOR LIEN with Ocwen Loan Servicing LLC

Docket 39

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 20756 Saticoy Street
Winnetka, CA 91367
First trust deed: \$542,591.98
Second trust deed (to be avoided): \$119,840.83
Fair market value per appraisal: \$540,000

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):

Glenn Alan Badgett

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

#135.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 3859 Sherwood
Place, Sherman Oaks, CA 91423

fr. 7/30/19, 9/24/19

Docket 18

Tentative Ruling:

Are the parties getting appraisals? If debtor is relying on an offer to buy, he needs to file a response to objection and details about marketing of property. If Cascade is opposing, it needs an appraisal.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Robert Benjamin Sautter

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11309 John Cooper

Chapter 13

#136.00 Motion to Avoid Lien JUNIOR LIEN with VERIPRO SOLUTIONS

Docket 21

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 12272 Sarazen Pl
Granada Hills, CA 91344
First trust deed: \$755,602.99 (U.S. Bank)
Second trust deed (to be avoided): \$297,127.89 (Veripro Solutions)
Fair market value per appraisal: \$700,000

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):

John Cooper

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11309 John Cooper

Chapter 13

#137.00 Motion to Avoid Lien JUNIOR LIEN with LUIS CRESCITELLI

Docket 22

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 12272 Sarazen Pl
Granada Hills, CA 91344
First trust deed: \$755,602.99 (U.S. Bank)
Second trust deed: \$297,127.89 (Veripro Solutions)
Third trust deed (to be avoided): \$5,675 (Luis Crescitelli)
Fair market value per appraisal: \$700,000

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):

John Cooper

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

#138.00 Motion to Avoid Junior Lien on Principal Residence
[11 U.S.C. § 506(d)] : 6828 Laurel Canyon Blvd.,
Unit 102, North Hollywood, CA 91605

fr. 9/24/19

Docket 30

***** VACATED *** REASON: Cont'd to 1/28/20 per order #44. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#139.00 Motion RE: Objection to Claim Number 3 by
Claimant Mortgage Partners of America Inc.

Docket 60

Tentative Ruling:

Debtor Mary Calloway objects to the \$158,752.15 secured Claim #3 ("Claim") filed by Mortgage Partners of America, Inc. ("Creditor"), arguing that the Claim is void because it was subject to Debtor's previous Chapter 7 bankruptcy discharge (11-13350) entered on August 15, 2011. The problem is that the prior bankruptcy was filed by Dwayne Calvin Calloway and Catherine Paule Calloway, not **Mary** Calloway. Creditor allegedly violated the automatic stay by proceeding to have a state court default judgment entered against Dwayne Calloway on July 11, 2011 and by recording the abstract of judgement.

Creditor asserts that it did not receive notice of the prior bankruptcy case and was denied its right to seek an objection to discharge of its claims. Creditor explains that the Claim is based on Dwayne Calloway's theft, money, fraud, and deceit. Creditor argues correctly that Debtor has failed to rebut the presumption of validity of a proof of claim.

A validly filed proof of claim constitutes *prima facie* evidence of the claim's validity and amount. Fed.R.Bankr.P. 3001(f). A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a); Lundell v. Anchor Const. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000). 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." Id. To defeat a claim, the objector must provide sufficient evidence and "show facts tending to defeat the claim by a probative force equal to that of the allegations of the proofs of claim themselves." Id. Upon objection, after notice and hearing, the court shall determine the amount of the claim. 11 U.S.C. § 502(b). The claim shall not be allowed to the extent it is not enforceable against the debtor or property of the debtor under applicable law. 11 U.S.C. § 502(b); In re Salaman, 528 B.R. 171, 178 (9th Cir. B.A.P. 2015).

While debtor is correct that the automatic stay and discharge injunction may have prevented the recording of the judgment, she does nothing to explain how she can raise this issue. When a bankruptcy petition is filed, 11 U.S.C. § 362 automatically

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Mary Elizabeth Calloway

Chapter 13

provides the debtor with a broad stay against certain actions by creditors. Ackerman v. Eber (In re Eber), 687 F.3d 1123, 1128 (9th Cir. 2012). If and when a debtor is granted a discharge, the automatic stay dissolves and is replaced by a permanent injunction under 11 U.S.C. § 524. Id. Among other things, the automatic stay prohibits actions to recover a claim against the debtor that arose before commencement of the bankruptcy case, obtain possession of or exercise control over property of the bankruptcy estate, or enforce a lien against property of the estate. See 11 U.S.C. § 362(a)(1), (3), (4), (5). Any violation of the stay would be solely the cause of action of Dwayne Calloway. The creditor also has a right to seek annulment of the stay. All of that would need to be litigated before Mary Calloway has any right to object to this claim.

In addition to these issues, the parties need to resolve the right to object to discharge, which Dwayne Calloway denied this creditor by failing to notice it. Under 11 U.S.C. § 523(a),

A discharge under 727, 1141, 1128(b), or 1328(b)...does not discharge an individual debtor from any debt –

...

(3) neither listed nor scheduled under section 521(a)(1) of this title...with the name, if known to the debtor, of the creditor to whom such debt is owed, in time to permit –
(A) if such debt is not of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim, unless such creditor had notice or actual knowledge of the case in time for such timely filing; or
(B) if such debt is of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim and timely request for a determination of dischargeability of such debt under one of such paragraphs, unless such creditor had notice or actual knowledge of the case in time for such timely filing and request;

If an omitted creditor's claim could have been excepted from discharge by 11 U.S.C. § 523(a)(2), (a)(4), or (a)(6), a debtor's failure to schedule a claim when the petition was filed meant that the omitted creditor did not receive notice of the deadline for filing a complaint. See 11 U.S.C. § 523(c); FRBP 4007(b). A complaint other than under § 523(c) may be filed at any time. A case may be reopened without payment of an additional filing fee for the purpose of filing a complaint to obtain a determination of whether a debt is dischargeable. FRBP 4007(b).

Creditor was not served notice of the prior bankruptcy case because Creditor was not included in Debtor's Mailing Matrix. If creditor seeks to have this debt declared non-dischargeable, a complaint under 523(c) should be filed within one month.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Mary Elizabeth Calloway

Chapter 13

As debtor has not stated sufficient grounds to rebut the presumption of validity, the objection will either be denied without prejudice or continued 2 months to allow for the filing of the motion to annul and non-dischargeability complaint.

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Faith A Ford

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-12001 Hilcias Noe Morataya and Dora Estela Morataya

Chapter 13

#140.00 Motion to Avoid JUNIOR LIEN with
SPECIALIZED LOAN SERVICING LLC

Docket 15

Tentative Ruling:

Service: Proper. Conditional Non-Opposition filed.
Property Address: 14921 Chatsworth Drive
Missions Hills, CA 91345
First trust deed: \$528,648 (Specialized Loan Servicing)
Second trust deed: \$119,000 (Specialized Loan Servicing)
Fair market value per appraisal: \$480,000

Creditor Specialized Loan Servicing LLC filed a Conditional Non-Opposition.
Creditor does not oppose the Motion on the condition that Debtors complete their
plan and receive a discharge.

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):

Hilcias Noe Morataya

Represented By
Sydell B Connor

Joint Debtor(s):

Dora Estela Morataya

Represented By
Sydell B Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Hilcias Noe Morataya and Dora Estela Morataya

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-12053 Ruben Contreras

Chapter 13

#141.00 Motion to Disallow Claims of American Express National Bank, Claim 3-1

Docket 25

Tentative Ruling:

Debtor objects to Claimant American Express' claim of \$1,483.30 as barred by the statute of limitations under California Civil Code §§ 335 and 337.

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. A general release bars all previously arising claims. *Villacres v. ABM Industries, Inc.*, 189 Cal. App.4th 562, 587-89 (2010).

"Cal. Civ. Code § 335: the period prescribed for the commencement of actions other than for the recovery of real property is as follows:

**United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Ruben Contreras

Chapter 13

Cal. Civ. Code § 337: within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code."

Debtor filed her bankruptcy petition on August 15, 2019. Claimant filed its proof of claim on October 3, 2019. The proof of claim indicates that Debtor's last payment was on June 2013, which is six years and two months since the filing of Debtor's petition. Claimant's claim is thus time barred.

Service proper. No response filed. Objection sustained.

NO APPEARANCE REQUIRED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ruben Contreras

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-12112 Deborah Rose Sanders

Chapter 13

#142.00 Motion to Avoid JUNIOR LIEN with PNC Bank, National Association

Docket 29

Tentative Ruling:

Service: Proper. Opposition filed.
Property Address: 10220 De Soto Avenue, Unit 23
Chatsworth, CA 91311
First trust deed: \$191,646.37 (Shellpoint Mortgage Servicing)
Second trust deed: \$72,033.63 (PNC Bank)
Fair market value per appraisal: \$180,000

On 11-5-19, Creditor PNC Bank opposed the Motion. Creditor asserts that the value of its claim is \$71,526.08 as opposed to \$72,033.63. Creditor requests a continuance of at least 45 days to inspect the interior of the Property and obtain an appraisal. Creditor's Broker Price Opinion values the Property at \$345,000.

APPEARANCE WAIVED. Hearing continued to January 28, 2020 at 11:00 a.m. Creditor is to file its appraisal three weeks before the hearing. The parties will discuss a briefing schedule for an evidentiary hearing at the next hearing once all appraisals are submitted.

Party Information

Debtor(s):

Deborah Rose Sanders

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:30 AM

1:18-10524 Peter A. Holliday

Chapter 13

#143.00 Objection to claim number 9
by Internal Revenue Service

fr. 2/26/19; 5/21/19

Docket 62

***** VACATED *** REASON: Off-Cal. Obj. Withdrawn 10/11/19**

Tentative Ruling:

Party Information

Debtor(s):

Peter A. Holliday

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

9:30 AM

1:19-12726 Dolores Campos

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Campos

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

9:30 AM

1:19-12714 Russ Gene Robinson

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Russ Gene Robinson

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

9:30 AM

1:19-12724 Irene J Goytia

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irene J Goytia

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

9:30 AM

1:19-12788 Claire L Gregorio

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

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claire L Gregorio

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

9:30 AM

1:19-12802 Susana Padre

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 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:17-12518 Phillip Thomas Briggs

Chapter 13

#1.00 Motion for relief from stay

HYUNDAI LEASE TITLING TRUST

Docket 33

***** VACATED *** REASON: Resolved per Order doc. 37 - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Thomas Briggs

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#1.01 Motion for relief from stay

WILMINGTON TRUST

fr. 11/6/19

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 11-6-19 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

11-6-19 TENTATIVE BELOW

Petition Date: 6-29-2017

Chapter 13 Plan Confirmed: 3-6-2018

Service: Proper. Late Opposition filed.

Property: 21608 Los Alimos Street

Chatsworth, CA 91311-1333

Property Value: \$500,000 (per debtor's schedules)

Amount Owed: \$492,407.04

Equity Cushion: 0.0%

Equity: \$10,342.13.

Post-Petition Delinquency: \$16,117.81 (3 late payments of \$2,836.35, \$3,319.11, and \$3,359.88 each).

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); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

Debtors filed a late Opposition explaining that the Property is necessary for an effective reorganization because it is Debtors' primary residence. Debtors further

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Anthony Antonello and Tamara Marie Antonello Chapter 13
explain that they experienced financial hardship, which caused the loan default.
Debtors request a repayment agreement to cure any post-petition delinquency.

Party Information

Debtor(s):

Anthony Antonello

Represented By
Kevin T Simon

Joint Debtor(s):

Tamara Marie Antonello

Represented By
Kevin T Simon

Movant(s):

Wilmington Trust, National

Represented By
Dipika Parmar
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:18-10662 Doris Elizabeth Rosales

Chapter 13

#2.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSC.

fr. 10/23/19

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 10-23-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

10-23-19 TENTATIVE BELOW

Petition Date: 3/18/18

Chapter 13 plan confirmed: 10/12/18

Service: Proper; co-borrower Jose Rosales not served. No opposition filed.

Property: 8923 Lev Ave., Arleta, CA 91331

Property Value: \$435,000 (per debtor's schedules)

Amount Owed: \$409,152 (per Proof of Claim #8-2)

Equity Cushion: 0%

Equity: \$25,848

Post-Petition Delinquency: \$7,574.88 (approx. 3 payments of \$2,150.48; late charge of \$92.44; attorney's fees of \$1,031)

Movant alleges cause for 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 the last payment of \$1,720.39 was made on or about August 13, 2019.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Doris Elizabeth Rosales

Chapter 13

Given the relatively small delinquency, have the parties had an opportunity to discuss an APO?

Party Information

Debtor(s):

Doris Elizabeth Rosales

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:18-12737 Craig A. Lapiner

Chapter 13

#3.00 Motion for relief from stay

CAB WEST, LLC

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 11/9/18

Chapter 13 plan confirmed: 7/22/19

Service: Proper. No opposition filed.

Property: 2017 Ford Explorer

Property Value: \$0 (LEASE, per debtor's schedules)

Amount Owed: \$29,524

Post-Petition Delinquency: \$1,792.80 (2 payments of \$896.51)

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):

Craig A. Lapiner

Represented By
Eliza Ghanooni

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-10130 Bonnie Kay Lopez

Chapter 13

#4.00 Motion for relief from stay

WELLS FARGO BANK N.A.

fr. 10/23/19

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 10-23-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

10-23-19 TENTATIVE BELOW

Petition Date: 1/18/19

Chapter 13 plan confirmed: 6/5/19

Service: Proper. Opposition filed.

Property: 8051 Paso Robles Ave., Van Nuys CA 91406

Property Value: \$580,000 (per debtor's schedules)

Amount Owed: \$597,149 (per proof of claim 2-1)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$7,325.62 (3 payments of \$2,035.57; attorney's fees of \$1,031; less suspense balance of \$1,847.66)

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 the last payment received was on or about 6/21/19.

**United States Bankruptcy Court
Central District of California
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... **Bonnie Kay Lopez** **Chapter 13**

Debtor opposed the Motion, requesting to cure any deficiency in an APO. Is
Movant amenable to Debtor's request?

Party Information

Debtor(s):

Bonnie Kay Lopez

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-10772 Donnie Polk

Chapter 13

#5.00 Motion for relief from stay

JPMC SPECIALTY MORTGAGE LLC

fr. 10/23/19

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 10-23-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

10-23-19 TENTATIVE BELOW

Petition Date: 4/10/19

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 1817 Danforth Dr., Marietta GA 30062

Property Value: \$521,000 (per debtor's schedules)

Amount Owed: \$636,467

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$10,311 (4 payments of \$2,636.15; less suspense account balance of \$233.32)

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).

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Donnie Polk

Chapter 13

Debtor(s):

Donnie Polk

Represented By
Miguel Duarte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

#5.01 Motion for relief from stay

ACAR LEASING LTD DBA
GM FINANCIAL LEASING

fr. 11/6/19

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7-15-2019
Chapter 13 Plan Confirmed: 10-18-2019
Service: Proper. Opposition filed.
Property: 2016 Cadillac
Property Value: Unknown (per debtor's schedules)
Amount Owed: \$43,067.07 (per creditor's claim) v. \$21,458 (per debtor's schedules)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$2,620.38.

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

Debtor filed an Opposition stating that he wishes to enter into a six-month adequate protection agreement. Movant filed a Reply stating that it will not agree to an APO.

Thereafter, the parties stipulated to continue this hearing from 11/6/19. Have the parties been able to negotiate a consensual resolution?

Party Information

Debtor(s):

Christopher Michael Niblett

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Christopher Michael Niblett

Chapter 13

Movant(s):

ACAR Leasing LTD d/b/a GM

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-11819 John Raymond Nardolilli

Chapter 7

#6.00 Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 7/19/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 148 Harbors Way Unit 48, Boynton Beach, FL 33435

Property Value: \$300,000 (per debtor's schedules)

Amount Owed: \$782,497.76

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$298,843 (69 payments of \$4,315.12)

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):

John Raymond Nardolilli

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... John Raymond Nardolilli

Chapter 7

Movant(s):

Bayview Loan Servicing, LLC., as

Represented By
Joseph C Delmotte

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-11923 Grace DeGuzman Castillo

Chapter 13

#6.01 Motion for relief from stay

US BANK NATIONAL ASSOCIATES

fr. 11/6/19

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 11-6-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing.

What is the status of this Motion?

APPEARANCE REQUIRED

11-6-19 TENTATIVE BELOW

Petition Date: 7-31-2019

Chapter 13 Plan Not Confirmed.

Service: Improper (co-owners served, but not secured creditor). No Opposition filed.

Property: 10204 Hanna Avenue, Los Angeles, CA 91311-2817

Property Value: \$592,000 (per debtor's schedules)

Amount Owed: \$505,863.25

Equity Cushion: 7.0%

Equity: \$91,151.34

Post-Petition Delinquency: \$8,902.10 (2 late payments of \$3,935.55 each).

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); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

Debtor's Schedule D indicates that Mr. Cooper holds a \$460,061 lien on the Property. Under LBR 4001-1(c)(1)(C)(iv), the movant must serve, if relief is sought

**United States Bankruptcy Court
Central District of California
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Grace DeGuzman Castillo Chapter 13

as to property of the estate, the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record.

Movant must serve this secured creditor.

Party Information

Debtor(s):

Grace DeGuzman Castillo

Represented By
R Grace Rodriguez

Movant(s):

U.S. Bank National Association, as

Represented By
Arnold L Graff
Cassandra J Richey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12112 Deborah Rose Sanders

Chapter 13

#7.00 Motion for relief from stay

NEWREZ LLC

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 8/22/19

Chapter: 13

Service: Proper. No opposition filed.

Property: 10220 De Soto Ave. Unit 23 Chatsworth, CA 91311

Property Value: \$180,000 (per debtor's motion to avoid lien)

Amount Owed: \$186,096

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,047 (2 payments of \$1,023)

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 she is post-petition current and has entered into a trial loan modification with Movant. Is Movant amenable to a continuance of this hearing to a time after the trial period is ended?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Deborah Rose Sanders

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Deborah Rose Sanders

Kevin T Simon

Chapter 13

Movant(s):

NewRez LLC d/b/a Shellpoint

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12284 Afsaneh Doost

Chapter 7

#8.00 Motion for relief from stay

BANK OF AMERICA

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/11/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 4567 White Oak Place, Encino CA 91316

Property Value: \$1,350,000 (per debtor's schedules)

Amount Owed: \$1,295,902

Equity: \$55,000

Delinquency: \$70,114 (11 payments of \$6,391)

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):

Afsaneh Doost

Pro Se

Movant(s):

BANK OF AMERICA, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Afsaneh Doost

Christina J Khil

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12418 Rosana Benavides

Chapter 13

#9.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 9/25/19

Chapter 13 dismissed: 10/22/19

Service: Proper; original borrower Maria Garcia not served. No opposition filed.

Property: 2101 South Pacific Avenue Unit 77, Santa Ana CA 92704

Property Value: unk. - not listed on Debtor's schedules

Amount Owed: \$136,541

Equity: unk.

Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property. It is unclear whether Debtor is involved in the alleged scheme to delay, hinder 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); **6** (waiver of the 4001(a)(3) stay); **7** (law enforcement may evict); **8** (relief under 362(d)(4)); and **9** (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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Rosana Benavides

Chapter 13

Debtor(s):

Rosana Benavides

Pro Se

Movant(s):

Deutsche Bank National Trust

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12531 Lidor Svisa

Chapter 7

#10.00 Motion for relief from stay

SANTANDER CONSUMER USA

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 10/5/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2018 Jeep Wrangler

Property Value: \$36,965 (leased per Debtor's schedules)

Amount Owed: \$56,915

Equity: \$0.00.

Delinquency: \$2,648.98 (approx. 3 payments of \$859.66)

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):

Lidor Svisa

Represented By
Jeffrey J Hagen

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Lidor Svisa

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#11.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 9/18/19

Docket 2284

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 1/9/12

Converted to Chapter 7: 3/14/12

Service: Proper

Property: 16442 McKeever St., Granada Hills, CA 91344

Property Value: \$500,000 (per Movant's appraisal)

Amount Owed: \$207,994 (as of 8/14/19)

Equity Cushion: 58%

Equity: \$292,006

This hearing was continued per stipulation from Sept. 18, 2019. On Nov. 15, 2019, Trustee filed an opposition, arguing that Movant has a sufficient equity cushion to protect its claim and requests a 90 day continuance, as the Property is being administered by Trustee.

Having reviewed the Motion and the Opposition, the Court is inclined to continue this matter for 90 days to allow Trustee to market the Property. Is Movant amenable to such continuance?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Owner Management Service, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-10802 Cristina Flor

Chapter 13

#11.01 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

fr. 11/6/19

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 11-6-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

11-6-19 TENTATIVE BELOW

Petition Date: 4-4-2019

Chapter 13 Plan Not Confirmed: formerly a no asset Ch. 7.

Service: Proper. Opposition filed.

Property: 2018 Tesla

Property Value: \$ (per debtor's schedules)

Amount Owed: \$55,471.18

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$3,920.61 (2 late payments of \$1,865.30 and \$1,437.69 each).

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraphs **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

Debtor filed an Opposition arguing that Movant did not account for payments made. Debtor also asserts that Property is insured and that she will be prejudiced if the nonbankruptcy action is allowed to continue in the nonbankruptcy forum.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, November 20, 2019

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10:00 AM

CONT... Cristina Flor

Chapter 13

Party Information

Debtor(s):

Cristina Flor

Represented By
Hasmik Jasmine Papian

Movant(s):

LOGIX FEDERAL CREDIT

Represented By
Reilly D Wilkinson

**United States Bankruptcy Court
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12717 Laura Pena

Chapter 13

#11.02 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On 10/28/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-10570-MB, was a chapter 13 that was filed on 3/5/18 and dismissed on 10/28/19 for failure to make plan payments.

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 plan payments. Debtor claims that the First Filing was dismissed after she was injured in a car accident on 8/4/19 and has not been able to work. Debtor states that since the First Filing was dismissed, she has retained an attorney to represent her in the car accident case and is going to physical therapy. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence.

Creditor Summit Capital LLC opposes the Motion, arguing that Debtor has not demonstrated that her financial circumstances have changed since the dismissal of the First Filing. Creditor requests that Debtor be ordered to remain current with post-petition adequate protection payments, as well as taxes and insurance.

What is Debtor's position as to Movant's arguments for adequate protection?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Laura Pena

Represented By

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CONT... Laura Pena

Chapter 13

Thomas B Ure

Movant(s):

Laura Pena

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#12.00 Motion RE: Objection to Claim Number 28 by Claimant Susan Ferguson

Docket 2311

*** VACATED *** REASON: Cont'd to 1/15/20 at 11 a.m. - hm

Courtroom Deputy:

- NONE LISTED -

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
Jorge A Gaitan

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10:00 AM

1:19-12016 Helen Esmeralda Deleon

Chapter 7

#12.01 OSC re Dismissal for non-payment of installment
filing fees

Docket 0

***** VACATED *** REASON: Fees of \$185.00 paid (eg)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Helen Esmeralda Deleon

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

1:19-12290 Tyler Brooks Kimmel

Chapter 13

#12.02 OSC re: Dismissal for non-payment of installment filing fees

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Tyler Brooks Kimmel	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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10:00 AM

1:19-12545 Moses Vahan Sahakian

Chapter 7

#13.00 Motion to Dismiss Case Pursuant to 11 U.S.C. §§ 707(a) or 707(b)(3) with a 180-Day Bar to Refiling Pursuant to 11 U.S.C. §§ 109(g) and 105(a).

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Service proper. No response filed. Motion to Dismiss Case with 180-day bar is GRANTED.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Moses Vahan Sahakian Pro Se

Trustee(s):

David Seror (TR) Pro Se

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10:00 AM

1:18-12113 Lida Platt

Chapter 7

#14.00 Motion for Order: (1) Authorizing Sale of Real Property Located at 4687 Guide Meridian St., Bellingham WA 98226 (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens, Claims, and Encumbrances; (C) Subject to Overbid; and (D) For Determination of Good Faith Purchaser Under 11 U.S.C. Section 363(m)

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Chapter 7 Trustee David Gottlieb has accepted an offer to sell the real property at 4687 Guide Meridian, Bellingham, WA 98226 (the "Property") to Yevgeniy Litvinov ("Buyer") for \$35,000. Trustee projects that the sale will net approximately \$29,000 (after costs and 10% broker's commissions) for the benefit of unsecured creditors. Trustee will entertain an initial overbid for a minimum purchase price of at least \$40,000 on an "as-is," "where-is," and "with all faults" basis and shall not contain any financing, due diligence, or any other contingency fee, termination fee, or any similar fee or expense reimbursement. Trustee's proposed sale procedures provide for the successful bidder to pay at the closing all amounts reflected in the Best Bid in cash and such other consideration as agreed upon.

Service proper. No response filed.

Motion GRANTED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Lida Platt

Represented By
David A Tilem

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CONT... Lida Platt

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Represented By
D Edward Hays
Laila Masud

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Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

#14.01 Motion For Order: (1) Authorizing Sale Of Estate's Right, Title And Interest In Real Property Free And Clear Of Liens, Claims, And Interests; (2) Approving Overbid Procedure; (3) Approving Payment Of Commissions; And (4) Waiving Stay Under Rule 6004(h)

fr. 11/6/19

Docket 196

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Trustee Nancy Zamora moves to sell real property at 15336 Archwood St., Van Nuys, CA 91406 (the "Property") free and clear under § 363(f) to Gonzalo Macias for the purchase price of \$465,000. Trustee proposes an initial overbid amount of \$5,000, with subsequent bids in \$1,000 increments. Overbidders (except for the Macias) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Encore Escrow," in the amount of \$51,500 (the "Deposit") at least two (2) calendar days prior to the hearing on the Motion. Lienholder Ridic, LLC has agreed to accept a discounted payout. The Trustee estimates that the proposed sale will generate approximately \$46,032 in net proceeds to the estate as follows:

Proposed Sales Price \$465,000
Real Property Taxes <\$19,568>
E3 Lien <\$0> (to be sold free & clear, interest to attach to proceeds)
Pace Lien <\$0> (to be sold free & clear, interest to attach to proceeds)
Ridec Lien <\$380,000>
Estimated Tax Liability from Sale <\$800>
Closing Costs (estimated at 4%, including 2% discounted
Brokers' commission) <\$18,600>

Net Proceeds \$46,0326 (if Pace & E3 Liens are not allowed in their entirety)

Opposed by Solar Capital Solutions & Energy Efficient Equity (whose deed of trust is

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10:00 AM

CONT... **Green Nation Direct, Corporation** **Chapter 7**

described by Trustee as "disputed," amount asserted \$70,103). As to Solar Capital, it does not oppose the proposed sale on the terms stated but does request that the Order contain additional terms to protect and preserve what it believes is its potential interest in the Net Proceeds. SCS requests that this Court order the Trustee to segregate the Net Proceeds generated by the sale into a separate escrow or bank account. Although Solar Capital admits that it does not have a recorded trust deed against the Property, it asserts that it has a "substantial claim" against NRG Investments, and will be asserting that the transfer of the Property and other properties from NRG to GND was a voidable and void transfer.

In her response, Trustee notes that Solar Solutions has no objection to the sale of the Property and that there is no dispute that Solar Solutions does not have a recorded interest in the Property. See Solar Solutions Opp., 3:22-23. To the extent that Solar Solutions asserts a claim against the Estate, Trustee contends that such claim can be resolved by the Court in a separate proceeding. Irrespective, Trustee is agreeable to inserting language in the sale order that the Net Proceeds will be segregated in a separate bank account, pending the Court's decision on the allowability of certain disputed claims asserted against the Property.

As to the Energy Efficient Equity opposition, Trustee represented that she was in discussions with Ridec to, among other things, confirm whether Ridec is agreeable to: (1) allow the Trustee to hold all of the Property's sale proceeds after paying real property taxes, broker's commissions, and other closing costs from escrow; and (2) still discount its claim to \$380,000.

The parties then stipulated to continue the hearing that was set for November 6, 2019 to this date. Nothing has been filed since the Stipulation. Have the parties been able to negotiate sale order language that satisfies the opposing parties?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Represented By
	Jeffrey S Kwong
	Edward M Wolkowitz

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10:00 AM

1:14-12485 Rami Bentov and Osnat Bentov

Chapter 7

#15.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Docket 111

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 11/20/19.

Party Information

Debtor(s):

Rami Bentov

Represented By
Stella A Havkin

Joint Debtor(s):

Osnat Bentov

Represented By
Stella A Havkin

Trustee(s):

Diane C Weil (TR)

Represented By
Diane C Weil

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#16.00 Motion for Further Sanctions Against Defendant John Gordon Jones for Defendant's Failure to Pay the Court Ordered Sanctions In The Amount of \$3,769.70 as Ordered by the Court on July 9, 2019 to Strike Defendant's Answer, or Prohibit Defendant from Supporting or Opposing his Claims or Defenses in this Case Until the Sanctions is Paid, Add Corporation Distributions, Inc. as a Party to the Sanctions Order, and to Order Further Monetary Sanctions Against Defendant in the Amount of \$3,598.60 and Impose Daily Sanctions of \$100.00 Against the Defendant

Docket 146

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The court ordered Defendant John Gordon Jones to pay Plaintiff John Levin, M.D. \$3,769.70 in sanctions. [Dkt. No. 93]. The payment was due within 30 days from the 7-9-2019 date of entry of the order. No motion was ever brought seeking to pay such sanctions in installments or showing an inability to pay. Defendant simply ignored the order and stated that he could not pay.

Plaintiff has now brought a motion for further sanctions against Defendant for failing to pay the \$3,769.70 as ordered. [Dkt. No. 146].

Plaintiff alleges that the parties met and conferred, and Defendant claimed not having the funds to pay \$3,769.70. Plaintiff alleges that, on the contrary, Defendant does have the funds to pay the amount. Plaintiff alleges that Defendant pays himself a \$700 weekly stipend from Corporate Distributions, Inc. and spends thousands of dollars from this company. Plaintiff's motion is supported by evidence of an ability to pay at least in regular installments. Defendant's response explains

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CONT... John Gordon Jones

Chapter 7

why he believes he has a right to spend personal and corporate funds the way he does, but does not show that he cannot pay the sanctions.

Under FRBP 7037 and 11 U.S.C. § 105(a), Plaintiff requests for the court to (1) strike Defendant's answer, or prohibit Defendant from supporting or opposing his claims or defenses until the sanction is paid; (2) add Corporate Distributions, Inc. as a party to the sanctions order; and (3) order \$3,598.60 in further monetary sanctions and \$100 in daily sanctions against Defendant.

Defendant filed a cross-motion for sanctions against Plaintiff. [Dkt. No. 150]. Defendant insists that he does not have the money to pay the \$3,769.70. The cross motion appears to be a response to the Plaintiff's motion and asks for additional relief of stopping any further discovery and to decide the motion for summary judgment before anything else.

Defendant requests the following sanctions under FRCP 37(a)(5):

- (1) \$10,665, which consists of \$5,780 for preparing the cross-motion and an estimated \$5,475 for the anticipated reply and court appearance.
- (2) \$10,305 for fees incurred in the Trustee investigation that Plaintiff allegedly solicited and encouraged in bad faith in violation of 28 U.S.C. § 1927 and § 105.
- (3) \$42,149.25 for Defendant's fees in the round 1 and 2 meet and confer/discovery from November 2018 through April 2019 under the court's power to regulate court proceedings and deter abuse of process, or as discovery sanctions under FRCP 37(a)(5).

Defendant argues that Plaintiff acted in bad faith in the meet and confer and discovery procedures surrounding the sanctions order.

Federal Rules of Bankruptcy Procedure ("FRBP") 7037 applies the Federal Rules of Civil Procedure ("FRCP") 37 in adversary proceedings. FRCP 37(b)(2) states that the court may issue further just orders if a party fails to obey an order to provide or permit discovery. See Newman v. GHS Osteopathic, Inc., Parkview Hosp. Div., 60 F.3d 153, 156 (3d Cir. 1995)(stating that imposing sanctions for abuse of

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discovery is within the court's discretion); Digregorio v. First Rediscount Corp., 506 F.2d 781, 788 (3d Cir. 1974)(explaining that the choice of an appropriate sanction to impose upon a party's failure to comply with a discovery order is committed to the court's sound discretion).

Under FRCP 37(b), the sanctions that the court may impose include:

- i. directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- ii. prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- iii. striking pleadings in whole or in part;
- iv. staying further proceedings until the order is obeyed;
- v. dismissing the action or proceeding in whole or in part;
- vi. rendering a default judgment against the disobedient party; or
- vi. rendering a default judgment against the disobedient party; or
- vii. treating as contempt of court the failure to obey any order except an order to submit a physical or mental examination.

In addition, "instead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust." FRCP 37(b)(2)(C).

Under 28 U.S.C. §1927, "Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct."

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Article III courts have an "inherent authority" to sanction "bad faith" or "willful misconduct," even in the absence of express statutory authority to do so. Chambers v. NASCO, Inc., 501 U.S. 32, 42-47 (1991). Bankruptcy courts, like district courts, also possess that inherent power. Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1196-1197 (9th Cir. 2003). See also Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240 (1975) ("...a court may assess attorney's fees when a party has "acted in bad faith, vexatiously, wantonly, or for oppressive reasons.")

Under 11 USCS § 105 (a), "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. See Miller v. Cardinale (In re DeVille), 361 F.3d 539, 548-549 (9th Cir. 2004). "Bankruptcy courts have 'the inherent authority to regulate the practice of attorneys who appear before them." In re Nguyen, 447 B.R. 268, 280 (9th Cir. BAP 2011)(en banc). Under its inherent authority, a bankruptcy court may sanction an attorney to deter and provide compensation for a broad range of improper litigation tactics. Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1196 (9th Cir. 2003). See also In re Brooks-Hamilton, 400 B.R. 238, 246-47 (9th Cir. BAP 2009).

Defendant, as the disobedient party, had the burden to prove that his failure to pay the \$3,769.70 is justified or that special circumstances make an award of expenses unjust. Defendant did not file a response to the motion. He filed a cross-motion. Defendant's cross-motion also does not satisfy this burden. Furthermore, there is no evidence that Defendant made any effort to pay, such as negotiating with Plaintiff to pay the \$3,769.70 in installments. Defendant must now pay the sanctions plus Plaintiff's attorney fees for bringing the motion to compel the payment. If Defendant continues to just ignore the order, the court will consider additional sanctions such as those outlined in FRCP 37(b)(2)(A) and requested by Plaintiff such as (1) striking Defendant's answer, or prohibiting Defendant from supporting or opposing his claims or defenses until the sanction is paid; (2) adding Corporate Distributions, Inc. as a party to the sanctions order; and (3) ordering \$3,598.60 in further monetary sanctions and \$100 in daily sanctions against Defendant.

Defendant has not provided a basis to impose sanctions on Plaintiff. Plaintiff has a right to take discovery. The court cannot force a settlement, as much as Defendant would like that. The court has found the motion for summary judgment is unlikely to resolve the discovery dispute since the motion concerns solely the 523 cause of action and does nothing to resolve the 727 action. The discovery questions appear to relate primarily to the 727 cause of action. Defendant appears to equate

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"meet and confer" as the right to convince the other side to see things his way.
There is no such requirement. The meet and confer is to narrow issues, something
that does not seem to be happening between these parties.

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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10:00 AM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#17.00 Cross Motion of Defendant For Sanctions
Against the Attorneys for Plaintiff for Bad
Faith conduct and for Protective Order and
Discovery Sanctions in Connection with
Plaintiff's Motion for Further Sactions

Docket 150

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The court ordered Defendant John Gordon Jones to pay Plaintiff John Levin, M.D. \$3,769.70 in sanctions. [Dkt. No. 93]. The payment was due within 30 days from the 7-9-2019 date of entry of the order. No motion was ever brought seeking to pay such sanctions in installments or showing an inability to pay. Defendant simply ignored the order and stated that he could not pay.

Plaintiff has now brought a motion for further sanctions against Defendant for failing to pay the \$3,769.70 as ordered. [Dkt. No. 146].

Plaintiff alleges that the parties met and conferred, and Defendant claimed not having the funds to pay \$3,769.70. Plaintiff alleges that, on the contrary, Defendant does have the funds to pay the amount. Plaintiff alleges that Defendant pays himself a \$700 weekly stipend from Corporate Distributions, Inc. and spends thousands of dollars from this company. Plaintiff's motion is supported by evidence of an ability to pay at least in regular installments. Defendant's response explains why he believes he has a right to spend personal and corporate funds the way he does, but does not show that he cannot pay the sanctions.

Under FRBP 7037 and 11 U.S.C. § 105(a), Plaintiff requests for the court to (1) strike Defendant's answer, or prohibit Defendant from supporting or opposing his

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claims or defenses until the sanction is paid; (2) add Corporate Distributions, Inc. as a party to the sanctions order; and (3) order \$3,598.60 in further monetary sanctions and \$100 in daily sanctions against Defendant.

Defendant filed a cross-motion for sanctions against Plaintiff. [Dkt. No. 150]. Defendant insists that he does not have the money to pay the \$3,769.70. The cross motion appears to be a response to the Plaintiff's motion and asks for additional relief of stopping any further discovery and to decide the motion for summary judgment before anything else.

Defendant requests the following sanctions under FRCP 37(a)(5):

- (1) \$10,665, which consists of \$5,780 for preparing the cross-motion and an estimated \$5,475 for the anticipated reply and court appearance.
- (2) \$10,305 for fees incurred in the Trustee investigation that Plaintiff allegedly solicited and encouraged in bad faith in violation of 28 U.S.C. § 1927 and § 105.
- (3) \$42,149.25 for Defendant's fees in the round 1 and 2 meet and confer/discovery from November 2018 through April 2019 under the court's power to regulate court proceedings and deter abuse of process, or as discovery sanctions under FRCP 37(a)(5).

Defendant argues that Plaintiff acted in bad faith in the meet and confer and discovery procedures surrounding the sanctions order.

Federal Rules of Bankruptcy Procedure ("FRBP") 7037 applies the Federal Rules of Civil Procedure ("FRCP") 37 in adversary proceedings. FRCP 37(b)(2) states that the court may issue further just orders if a party fails to obey an order to provide or permit discovery. See Newman v. GHS Osteopathic, Inc., Parkview Hosp. Div., 60 F.3d 153, 156 (3d Cir. 1995)(stating that imposing sanctions for abuse of discovery is within the court's discretion); Digregorio v. First Rediscount Corp., 506 F.2d 781, 788 (3d Cir. 1974)(explaining that the choice of an appropriate sanction to impose upon a party's failure to comply with a discovery order is committed to the court's sound discretion).

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Under FRCP 37(b), the sanctions that the court may impose include:

- i. directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- ii. prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- iii. striking pleadings in whole or in part;
- iv. staying further proceedings until the order is obeyed;
- v. dismissing the action or proceeding in whole or in part;
- vi. rendering a default judgment against the disobedient party; or
- vi. rendering a default judgment against the disobedient party; or
- vii. treating as contempt of court the failure to obey any order except an order to submit a physical or mental examination.

In addition, "instead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust." FRCP 37(b)(2)(C).

Under 28 U.S.C. §1927, "Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct."

Article III courts have an "inherent authority" to sanction "bad faith" or "willful misconduct," even in the absence of express statutory authority to do so. Chambers v. NASCO, Inc., 501 U.S. 32, 42-47 (1991). Bankruptcy courts, like district courts, also possess that inherent power. Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1196-1197 (9th Cir. 2003). See also Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240 (1975)("...a court may assess attorney's fees when a party has "acted

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CONT... **John Gordon Jones**

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in bad faith, vexatiously, wantonly, or for oppressive reasons.")

Under 11 USCS § 105 (a), "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. See Miller v. Cardinale (In re DeVille), 361 F.3d 539, 548-549 (9th Cir. 2004). "Bankruptcy courts have 'the inherent authority to regulate the practice of attorneys who appear before them." In re Nguyen, 447 B.R. 268, 280 (9th Cir. BAP 2011)(en banc). Under its inherent authority, a bankruptcy court may sanction an attorney to deter and provide compensation for a broad range of improper litigation tactics. Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178, 1196 (9th Cir. 2003). See also In re Brooks-Hamilton, 400 B.R. 238, 246-47 (9th Cir. BAP 2009).

Defendant, as the disobedient party, had the burden to prove that his failure to pay the \$3,769.70 is justified or that special circumstances make an award of expenses unjust. Defendant did not file a response to the motion. He filed a cross-motion. Defendant's cross-motion also does not satisfy this burden. Furthermore, there is no evidence that Defendant made any effort to pay, such as negotiating with Plaintiff to pay the \$3,769.70 in installments. Defendant must now pay the sanctions plus Plaintiff's attorney fees for bringing the motion to compel the payment. If Defendant continues to just ignore the order, the court will consider additional sanctions such as those outlined in FRCP 37(b)(2)(A) and requested by Plaintiff such as (1) striking Defendant's answer, or prohibiting Defendant from supporting or opposing his claims or defenses until the sanction is paid; (2) adding Corporate Distributions, Inc. as a party to the sanctions order; and (3) ordering \$3,598.60 in further monetary sanctions and \$100 in daily sanctions against Defendant.

Defendant has not provided a basis to impose sanctions on Plaintiff. Plaintiff has a right to take discovery. The court cannot force a settlement, as much as Defendant would like that. The court has found the motion for summary judgment is unlikely to resolve the discovery dispute since the motion concerns solely the 523 cause of action and does nothing to resolve the 727 action. The discovery questions appear to relate primarily to the 727 cause of action. Defendant appears to equate "meet and confer" as the right to convince the other side to see things his way. There is no such requirement. The meet and confer is to narrow issues, something that does not seem to be happening between these parties.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

10:00 AM

CONT... John Gordon Jones

Chapter 7

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 20, 2019

Hearing Room 302

1:00 PM

1:18-12855 PB-1, LLC

Chapter 11

#18.00 Motion to Compel Compliance with Court's
Financing Order and Hold Debtor in Contempt
Under 11 U.S.C Section 105; Request for Sanctions
Against Debtor and Its Counsel of Record

fr. 10/16/19, 10/30/19

Docket 129

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Does Construction lenders still want to pursue this motion now that they have received all adequate protection?

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, November 22, 2019

Hearing Room 302

9:30 AM

1:19-11711 Anzhey Vsevolodo Barantsevich

Chapter 7

#1.00 Status Conference Re: Chapter 7 Involuntary
Petition Against an Individual.

fr. 8/21/19, 7/31/19, 10/23/19, 10/24/19

Docket 1

Party Information

Debtor(s):

Anzhey Vsevolodo Barantsevich

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

9:30 AM

1:19-12850 Martin Corpus

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 -

Party Information

Debtor(s):

Martin Corpus

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

9:30 AM

1:19-12849 Todd Nolette

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 -

Party Information

Debtor(s):

Todd Nolette

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

9:30 AM

1:19-12870 Carlos J De Santiago

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 -

Party Information

Debtor(s):

Carlos J De Santiago	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

9:30 AM

1:19-12836 Mareine Melissa Plong

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 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mareine Melissa Plong	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:15-13446 Marlena L Sherman Linton

Chapter 13

#1.00 Motion for relief from stay

US BANK NA

Docket 92

Tentative Ruling:

Petition Date: 10-15-2015
Chapter 13 Plan Confirmed: 7-19-2016
Service: Proper. No Opposition filed.
Property: 7465 Shirley Avenue, Reseda, CA 91335
Property Value: \$607,000 (per debtor's schedules)
Amount Owed: \$849,762.09
Equity Cushion: 0.0%
Equity: \$0
Post-Petition Delinquency: \$77,465.41

Disposition: GRANT relief under 11 U.S.C. 362(d)(1). GRANT 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 stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Marlena L Sherman 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:17-10739 **Jacobo Lopes Tunchez**

Chapter 13

#2.00 Motion for relief from stay

ALASKA USA FEDERAL CREDIT UNION

Docket 42

Tentative Ruling:

Petition Date: 3-22-2017
Chapter 13 Plan Confirmed: 8-3-2017
Service: Proper. No Opposition filed.
Property: 2009 Ford F-350
Property Value: \$17,787.00 (per debtor's schedules)
Amount Owed: \$20,341.01
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$3,676.92 (6 late payments of \$552.88 each)

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):

Jacobo Lopes Tunchez

Represented By
Kevin T Simon
Amelia Puertas-Samara

Movant(s):

Alaska USA Federal Credit Union

Represented By
Bonni S Mantovani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Jacobo Lopes Tunchez

Chapter 13

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#3.00 Motion for relief from stay

CITIBANK, N.A.

fr. 9/11/19, 10/16/19

Docket 64

*** VACATED *** REASON: Parties stipulated to continue to January 15,
2020 at 10:00 a.m. -ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D Resnik

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#4.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr, 10/16/19, 11/13/19

Docket 41

Tentative Ruling:

Debtor filed another Opposition on 11-12-19 asserting that she made all required payments. In the Opposition, Debtor attached evidence of proof of payments.

What is the status of this Motion?

APPEARANCE REQUIRED.

11-13-19 Tentative Below:

Cont'd. fr. 10-16-19

At the last hearing, Debtor's attorney claims that Debtor has a serious medical condition. Debtor filed a late declaration and alleges paying 5 late payments of \$1,772.14, but Debtor is looking for the proof.

Debtor filed an Opposition on 10-15-19 explaining that she has suffered severe medical hardship. Debtor requests 21 days to provide evidence of mortgage payments.

Has Debtor provided Movant with evidence of mortgage payments?

APPEARANCE REQUIRED for 11-13-19 tentative.

10-16-19 Tentative Below:

Petition Date: 1/28/2018

Chapter: 13

Service: Proper. No Opposition filed.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Gabriela Kinney Puentes

Chapter 13

Property: 13863 Eustace Street, Pacoima, CA 91331

Property Value: \$420,000 (per debtor's schedules)

Amount Owed: \$393,470.08

Equity Cushion: 0.0%

Equity: \$26,530.

Post-Petition Delinquency: \$8,555.40 (5 late payments of \$1,772.14 each)

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 (waive co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 13 (if stay not granted, order APO).

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

Movant(s):

The Bank Of New York Mellon fka

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-12174 Hengameh Zadeh

Chapter 7

#5.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

5/15/19; 8/7/19; 8/28/19, 10/2/19

Docket 67

*** VACATED *** REASON: VACATED: continued to January 8, 2020 at
10:00 a.m. -ts

Tentative Ruling:

Party Information

Debtor(s):

Hengameh Zadeh

Represented By
Allan S Williams

Trustee(s):

David Seror (TR)

Represented By
Diane C Weil

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#6.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 4/3/19, 5/1/19, 6/26/19, 7/31/19, 9/18/19

Docket 27

Tentative Ruling:

At the last hearing, the parties requested to continue, so they can work out an APO, and to give time to account for the mortgage payments Debtor asserts she made.

What is the status of this Motion?

APPEARANCE REQUIRED.

9-18-19 Tentative Below:

This hearing was continued from 7/31/19 so that the parties had time to address an issue with the Bank's payment records that do not accurately reflect the payment from an old loan modification with the previous lender. Nothing has been filed since the last hearing. What is the status of this Motion?

April 3, 2019 Tentative

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

Property Value: \$ 550,000 (per debtor's schedules)

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

Movant alleges cause for 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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Sonia Figueroa

Chapter 13

permitted to engage in loss mitigation activities); 6 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED for 4-3-19 tentative.

Party Information

Debtor(s):

Sonia Figueroa

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-10805 Debbie Ann Ko

Chapter 13

#7.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 39

Tentative Ruling:

Petition Date: 4-4-2019
Chapter 13 Plan Confirmed: 9-18-2019
Service: Proper (co-borrower served). Opposition filed.
Property: 12422 Sylvan Street, Los Angeles North Hollywood Area, CA 91606
Property Value: \$641,807 (per debtor's schedules)
Amount Owed: \$681,148.77
Equity Cushion: 0.0%
Equity: \$0
Post-Petition Delinquency: \$12,340.62 (4 late payments of \$3,087.08 each)

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 **13** (if stay not granted, order APO).

Debtor opposed explaining that (1) the Property is her primary residence and crucial for an effective reorganization; (2) the Movant did not account for payments made, and Debtor will gather evidence of payments; and (3) Debtor requests to enter into an APO to cure any post-petition balance, if any remain.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Debbie Ann Ko

Represented By
Kevin T Simon

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Debbie Ann Ko

Sean C Ferry

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-10996 Aida Asturias

Chapter 13

#8.00 Motion for relief from stay

NEWREZ DBA SHELLPOINT MORTGAGE

Docket 36

Tentative Ruling:

Petition Date: 4-24-2019
Chapter 13 Plan Confirmed: 9-18-2019
Service: Proper. Opposition filed.
Property: 13070 Foothill Blvd., Sylmar, CA 91342
Property Value: \$559,000 (per debtor's schedules)
Amount Owed: \$399,843.87
Equity Cushion: 20.0%
Equity: \$159,156.13
Post-Petition Delinquency: \$9,222.23 (6 late payments of \$1,844.03 each)

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); **7** (waiver of the 4001(a)(3) stay); and **13** (if stay not granted, order APO).

Debtor opposed explaining that all postpetition arrears will be cured by the hearing date.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Aida Asturias

Represented By
Anerio V Altman

Movant(s):

The Bank of New York Mellon FKA

Represented By
Stephen T Hicklin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Aida Asturias

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-11646 Michael T Stoller

Chapter 11

#9.00 Motion for relief from stay

ADJUSTABLE RATE MORTGAGE TRUST

Docket 62

*** VACATED *** REASON: Continued to January 8, 2020 at 10:00 a.m. -
ts

Tentative Ruling:

Party Information

Debtor(s):

Michael T Stoller

Represented By
Matthew Abbasi

Movant(s):

Adjustable Rate Mortgage Trust

Represented By
Greg P Campbell

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-11923 Grace DeGuzman Castillo

Chapter 13

#10.00 Motion for relief from stay

DAIMLER TRUST

Docket 29

*** VACATED *** REASON: Settled by stipulation - ts

Tentative Ruling:

Party Information

Debtor(s):

Grace DeGuzman Castillo

Represented By
R Grace Rodriguez

Movant(s):

Daimler Trust

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#11.00 Motion for relief from stay

AMERICAN HONDA FINANCE

Docket 19

Tentative Ruling:

Petition Date: 8-2-2019
Chapter 13 Plan Not Confirmed.
Service: Proper (co-debtor served). No Opposition filed.
Property: 2015 Honda CRV
Property Value: \$13,450 (per debtor's schedules)
Amount Owed: \$12,799.34
Equity Cushion: 0.0%
Equity: \$650.66.
Post-Petition Delinquency: \$927.98 (2 late payments of \$463.99)

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** (co-debtor stay is waived); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Hazel M Renderos

Represented By
Ali R Nader

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12156 Erlinda Reyes

Chapter 13

#12.00 Motion for relief from stay

DEUTSCHE BANK TRUST

Docket 17

Tentative Ruling:

This case was dismissed on 11-20-2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Erlinda Reyes

Represented By
Donald E Iwuchuku

Movant(s):

Deutsche Bank Trust Company

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12290 Tyler Brooks Kimmel

Chapter 13

#13.00 Motion for relief from stay

TRILION CAPITAL FUND LLC

Docket 39

Tentative Ruling:

This case was dismissed on 11-20-2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Tyler Brooks Kimmel

Pro Se

Movant(s):

Trilion Capital Fund, LLC

Represented By
Michael M Wintringer

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12355 Dang Ly Phuong

Chapter 13

#14.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

8165 Tunney Avenue Reseda, CA 91335

fr, 10/16/19, 11/13/19

Docket 9

***** VACATED *** REASON: Order entered granting motion [#33] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dang Ly Phuong

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12483 Emilce Zambrano

Chapter 7

#15.00 motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP

Docket 10

Tentative Ruling:

Petition Date: 10-1-2019

Chapter: 7

Service: Proper. No Opposition filed.

Property: 2018 Nissan Altima

Property Value: \$12,305 (per debtor's schedules)

Amount Owed: \$29,518.46

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: Unk

Other: \$2,566.04 in arrears

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); and 11 (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Emilce Zambrano

Pro Se

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By

Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Emilce Zambrano

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#16.00 Motion for relief from stay

CAB WEST, LLC

Docket 11

Tentative Ruling:

Petition Date: 10-6-19
Chapter 13 Plan Not Confirmed.
Service: Proper. No Opposition filed.
Property: 2016 Ford
Property Value: \$Unk (per debtor's schedules)
Amount Owed: \$13,465.30
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$0 (last payment received on 10-8-19).

Movant's Motion indicates that the lease has matured, been rejected or deemed rejected by operation of law.

Disposition: GRANT requested relief under 11 U.S.C. 362(d)(1). GRANT specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven A Wolvek

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Stuart Malin and Patricia Malin

Chapter 13

Joint Debtor(s):

Patricia Malin

Represented By
Steven A Wolvek

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12622 Christie Spencer

Chapter 7

#17.00 Motion for relief from stay

CONSUMER PORTFOLIO SERVICES INC.

Docket 12

Tentative Ruling:

Petition Date: 10-17-19
Chapter: 7 (no asset)
Service: Proper. No Opposition filed.
Property: 2010 Honda Accord
Property Value: \$7,750 (per Movant's valuation)
Amount Owed: \$13,738.43
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: N/A
Arrears: \$1,506.34

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); and 11 (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Christie Spencer

Represented By
Ali R Nader

Movant(s):

CONSUMER PORTFOLIO

Represented By
Lemuel Bryant Jaquez

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Christie Spencer

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12637 Stevenson Fitness, LLC

Chapter 7

#18.00 Motion for relief from stay

RAFFI PAICHUK AND
SILVA GAGHDASARIAN

Docket 6

Tentative Ruling:

Petition Date: 10-18-19

Ch: 7

Service: Proper. No opposition filed.

Movant: Raffi Paichuk and Silva Gaghdasarian

Property Address: 706 Lindero Canyon Road, Ste. 746, Oak Park, CA 91377

Type of Property: Nonresidential

Occupancy: Holdover after lease default

Foreclosure Sale: N/A

UD case filed: 9-6-19

UD Judgment: N/A

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); **12** (if stay not granted, order APO).

Movants also requests that any personal property left behind at the premises upon Movant acquiring possession be deemed abandoned according to applicable state law. Since Debtor did not file an opposition, this request is GRANTED.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Stevenson Fitness, LLC

Chapter 7

Debtor(s):

Stevenson Fitness, LLC

Represented By
Marc Weitz

Movant(s):

Raffi Paichuk

Represented By
Richard P Petersen

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12669 Brian Jay Schapiro

Chapter 13

#19.00 Motion for relief from stay

T AND S PROPERTIES LLC

Docket 9

Tentative Ruling:

This case was dismissed on 11-20-19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Brian Jay Schapiro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12722 Marc Steven Silverman and Jocelyn Salabsab Silverman

Chapter 13

#20.00 Motion for relief from stay

MECHANICS BANK

Docket 9

Tentative Ruling:

Petition Date: 10-29-19
Chapter 13 Plan Not Confirmed.
Service: Proper (co-debtor served). Debtors' non-opposition filed.
Property: 2014 Chevrolet Malibu
Property Value: \$ (per debtor's schedules)
Amount Owed: \$14,825.69
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$0
Arrears: \$740.31

Disposition: GRANT requested relief under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (co-debtor stay is waived); **6** (waiver of 4001(a)(3) stay); and **11** (if stay not granted, order APO).

Debtors filed a notice of non-opposition.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Marc Steven Silverman

Represented By
Steven L Bryson

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Marc Steven Silverman and Jocelyn Salabsab Silverman

Chapter 13

Joint Debtor(s):

Jocelyn Salabsab Silverman

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12793 **Josefina Ramirez**

Chapter 13

#21.00 Amended Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 11853 Strathern St., North Hollywood, CA 91605 with supporting Declaration

Docket 13

Tentative Ruling:

On 11-5-19, Debtor filed this Chapter 13 case. Debtor has 2 previous bankruptcy case that were dismissed. The first dismissed Chapter 13 case, 16-10628-MT, was filed on 3-4-16 and dismissed on 10-26-17 for Debtor's failure to make plan payments. The second dismissed Chapter 13 case, 17-13209-MT, was filed on 11-30-17 and dismissed on 10-31-19.

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 parents were no longer able to contribute financially. Debtor now has more work opportunities, and Debtor's husband is working more hours and has a second job. Debtor explains that she is now able to propose a feasible and confirmable Ch. 13 plan. Debtor asserts that her home as approximately \$100,000 in equity to adequately protect the mortgage lender.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.
APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Josefina Ramirez

Represented By
Donald E Iwuchuku

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Josefina Ramirez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-12917 Sohail Mobasseri

Chapter 7

Adv#: 1:19-01049 LendingHome Funding Corp. v. Mobasseri

#22.00 Pretrial Conference Re: Complaint for Denial
of Discharge Pursuant to 11 U.S.C. Sec.
727(a)(2), (a)(3), (a)(4), (a)(7) and (c)

fr. 7/17/19

Docket 1

***** VACATED *** REASON: Continued to January 8, 2020 at 1 pm**

Tentative Ruling:

This is continued by the court to January 8, 2020 at 1 pm so that the motion
for summary judgment can be heard.

APPEARANCES WAIVED ON 12/4/19

Party Information

Debtor(s):

Sohail Mobasseri

Represented By
Dana M Douglas

Defendant(s):

Sohail Mobasseri

Pro Se

Plaintiff(s):

LendingHome Funding Corp.

Represented By
Adam Forest
Kerry A. Moynihan

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:11-16307 Diana Lopez

Chapter 7

#23.00 Trustee's Notice of Motion and Motion for
Order Disallowing Claim No. 25

Docket 296

Tentative Ruling:

Claimant filed Claim 25 on January 30, 2012, asserting a claim totaling \$54,000.00 in the Lopez case. The claim is barred by a judgment against Claimant and in favor of the Trustee. This judgment was entered in the Trustee's adversary proceeding, Seror v Debbie Matilsky, adversary proceeding number 13-01290, on November 8, 2016 (adversary docket number 42). The adversary proceeding assert claims in its First Amended Complaint ("FAC") filed June 29, 2016 (docket number 29) for the avoidance and recovery of fraudulent transfers made to or for the benefit of Claimant (and her deceased husband) in conjunction of the extended businesses fraud perpetuated by Debtor and its principal Diana Lopez as documented by the California DRE and as alleged at length in the FAC. Those transfers totaled \$385,000 and are alleged to have occurred both before and after Claimant's transfer alleged in Claim 25. Claim 25 is for \$54,000 for "money loaned for a property" against Diana Lopez and LDT. The back up to Claim 25 shows a transfer to "LDT Escrow" signed by Claimant on March 16, 2011. The judgment provides for the avoidance and recovery of the transfers alleged in the FAC. It is thus apparent that Claim 25 is barred by issue preclusion by the judgment because Claimant's transfers set forth in Claim 25 occurred during and were thus inferentially part of her (and her husband's) participation in the Debtor's scheme or are fully offset by the Trustee's judgment.

Service proper. No response filed.
Objection SUSTAINED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE
ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Diana Lopez

Represented By
Kathleen P March

Trustee(s):

David Seror (TR)

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Diana Lopez

Chapter 7

Claire E Shin
Steven T Gubner
David Seror (TR)
Corey R Weber
Richard Burstein
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#24.00 Trustee's Notice of Motion and Motion for
Order Disallowing Claim No. 5-1

Docket 724

Tentative Ruling:

Claimant Kenneth Jay Schwartz filed Claim 5-1 on February 29, 2012 asserting a claim totaling \$1,474.75. Claimant asserted that Claim 5-1 is entitled to priority status by checking off box 5 "other" and cites 11 U.S.C. Section 507(a)(2) on the proof of claim form. See Claim 5-1. The Claim is for legal services purportedly provided to petitioning creditors and attaches a compilation of time and costs advanced on behalf of the petitioning creditors. It reflects no attorney/client retainer agreement, although Claimant does appear as attorney of record on the involuntary petition, docket item 1. The asserted basis for priority is 11 U.S.C. Section 507(a)(2), which provides for priority for "... administrative expenses allowed under Section 503(b)..." Section 503(b) provides for the allowance of certain "administrative expenses" "[a]fter notice and a hearing." Trustee notes that Claimant has not sought such allowance on noticed application and he cannot simply proceed with a Claim asserting priority.

Claimant was disbarred by a Decision and Order available on the State Bar website under Claimant's name filed February 9, 2015 in the State Bar Court. Claimant failed to respond to the Trustee's request for authority as to whether or not such disbarment should result in the disallowance of Claim 5-1. Trustee maintains that the basis for the claim is thus lacking and it should be disallowed.

Service proper. No response filed.

Objection SUSTAINED. NO APPEARANCE REQUIRED. TRUSTEE 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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... L.D.T. Investments Inc.

Chapter 7

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#25.00 Seventh Interim Fee Application for Allowance and Payment of Fees and Reimbursement of Expenses of Financial Advisors and Consultants for Trustee.

Period: 10/1/2015 to 9/30/2019,
Fee: \$68,535.25,
Expenses: \$478.87.

Docket 2310

Tentative Ruling:

Service proper. No objections filed. Having reviewed the 7th Interim Fee Application for CBIZ Valuation Group, LLC, Financial Advisor, 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 12/4/19.

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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#26.00 Motion to Disallow Claims Objection to Proof
of Claim No. 38

Docket 2317

*** VACATED *** REASON: Order cont. to 1/8/20 @ 11:00am (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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#27.00 Trustee's Notice of Omnibus Objection to
Claims and Motion for Order Disallowing
Claim Nos. 1-1, 8, 29, 46-1
(Prima Facie Invalidity)

Docket 2321

Tentative Ruling:

Claims Subject to Objection:

1. Claim 1-1 of Office Depot

The Office Depot claim was filed January 6, 2012 for \$1,236.11, ostensibly for "goods sold." Attached as an addendum to the claim is a schedule of purported transactions and amounts that are still apparently claimed as owed. The schedule provides no identifying information as to the identity of the "purchaser" with respect to any of the transactions or why any of the Consolidated Debtors are asserted to be liable for the amounts that remain unpaid. Other than that schedule, there are no documents attached in support of the claim. On September 24, 2018, the Trustee's counsel wrote to Office depot for support for the claim. No response was received.

2. Claim 8 of Varsity Park H.O.A.

The Varsity HOA claim was filed June 15, 2012 and appended hereto as exhibit "B". The Trustee initiated no communication with Varsity HOA. Trustee asserts that the claim, however, is insufficient as it fails to demonstrate even prima facie validity, it is simply a claim form with nothing more attached.

3. Claim 29 of Jose Luis Velazquez

The Velazquez claim was filed July 31, 2015 and asserts damages for bankruptcy fraud and identity theft. Velazquez asserts a \$108,000 unsecured claim against one or more of the Consolidated Debtors (it is unclear from the face of the claim which debtor is ultimately asserted as liable). Trustee asserts that the claim, however, is insufficient as it fails to demonstrate even prima facie validity, it is simply a claim form with nothing more attached. Counsel for the Trustee followed up by a letter to Velazquez. Velazquez responded by sending copies of documents he says were forged and despite further communications, never provided a basis to connect those forgeries to any of the debtors and never provided proof of the claim amount or how it was calculated.

4. Claim 46-1 of Hee Eun Yoo

The Yoo Claim was filed July 22, 2018 through counsel, and asserts claims for \$950,000 for "personal injury." Trustee asserts that the claim, however, is insufficient

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps Chapter 7

as it fails to demonstrate even prima facie validity, it is simply a claim form with nothing more attached.

Trustee maintains that the Claims made the subject of this Omnibus Objection share a common defect, lack of sufficient (or any in some cases) back up and a failure to respond to the Trustee's inquiry seeking that back up, when inquiry was made.

Service proper; all Claimants served at the address listed on the Proofs of Claim where notices should be sent. No responses filed.

Objection SUSTAINED. NO APPEARANCE REQUIRED. TRUSTEE 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 Jessica L Bagdanov Reed Bernet Talin Keshishian Jorge A Gaitan
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#28.00 Seventh Interim Application of Brutzkus Gubner
Counsel for the Chapter 7 Trustee for Compensation
of Fees and Expenses

Period: 10/1/2017 to 10/31/2019,
Fee: \$453,271.00,
Expenses: \$22,628.06.

Docket 2327

Tentative Ruling:

Service proper. No objections filed. Having reviewed the Seventh 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 12/4/19.

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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

#29.00 Trustee's Motion To: (1) Approve Compromise
Of Controversy Re: Kinney Property; And
(2) Approve Payment Of Broker's Commission

Docket 210

Tentative Ruling:

Trustee moves for Court approval of a compromise under FRBP 9019 related to Debtor's 50% interest in real property at 3564 Kinney Street, Los Angeles, CA 90065 (the "Kinney Property"). Title shows that the other 50% owner of the Kinney Property is Marcelino M. Moreno ("Moreno") as "Trustee of the Marcelino & Lucia Moreno Revocable Trust Dated April 16, 2015." After attempting to market the undeveloped property for sale, Trustee states that Moreno has offered to purchase the Estate's 50% interest in the Kinney Property; this was later memorialized as a letter agreement (the "Agreement") concerning the Kinney Property. The Agreement provides that Moreno will be transferred Debtor's 50% interest in the Kinney Property in exchange for payment to the Estate in the sum of \$30,000 (the "9019 Payment"). Trustee received and deposited into an Estate bank account the Payment Amount from Moreno.

Solar Capital Solutions ("Solar Capital") filed a "Limited Opposition" asserting the same arguments that it has made in relation to most of Trustee's motions related to real property. In her Reply, Trustee indicates that she is amenable to segregating the net 9019 Payment but that she believes it to be unnecessary because Solar Capital does not have an interest, equitable or otherwise, in the Kinney Property. Trustee explains that she intends to move to substantively consolidate Debtor with NRG Investment Group, LLC; she contends that if successful, substantive consolidation will moot Solar Capital's arguments as to their purported interest in the Kinney Property.

Although Trustee notes that she will attempt to substantively consolidate Debtor with NRG Investment Group, LLC, that will not resolve the issue of whether certain real properties are property of the estate. In In re Popp, the Bankruptcy Appellate Panel (the "BAP") held that a trustee should be required to resolve the issues of ownership of property before attempting to sell it under § 363. 323 B.R. 260 (B.A.P. 9th Cir. 2005). Particularly applicable here is this passage in which the BAP applies the reasoning of Rodeo regarding the determination of predicate issues:

**United States Bankruptcy Court
Central District of California
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Wednesday, December 4, 2019

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10:00 AM

CONT... **Green Nation Direct, Corporation**

Chapter 7

[R]eversal is consistent with the equities of the underlying litigation. The Trustee, for example, has argued that the \$22,500 offer she received was the highest and best price for the Property, and buttressed that assertion with evidence that she had marketed the Property for more than eighteen months. This admission indicates that, as estate representative, she had intended to sell property titled in another for more than a year and a half. Nonetheless, she declined or neglected to bring the issue of ownership to a head in the pending Alter Ego Adversary. If the facts were so clear that they could be decided in a separate contested matter, the Trustee could have sought a similar determination by way of summary judgment in the adversary proceeding or could have requested an expedited trial on the issue.

Popp v. Zimmerman (In re Popp), 323 B.R. at 270.

As the parties seem to agree to segregate the net 9019 Payment, the Court will approve the Agreement under FRBP 9019. Trustee and Solar Capital should be prepared to discuss the procedural mechanisms for determining (1) whether certain real properties are property of the Estate under § 541; and (2) what interest, if any, Solar Capital has in real properties that Trustee asserts are property of the estate.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

#30.00 Trustee's Motion To Approve Compromise
Of Controversy Re: Lincoln Heights Properties

Docket 208

Tentative Ruling:

Trustee moves for Court approval of a compromise under FRBP 9019 related to the Estate's beneficial interest in real properties known as:

- 3315 Two Tree Avenue, Los Angeles, CA 90031 (the "Two Tree Property");
- 2823 Thomas Street, Los Angeles, CA 90031 (the "Thomas Property"); and 2806 Ashland Avenue, Los Angeles, CA 90031 (the "Ashland Property," and together with the Two Tree Property and Thomas Property, the "Lincoln Heights Properties").

The Lincoln Heights Properties consist of three parcels improved with single-family residences that are still in the construction, permitting, and/or funding phase (the "Development Phase"), such that more work needs to be completed before the City of Los Angeles Department of Building and Safety will issue certificates of occupancy so that the Lincoln Heights Properties are "marketable" and can be sold at fair market value.

According to publicly-recorded transfer documents for the Lincoln Heights Properties, (1) title to the Two Tree and Thomas Properties are held 50 percent by N.R.G. Investment Group, LLC ("NRG") and 50 percent by Victor Marquez ("Marquez"); and (2) title to the Ashland Property is held 50 percent by Vista Enterprise, Inc. ("Vista"), 25 percent by NRG, and 25 percent by Maritza Pardo Segovia and Manuel Giovanni Mejia ("Mejia," and together with NRG, Marquez, and Vista, the "Co-Owners"). Thereafter, in December 2018, NRG Investment Group and Debtor, and their principals Camilo Uribe and Raul Segovia, entered into an agreement to transfer the proceeds of any sale of the Lincoln Heights Properties from NRG to Debtor, or to transfer the Lincoln Heights Properties themselves to Debtor (if sale could not be sold within a "reasonable amount of time") to "satisfy NRG's obligations to [Debtor]." Motion, Ex. 2.

Rather than engage in litigation with her, Trustee contends that Marquez has offered to purchase the Estate's beneficial interests in the Lincoln Heights Properties.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... **Green Nation Direct, Corporation**

Chapter 7

Following discussions, Trustee and Marquez entered into the letter agreement (the "Agreement") concerning the Lincoln Heights Properties. The Agreement provides that Marquez (i.e., the 50 percent owner of the Two Tree and Thomas Properties, and who filed a deed of trust with respect to these properties) will receive the Debtor's beneficial interests in the Lincoln Heights Properties in exchange for payment in the sum of \$105,000 (the "Payment Amount"). Trustee received and deposited into an Estate bank account the Payment Amount.

Solar Capital Solutions ("Solar Capital") filed a "Limited Opposition" asserting the same arguments that it has made in relation to most of Trustee's motions related to real property. In her Reply, Trustee indicates that she is amenable to segregating the net 9019 Payment but that she believes it to be unnecessary because Solar Capital does not have an interest, equitable or otherwise, in the Lincoln Heights Properties. Trustee explains that she intends to move to substantively consolidate Debtor with NRG Investment Group, LLC; she contends that if successful, substantive consolidation will moot Solar Capital's arguments as to their purported interest in the Lincoln Heights Properties.

Although Trustee notes that she will attempt to substantively consolidate Debtor with NRG Investment Group, LLC, that will not resolve the issue of whether certain real properties are property of the estate. In In re Popp, the Bankruptcy Appellate Panel (the "BAP") held that a trustee should be required to resolve the issues of ownership of property before attempting to sell it under § 363. 323 B.R. 260 (B.A.P. 9th Cir. 2005). Particularly applicable here is this passage in which the BAP applies the reasoning of Rodeo regarding determination of predicate issues:

[R]eversal is consistent with the equities of the underlying litigation. The Trustee, for example, has argued that the \$22,500 offer she received was the highest and best price for the Property, and buttressed that assertion with evidence that she had marketed the Property for more than eighteen months. This admission indicates that, as estate representative, she had intended to sell property titled in another for more than a year and a half. Nonetheless, she declined or neglected to bring the issue of ownership to a head in the pending Alter Ego Adversary. If the facts were so clear that they could be decided in a separate contested matter, the Trustee could have sought a similar determination by way of summary judgment in the adversary proceeding or could have requested an expedited trial on the issue.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Popp v. Zimmerman (In re Popp), 323 B.R. at 270.

As the parties seem to agree to segregate the net 9019 Payment, the Court will approve the Agreement under FRBP 9019. Trustee and Solar Capital should be prepared to discuss the procedural mechanisms for determining (1) whether certain real properties are property of the Estate under § 541; and (2) what interest, if any, Solar Capital has in real properties that Trustee asserts are property of the estate.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Green Nation Direct, Corporation

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12111 Maria Ornelas De Garcia

Chapter 7

#31.00 Motion to Disgorge Compensation Pursuant
to 11 U.S.C. § 329.

Docket 18

Tentative Ruling:

On October 2, 2019, the Court conducted a hearing on the United States Trustee's motion to compel Mr. Ojeda to file a Compensation Disclosure. Mr. Ojeda did not appear at the hearing. However, Debtor and her husband did appear. Debtor explained through an interpreter that she met with Mr. Ojeda at his office and paid him \$1,500 plus \$350 to file her bankruptcy papers. Debtor further explained that she only signed the petition and did not sign any other papers. Debtor stated that she filed the case because she owes approximately \$30,000 to her creditors, is not employed, and must take care of her husband. Debtor stated that she expected that her debts would be wiped out and did not even know that her case had been dismissed. The Court granted the United States Trustee's motion and ordered Mr. Ojeda to file the Disclosure of Compensation.

On October 9, 2019, Mr. Ojeda filed a Disclosure of Compensation. Mr. Ojeda stated in the Disclosure of Compensation that he had received \$1,500 from Debtor to render legal service for all aspects of her bankruptcy. UST notes that Mr. Ojeda has not performed any of the services listed on the Disclosure of Compensation and apparently did not even advise Debtor that her case had been dismissed. Nor has Mr. Ojeda filed any motion asking the Court to vacate the dismissal of Debtor's case.

This case was dismissed due to counsel's failure to file the debtor's bankruptcy documents. Mr. Ojeda did not even advise Debtor that her case had been dismissed. These basic services that Mr. Ojeda contracted to provide were not performed and so any payment by Debtor to Mr. Ojeda exceeds the reasonable value of his legal services. Under § 329, Mr. Ojeda is ordered to disgorge the \$1,850 that he received from Debtor.

Motion GRANTED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Maria Ornelas De Garcia

Represented By
Bernal P Ojeda

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

CONT... Maria Ornelas De Garcia

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:19-12650 David Edward Frank

Chapter 7

#32.00 Motion to Dismiss Case Pursuant to Pursuant
to 11 U.S.C. §§ 707(a) and 727(a)(8)

Docket 5

Tentative Ruling:

U.S. Trustee moves to dismiss this chapter 7 case under §§ 707(a) and 727(a)(8) because this Debtor received a chapter 7 discharge on 2/15/19 and is thus ineligible for a discharge in this case.

Service proper. No response filed.

Motion GRANTED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

David Edward Frank

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

10:00 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#33.00 Status and case management conference

fr. 5/23/18; 11/7/18, 1/9/19, 3/27/19; 7/17/19, 8/21/19

Docket 1

Tentative Ruling:

APPERANCE REQUIRED

Counsel said the loan modification would be finalized and the case voluntarily dismissed within 30 days of July 17, 2019. That does not appear to have happened. No status report has been filed. The case will be dismissed for lack of prosecution if there is no significant reason to continue it, presented in writing, before the continued status conference.

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

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

#34.00 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; 10/10/18, 3/6/19; 5/15/19

Docket 6

***** VACATED *** REASON: Taken off-calendar by Court Order (doc. 22)
- hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Selene Finance LP

Represented By
Sonia Plesset Edwards

Wilmington Savings Fund Society,

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

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

#35.00 Status conference re complaint for:
1) declaratory relief
2) injunctive relief and violation of automatic stay
3) extent, validity or priority of claim or interest
4) attorney fees and costs

fr. 5/23/18, 3/6/19; 5/15/19

Docket 1

***** VACATED *** REASON: Taken off-calendar by Court Order (doc. 22)**
- hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Selene Finance LP

Pro Se

Wilmington Savings Fund Society,

Pro Se

Plaintiff(s):

David B. Rosen

Represented By
Louis J Esbin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

1:00 PM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#36.00 Motion For Summary Judgment for Adjudication
of Issues.

fr. 10/2/19

Docket 123

***** VACATED *** REASON: Cont'd to 2/15/20 per order #163. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Worthington

Defendant(s):

John Gordon Jones

Represented By
Michael Worthington

Plaintiff(s):

John Levin, M.D.

Represented By
Michael Jay Berger
Michael Worthington

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

1:00 PM

1:18-10724 John Gordon Jones

Chapter 7

Adv#: 1:18-01075 Levin, M.D. v. Jones

#37.00 Pre-Trial Status Conference re: Complaint

fr. 8/29/18, 2/20/19, 6/26/19; 9/11/19

Docket 1

***** VACATED *** REASON: Cont'd to 4/4/20 per order #163. If**

Tentative Ruling:

- NONE LISTED -

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

2:00 PM

1:16-12255 Solyman Yashouafar

Chapter 11

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

- #38.00** Pre-Trial 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. 12/11/18; 1/25/19; 4/11/19, 5/16/19; 9/20/19, 9/24/19

Docket 151

***** VACATED *****

Tentative Ruling:

This is vacated by the Court as no pretrial conference is needed. The Report and Recommendation are with the District Court and any appeals still pending before the Ninth Circuit. There is no action needed in this court at this time. If any party wishes to bring any motion for any action needed here after the other courts have ruled, it may be self calendared and will be addressed at that time.

Party Information

Debtor(s):

Solyman Yashouafar

Represented By
Mark E Goodfriend

Defendant(s):

Fieldbrook, Inc.

Represented By
Daniel J McCarthy

Soda Partners, LLC

Represented By
Ronald N Richards

Quality Loan Service

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 4, 2019

Hearing Room 302

2:00 PM

CONT... Solyman Yashouafar Chapter 11

Chase Manhattan Mortgage Co.	Pro Se
Howard Abselet	Represented By Henry S David
Elkwood Associates, LLC	Represented By Daniel J McCarthy
Israel Abselet	Represented By Henry S David
Citivest 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
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Trustee(s):

David Keith Gottlieb (TR)	Represented By Jeremy V Richards John W Lucas
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

9:30 AM

1:19-12922 Felipe J Santacruz

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 -

Party Information

Debtor(s):

Felipe J Santacruz

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

9:30 AM

1:19-12917 Maurice Vasquez

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 -

Party Information

Debtor(s):

Maurice Vasquez

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

9:30 AM

1:19-12888 Keeley J Garth

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keeley J Garth

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:14-14576 Anita Marie Dominguez

Chapter 13

#1.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 9/18/19, 10/2/19

Docket 65

Tentative Ruling:

This hearing was continued so that the parties could determine if Debtor is paying the correct amount for her monthly payments. Nothing has been filed since the last hearing. What is the status of this motion?
APPEARANCE REQUIRED

10-2-19 TENTATIVE BELOW

This hearing was continued from 9-18-19 because late Opposition filed indicating two payments were made. What is the status of this Motion?

Contd. fr. 9/18/19

Petition Date: 10/7/2014

Chapter 13 plan confirmed: 4/28/15

Service: Proper; co-borrower served. Late opposition filed.

Property: 11009 Fenway Street, Los Angeles, CA 91352-1213

Property Value: \$521,000 (as of October 2013)

Amount Owed: \$ 595,745.96 (as of 7/29/19)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$5,703.56 (approx. 2 payments of \$2,851.78)

Movant alleges that the last payment tendered for this claim was on or about 5/23/19.

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); and **7** (waiver of 4001(a)(3) stay); **8** (if relief from stay granted, adequate protection shall be ordered).

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Anita Marie Dominguez

Chapter 13

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Movant(s):

THE BANK OF NEW YORK

Represented By
Kelsey X Luu
Josephine E Salmon
Arnold L Graff

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:16-11244 Roxana Flores

Chapter 13

#2.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC.

Docket 44

Tentative Ruling:

Petition Date: 4/26/16

Ch. 13 Plan Confirmed: 9/7/16

Service: Proper. No opposition filed.

Property: 11183 Phillippi Ave. Pacoima, CA 91331

Property Value: \$431,359 (per debtor's amended schedules)

Amount Owed: \$266,580

Equity: \$164,779

Post-Petition Delinquency: \$6,638.24 (4 payments of \$1,327.65; 1 payment of \$1,432.11; less suspense balance of \$104.47)

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). Given the sizeable equity protecting the claim, have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Roxana Flores

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#3.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 74

Tentative Ruling:

Petition Date: 6/19/17

Chapter 13 plan confirmed: 11/14/17

Service: Proper; co-debtor served. Opposition filed.

Property: 18795 Kenya St. Northridge, CA 91326

Property Value: \$900,000 (per Debtor's declaration ISO Opposition)

Amount Owed: \$631,126

Equity: \$268,874

Post-Petition Delinquency: \$8,228.36 (3 payments of \$2,836.14; less
suspense balance of \$280.06)

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** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Movant has been misapplying payments, making it seem as if there is a delinquency when there is not. Debtor contends that she has made more payments than have been accounted for in the Motion. Have the parties had an opportunity to discuss the accounting?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Linda Akerele Alele

Chapter 13

Movant(s):

U.S. Bank National Association, as

Represented By
Josephine E Salmon
Arnold L Graff
Angie M Marth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:17-12322 Steven Ronan and Claudia Ronan

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC. AS
TRUSTEE OF THE BUNGALOW SERIES III TRUST

Docket 85

Tentative Ruling:

Petition Date: 8/31/17

Chapter 13 plan confirmed: 7/2/18

Service: Proper. No opposition filed.

Property: 19853 Parthenia St., Northridge, CA 91324

Property Value: \$608,000 (per debtor's schedules)

Amount Owed: \$573,735

Equity: \$34,265

Post-Petition Delinquency: \$53,587.96 (16 payments of \$3,284.81; attorney's fees of \$1,031)

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):

Steven Ronan

Represented By
R Grace Rodriguez

Joint Debtor(s):

Claudia Ronan

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Steven Ronan and Claudia Ronan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#4.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr, 10/16/19, 11/13/19, 12/4/19

Docket 41

Tentative Ruling:

This hearing was continued from 12/4/19 so that the parties could clarify what is the amount in default. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

12/4/19 TENTATIVE BELOW

Debtor filed another Opposition on 11-12-19 asserting that she made all required payments. In the Opposition, Debtor attached evidence of proof of payments.

What is the status of this Motion?

APPEARANCE REQUIRED.

11-13-19 Tentative Below:

Cont'd. fr. 10-16-19

At the last hearing, Debtor's attorney claims that Debtor has a serious medical condition. Debtor filed a late declaration and alleges paying 5 late payments of \$1,772.14, but Debtor is looking for the proof.

Debtor filed an Opposition on 10-15-19 explaining that she has suffered severe medical hardship. Debtor requests 21 days to provide evidence of mortgage payments.

Has Debtor provided Movant with evidence of mortgage payments?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Gabriela Kinney Puentes

Chapter 13

APPEARANCE REQUIRED for 11-13-19 tentative.

10-16-19 Tentative Below:

Petition Date: 1/28/2018

Chapter: 13

Service: Proper. No Opposition filed.

Property: 13863 Eustace Street, Pacoima, CA 91331

Property Value: \$420,000 (per debtor's schedules)

Amount Owed: \$393,470.08

Equity Cushion: 0.0%

Equity: \$26,530.

Post-Petition Delinquency: \$8,555.40 (5 late payments of \$1,772.14 each)

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 (waive co-debtor stay); 7 (waiver of the 4001(a)(3) stay); 13 (if stay not granted, order APO).

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

Movant(s):

The Bank Of New York Mellon fka

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-10930 Jose Alberto Vidal Romero

Chapter 13

#5.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.

Docket 55

*** VACATED *** REASON: Resolved per APO - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alberto Vidal Romero

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-13035 Rolando M Rodriguez

Chapter 13

#6.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC, et., al.

Docket 31

Tentative Ruling:

Petition Date: 12/19/18

Chapter 13 plan confirmed: 5/15/19

Service: Proper. Opposition filed.

Property: 19524 Turtle Ridge Lane, Porter Ranch, CA 91326

Property Value: \$579,000 (per debtor's schedules)

Amount Owed: \$703,656

Equity: \$0.00.

Post-Petition Delinquency: \$8,276.60 (1 payment of \$2,745.32; 2 payments of \$2,749.17)

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, requesting to enter into an APO to cure any remaining deficiency after crediting the two payments of which he provided proof, totaling \$5,498.34. Is Movant amenable to Debtor's request?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Rolando M Rodriguez

Represented By
Ali R Nader

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Rolando M Rodriguez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-11912 Jasmine Shannay Peterson

Chapter 7

#7.00 Motion for relief from stay

GLOBAL LENDING SERVICES LLC

Docket 21

Tentative Ruling:

Petition Date: 7/30/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Mitsubishi Mirage

Property Value: \$6,000 (per debtor's schedules)

Amount Owed: \$15,700

Equity: \$0.00.

Delinquency: \$1,057.48

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):

Jasmine Shannay Peterson

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12030 Ross Friedman

Chapter 13

#8.00 Motion for relief from stay

DAIMLER TRUST

Docket 29

Tentative Ruling:

This case was dismissed on 12/9/19, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ross Friedman

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12079 Martin Pantoja

Chapter 13

#9.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOCIATION

Docket 46

Tentative Ruling:

Petition Date: 8/20/19

Chapter: 13

Service: Proper; original borrowers and subsequent transferees served.

No opposition filed.

Property: 12973 Ave. 417, Orosi, CA 93647

Property Value: Unk. (not listed on debtor's schedules)

Amount Owed: \$175,398

Equity Cushion: unk.

Equity: unk.

Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant alleges that this is (at least) the 10th bankruptcy affecting the subject property.

Given that Debtor is represented in this case and appears to be abiding his duties as a ch. 13 debtor, no finding of bad faith is made as to this Debtor.

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** (waiver of the co-debtor 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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... **Martin Pantoja**

Chapter 13

ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED
PROPERTY.

Party Information

Debtor(s):

Martin Pantoja

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

U.S. Bank Trust National

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12244 Tarun Kumar Trivedi

Chapter 7

#10.00 Motion for relief from stay

BANK OF AMERICA NA

Docket 11

Tentative Ruling:

Petition Date: 9/6/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2010 Lexis LS-V8

Property Value: \$10,970 (per debtor's schedules)

Amount Owed: \$13,739

Equity: \$0.00.

Delinquency: \$709.82

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):

Tarun Kumar Trivedi

Represented By
Nicholas M Wajda

Movant(s):

Bank of America, N.A.

Represented By
Robert P Zahradka

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Tarun Kumar Trivedi

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12342 Tyana Lorraine McKery

Chapter 7

#11.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 9

Tentative Ruling:

Petition Date: 9/17/19

Chapter: 7

Service: Proper. No opposition filed.

Property: 2010 Nissan Altima

Property Value: \$4,675 (per Movant's evidence, NADA Guide)

Amount Owed: \$17,358

Equity: \$0.00.

Delinquency: \$17,356

Movant alleges that it obtained possession of the vehicle on or about 8/27/19.

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):

Tyana Lorraine McKery

Represented By
Steven A Alpert

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12578 Meshylle A Martin

Chapter 7

#12.00 Motion for relief from stay

BANK OF AMERICA, N.A.

Docket 17

Tentative Ruling:

This case was dismissed on December 2, 2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Meshylle A Martin

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12578 Meshylle A Martin

Chapter 7

#13.00 OSC re: Dismissal for non-payment of installment filing fees

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Meshylle A Martin

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12730 Michael Anthony Malone

Chapter 7

#14.00 Motion for relief from stay

AL SABERI

Docket 12

Tentative Ruling:

Petition Date: 10/29/19

Ch: 7

Service: Proper. No opposition filed.

Movant: Al Saberi

Property Address: 37850 San Carlos Way, Palmdale, CA 93550

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 9/25/19

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 requests for binding and effective relief, as the allegations of bad faith as to few listed creditors is not sufficient, by itself, for a bad faith finding (unlike allegations of *e.g.*, repeat filing or unauthorized transfers).

DENY request for annulment of the stay, as Movant did not allege that actions were taken post-petition without notice or knowledge of the bankruptcy filing.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Michael Anthony Malone

Chapter 7

Debtor(s):

Michael Anthony Malone

Represented By
Nicholas M Wajda

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

#15.00 Motion for relief from stay

INFINITY CAPITAL FUNDING, LLC

Docket 20

Tentative Ruling:

Petition Date: 10/30/19

Chapter: 7

Service: Proper. Opposition and Reply filed.

Property: real property commonly known as-

(1) 5846-5850 Woodman Ave., Van Nuys, CA 91401

(2) 1425 W, 18th St., Los Angeles, CA 90006

(3) 450 Calle Jazmin, Thousand Oaks, CA 91360

(4) 617 Calle Margarita, Thousand Oaks, CA 91360

Property Value: not provided

Amount Owed: \$6,513,658

Equity Cushion: Unk.

Equity: Unk.

Post-Petition Delinquency:

Movant, a judicial lien creditor, moves for relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific 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 also requests binding and effective relief. Movant alleges cause for extraordinary relief due to Debtor's alleged bad faith actions in filing this case. These allegations are considered in more depth in connection with the Motion to Dismiss Chapter 7 Case. See Cal. no. 27.

Debtor opposes the Motion, conceding that there is no available equity in these investment properties but arguing that the chapter 7 trustee has not yet had an opportunity to assess whether she may be able to administer these real properties to create value for a broader group of creditors, including unsecured creditors. Debtor also addresses and explains the circumstances

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Reynaldo Rene Vizcarra
of the allegations of bad faith.

Chapter 7

Creditor argues in reply that it will not consent to Trustee selling these properties, as the United States Trustee would certainly require a carve-out from its interest for the benefit of unsecured creditors. Creditor asserts that, by allowing it to proceed with its sale by sheriff under state law, costs of sale would be lower because it would not require payment of trustee's statutory fee or broker's fees.

It is clear that the parties have starkly different views of the factual circumstances that led to Debtor having filed this chapter 7. While the Court recognizes the strong position of Creditor here, the Court must consider whether there is a resolution possible that maximizes the estate's distribution to all creditors. This case has only been pending for slightly more than a month. The Court is inclined to continue this hearing to January 15, 2020 to allow Trustee an opportunity to review all assets in this estate and make a determination as to her position here.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Movant(s):

Infinity Capital Funding, LLC

Represented By
Diane C Stanfield

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12939 Robert Harris

Chapter 7

#15.01 Motion for relief from stay

CYNTHIA JOANNE GAGE

Docket 8

Tentative Ruling:

Petition Date: 11/22/19

Ch: 7

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Cynthia Gage

Property Address: 5973 Laurent Drive Agora Hills, CA 91301

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 10/3/19

UD Judgment: n/a

Movant alleges cause for extraordinary relief because she alleges that Debtor has engaged in bad faith litigation regarding the Property. Movant contends that Debtor attempted to remove the UD litigation without merit and has now filed a bankruptcy without giving Movant timely notice.

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 **11** (binding and effective relief against Debtor for 180 days).

DENY request for relief under § 362(d)(4) because Movant is not a secured creditor that is entitled to such relief.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Robert Harris

Chapter 7

Party Information

Debtor(s):

Robert Harris

Pro Se

Movant(s):

Cynthia Gage

Represented By
Luke P Daniels

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12867 Ana Ramirez

Chapter 13

#16.00 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate

Docket 10

Tentative Ruling:

On 11/15/19, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-12295, was a chapter 13 that was filed on 9/12/19 and dismissed on 11/4/19 for failure to file schedules.

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 schedules because she is now actively involved in her bankruptcy. Debtor claims that there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, she has learned that the person "helping" her with saving her home instead took money and had her sign documents, the effects of which she did not know. Debtor is now represented by counsel and is committed to saving her home and is willing to enter into an APO. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence, and source of income.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Ana Ramirez

Represented By
Jaime A Cuevas Jr.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Ana Ramirez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

- #17.00** 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, 9/12/18, 7/17/19; 9/11/19

Docket 47

***** VACATED *** REASON: Cont'd per stipulation to 4/1/20 - hm**

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

	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
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
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... R.J. Financial, Inc.

Rosendo Gonzalez

Chapter 7

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

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

#18.00 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, 6/26/19
9/21/18, 10/31/18; 12/12/18, 2/27/19; 3/13/19

Docket 1

Tentative Ruling:

Having considered the status report filed on 12/6/19, this status conference is continued to **January 29, 2020, at 10:00 a.m.**

NO APPEARANCE REQUIRED ON 12/11/19

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Process America, Inc. Chapter 11

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

Plaintiff(s):

Tigrent Group Inc.	Represented By Thomas F Koegel
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US Trustee(s):

United States Trustee (SV)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#19.00 Motion for Default Judgment

Docket 16

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

THE BANK OF NEW YORK

Pro Se

Does 1-10 Inclusive

Pro Se

Plaintiff(s):

Michael Vara

Represented By
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-10925 Roben Saeidian

Chapter 7

Adv#: 1:19-01113 David Seror, Chapter 7 Trustee v. Saeidian

#20.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfer and (2) Preservation of Transfer
Avoid

Docket 1

*** VACATED *** REASON: Stip. cont. to 3/11/20 @ 11am (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roben Saeidian

Represented By
Hamid Soleimanian

Defendant(s):

Jonathan Saeidian

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Elissa Miller

Trustee(s):

David Seror (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-10925 Roben Saeidian

Chapter 7

Adv#: 1:19-01114 David Seror, Chapter 7 Trustee v. Nostrati

#21.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfer and (2) Preservation of Transfer
Avoid

Docket 1

*** VACATED *** REASON: Stip. cont. to 3/11/20 @ 11am (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roben Saeidian

Represented By
Hamid Soleimanian

Defendant(s):

Saeid Nostrati

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Elissa Miller

Trustee(s):

David Seror (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-10925 Roben Saeidian

Chapter 7

Adv#: 1:19-01115 David Seror, Chapter 7 Trustee v. Saeidian

#22.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfer and (2) Preservation of Transfer
Avoid

Docket 1

*** VACATED *** REASON: Cont'd per stipulation to 3/4/20 at 10 a.m. -
hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roben Saeidian

Represented By
Hamid Soleimani

Defendant(s):

Joseph Saeidian

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Elissa Miller

Trustee(s):

David Seror (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-10925 Roben Saeidian

Chapter 7

Adv#: 1:19-01116 David Seror, Chapter 7 Trustee v. York

#23.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfer and (2) Preservation of Transfer
Avoid

Docket 1

***** VACATED *** REASON: Cont'd to 3/4/20 per order #9. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roben Saeidian

Represented By
Hamid Soleimanian

Defendant(s):

David York

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Elissa Miller

Trustee(s):

David Seror (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-11659 Nicolas Mendez Rodriguez

Chapter 7

Adv#: 1:19-01119 Hernandez v. Rodriguez

#24.00 Status Conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C section 523()(2),(4) and (6)

Docket 1

***** VACATED *** REASON: Another summons issued - status conference reset for 1/15/20 at 10 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicolas Mendez Rodriguez

Represented By
Steven A Simons

Defendant(s):

Nicolas Mendez Rodriguez

Pro Se

Plaintiff(s):

Berta Hernandez

Represented By
Sarah Cuellar

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-11660 Maria De Pilar Mendez

Chapter 7

Adv#: 1:19-01118 Hernandez v. Mendez

#25.00 Status Conference re: Compliant for nondischargeability
of debt pursuant to 11 U.S.C. section 523(a)(2)(4) and (6)

Docket 1

Tentative Ruling:

No Status Report filed, no answer filed; If case is not being prosecuted, it will be dismissed.

Party Information

Debtor(s):

Maria De Pilar Mendez

Represented By
Steven A Simons

Defendant(s):

Maria De Pilar Mendez

Pro Se

Plaintiff(s):

Berta Hernandez

Represented By
Sarah Cuellar

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#26.00 Motion for: (1) Order Disallowing Claim 24 (Objection to Proof of Claim No. 24 filed by Kimberly Yoon); or, (2) In the Alternative, an Order Estimated the Value of Proof of Claim

Docket 2332

Tentative Ruling:

The Claim asserted by Kimberly Yoon was filed on 7/1/13 for \$250,000 for "personal injury." Trustee asserts that the claim, however, is insufficient as it fails to demonstrate even prima facie validity because there are no documents or explanation of how the claim arose. Trustee does acknowledge that Claimant did explain, in relation to a motion for relief from stay, that she alleges harm resulting from her partnership with Dorothy Matsuba ("Matsuba"), the goal of which was the improper stated purpose of preventing a lawful foreclosure by a senior creditor with regard to real property which is now property of the Estate. Trustee contends that Claim should be disallowed under 502(b)(1) because it is unenforceable against any of the Consolidated Debtors as a matter of law, as *in pari delicto* prevents Matsuba and Claimant from seeking relief from one another in connection with their prepetition inequitable conduct.

In the alternative, Trustee seeks an order pursuant to 11 U.S.C. § 502(c) valuing the Claim at "0" for all purposes, including distribution. Trustee asserts that because he Claim is based primarily upon a contingent and unliquidated tort claim for by Claimant for fraud against one or more of the Consolidated Debtors, the damages asserted in connection therewith are entirely speculative and contingent upon a future event which is never likely to occur. That is, as a result of a Court-approved settlement, Trustee is prohibited from seeking to sell the real property. Thus, because no sale will occur prior to the close of this case, and because a sale yielding "net proceeds" is condition precedent to Claimant's articulation of damages, the Claim will remain a contingent liability until this case is closed.

Service proper; Claimant served at the address listed on the Proof of Claim where notices should be sent. No responses filed.

Objection SUSTAINED; the Claim is disallowed. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

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
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

#27.00 Motion to Dismiss; Memorandum of Points and Authorities in Support of Motion to Dismiss Case Pursuant to 11 U.S.C. §§ 521(b), 109(h), 707(a), and Local Bankruptcy Rule 107-2

Docket 21

Tentative Ruling:

Motion will be denied. The debtor appears to be trying to comply with all requirements and did indeed obtain credit counseling.

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-11659 Nicolas Mendez Rodriguez

Chapter 7

#27.01 Motion to Avoid Lien Judicial Lien under section 522(f) (Berta Hernandez and Jose Eduardo Hernandez-Hlnojosa)

Docket 44

Tentative Ruling:

APPEARANCE REQUIRED. Parties should be prepared to discuss dates for an evidentiary hearing to determine whether debtor is eligible for the exemptions claimed.

Party Information

Debtor(s):

Nicolas Mendez Rodriguez

Represented By
Steven A Simons

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#28.00 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,
1/23/19; 3/13/19, 6/26/19

Docket 1

Tentative Ruling:

The status conference may not be necessary based on the progress reported in the status report, but it will be left on calendar in case any party needs something addressed. Telephonic appearances are fine. If there is no reason to hold a status conference sooner, it appears a continuance to April 11, 2020 at 10 am would be appropriate to give debtor time to file a motion for final decree before the next quarter is up.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:15-11292 Mark Handel

Chapter 11

#29.00 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; 10/24/18; 4/3/19
7/17/19

Docket 1

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

**#30.00 Motion to Extend Exclusivity Period for Filing a Chapter
11 Plan and Disclosure Statement**

Docket 36

Tentative Ruling:

Service proper. No objections filed. Having reviewed the Motion to Extend Exclusivity and finding cause, Debtor's exclusive right to file its plan of reorganization is extended from February 17, 2020 through May 22, 2020.

DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 12-11-19.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:19-12433 Jesus Gutierrez Cervantes

Chapter 7

#31.00 OSC re: Dismissal for non-payment of installment filing fees

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Gutierrez Cervantes

Pro Se

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#32.00 Motion to Compel Compliance with Court's
Financing Order and Hold Debtor in Contempt
Under 11 U.S.C Section 105; Request for Sanctions
Against Debtor and Its Counsel of Record

fr. 10/16/19, 10/30/19, 11/20/19

Docket 129

Tentative Ruling:

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#33.00 Motion For Order Awarding Attorney's Fees
Against Construction Lenders

fr. 9/11/19, 10/16/19

Docket 118

Tentative Ruling:

The memorandum of decision will be issued by the end of the year. as will be explained in more detail in the memo, I will not be awarding fees to either party because the results of the financing motion were mixed and the confirmation hearing turned on issues other than the contract and was also mixed.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#34.00 Motion re: Objection to Claim Number 7,8 by
Claimant Foothill Financial, LP, et al, FCI Lender Services, Inc.
and Med Equity, LLC et al c/o FCI Lenders Services, Inc..

Docket 142

Tentative Ruling:

Debtor has not waived this claim objection. There was no bar date set for objecting to claims. The debtor has been up front about its objection since the beginning of the case. Debtor disclosed its claim against Construction Lenders in its bankruptcy schedules. [ECF #12]. The Debtor's Plan states: "Payment is subject to offset of any claims asserted by Debtor in an amount determined by the bankruptcy court."

This is not the same situation as that discussed in the Kelley case. There, the debtor was not as clear as the debtor was here in letting the creditor and the court know that there would be an objection to the claim. The debtor in Kelley also misled the creditor to obtain a vote on the plan. Here, CL voted against the plan. So the objection will be allowed.

It is not clear why an adversary is needed if CL has all the procedural protections an adversary would provide. Let's discuss. The debtor should also propose a way to start making payments at this point since an evidentiary hearing will be required for this matter.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#35.00 Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19, 7/18/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

This will be heard at the end of the 10 am calendar

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#36.00 Post confirmation status 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, 8/8/18, 3/6/19, 8/21/19

Docket 1

Tentative Ruling:

Having considered the post-confirmation status report and finding no response filed, this status conference is continued to **June 10, 2020 at 11:00 a.m.**

DEBTOR TO GIVE NOTICE OF CONTINUED STATUS CONFERENCE.
APPEARANCES WAIVED ON 12-11-19.

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#37.00 Procal Electric, Inc's Claim for Payment
pursuant to Assumed Contract

Docket 491

Tentative Ruling:

Debtor represented in its motion to assume executory agreement with Procal on July 6, 2017 that: "The Debtor's agreement with PROCAL ELECTRIC will allow the final work to be completed on the NASA project known as REDS. Approval of the agreement will assure feasibility of the Debtor's plan, which includes final completion of the REDS project." And that "assumption of the TEAMING AGREEMENT and the ADDENDUM is in the best interest of the estate and its creditors." (docket entry # 246)

The assumption of the executory contract was approved. There has been no dispute that Procal did the work. There has been no dispute that completion of the REDS project was essential to payment of creditors under the plan.

Debtor objects to all but a limited portion of Procal's claim being paid as an administrative expense. Debtor does not dispute that the amount is owed, just how it should be characterized. The debtor also does not dispute that the completion of the REDS project with the assistance of Procal was a critical part of its reorganization. The debtor does not cite to any law explaining how the administrative expense arising out of the assumption of an executory contract can be limited by the narrow time between assumption and plan confirmation. Once the debtor assumes the contract, it appears that the expenses related to the contract are administrative. The "actual, necessary" standard of 503(b)(1) applies even if it took the debtor and claimant some time to complete the assumed contract.

As debtor does not dispute the actual amount owed or that a benefit was provided to the estate, and no law has been provided explaining why the temporal limitation proposed by the debtor would apply, the objection to claim is overruled.

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#38.00 Post-Confirmation Status Conference

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18;
12/18/18, 2/20/19; 6/6/19/ 7/16/19; 8/8/19, 10/2/19

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

Adv#: 1:19-01036 Llanos v. Citigroup Inc. et al

- #39.00** Status Conference Re: Complaint for
1 - Violation of Real Estate Settlement
Procedures Act, 12 C.F.R Sec. 1024 et seq
2 - Violations of the Fair Debt Collection
Practices Act (FDCPA), 15 USC Sec.
1692, et seq
3 - Negligence, California Civil Code Sec.
1714
4 - Quiet Title, California Code of Civil
Procedure Sec. 760.020
5 - Objection to Claim

fr.6/5/19, 8/21/19, 8/28/19, 10/23/19

Docket 1

Tentative Ruling:

Why has underlying bankruptcy case not been dismissed? Debtor should submit an order now that all requirements for dismissal have been met.
Discovery cut off 2/25/20
Pretrial 3/11/20 at 11 am
If bky case not dismissed

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Defendant(s):

Citigroup Inc.

Pro Se

Statebridge Company LLC

Pro Se

Cascade Funding Mortgage Trust

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

11:00 AM

CONT... Salomon Llanos

Chapter 13

Plaintiff(s):

Salomon Llanos

Represented By
John Habashy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

1:00 PM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

#39.01 Pre-Trial Conference re: Complaint

fr. 6/6/18; 5/8/19, 5/15/19, 9/11/19

Docket 1

Tentative Ruling:

No appearance required. This will be continued to February 26, 2020 at 1 pm so the parties can memorialize the settlement in principle. Plaintiff to give notice.

Party Information

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

#40.00 Objection to claim no. 2
by LDI Ventures, LLC.

fr. 10/23/18; 2/26/19; 8/20/19, 9/11/19

Docket 38

Tentative Ruling:

This will trail resolution of the adversary.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 11, 2019

Hearing Room 302

1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#41.00 Motion to Dismiss Adversary Proceeding

fr. 11/6/19

Docket 43

Tentative Ruling:

This motion to dismiss concerns a dispute between the debtor and certain lenders over a loan for Debtor's residence. Nazaret Kechejian ("Plaintiff/Debtor") alleges that he was born overseas and speaks Armenian as his native language. Plaintiff owned a single-family home in Van Nuys, California ("Property"). Prime Capital Group ("Prime") allegedly acted as Plaintiff's agent to procure a \$50,000 home mortgage loan from Mkrchyan Investments, L.P. ("Mkrchyan") ("Mkrchyan Loan"). Later, Prime allegedly procured a \$55,000 loan from Phantom Properties LLC ("Phantom Loan"). Both loans contained a provision for an interest-only payment for the first five months and a final balloon payment. After Plaintiff could not repay the balance due on the Mkrchyan and Phantom Loans, Mkrchyan and Prime offered to originate a consolidated loan.

LDI Ventures, LLC ("LDI") is alleged to have provided a \$165,000 consolidated loan ("LDI Loan"). The LDI Loan was allegedly dated May 1, 2017. The amount included a payoff to the Mkrchyan and Phantom Loans and \$15,000 in costs and fees to Prime. The LDI Loan allegedly had identical repayment terms as the Mkrchyan and Phantom loans - an interest-only payment provision for the first five months, a final balloon payment, and a 10% penalty for each payment made more than ten days after the due date.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Hearing Room 302

1:00 PM

CONT...

Nazaret Kechejian

Chapter 13

Plaintiff defaulted on the LDI Loan and filed chapter 13 on April 2, 2018. On September 1, 2018, Plaintiff filed a Complaint asserting nine claims. The parties then stipulated to extend the time to respond to the Complaint and a number of Defendants filed answers to the Complaint. Plaintiff then moved for leave to file a First Amended Complaint ("FAC"), adding one claim, which was granted. Dmitri Lioudkovski ("Lioudkovski") and LDI Ventures, LLC ("LDI") (collectively referred to as "Defendants") then filed a motion to dismiss under Fed. R. Civ. Pro. 12(b)(6). As these Defendants have filed an answer, this will be construed as a motion for judgment on the pleadings under Fed. R. Civ. Pro. 12(c)("Motion").

Defendants' Motion seeks to dismiss seven of the ten claims in Plaintiffs' FAC. The seven claims allege: (1) violation of California's usury laws; (2) violation of Truth in Lending Act ("TILA"); (3) violation of Home Ownership and Equity Protection Act ("HOEPA"); (4) violation of Cal. Civ. Code §1632; (5) unconscionability under Cal. Civ. Code §1688; (6) unfair business practice under Business and Professions Code § 17200; and (7) declaratory relief.

Rule 12(c)

The standard governing FRCP 12(c) motion for judgment on the pleadings is functionally identical to that governing an FRCP 12(b)(6) motion to dismiss. Cafasso v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1054 n. 4 (9th Cir. 2011); Dworkin v. Hustler Magazine, Inc., 867 F.2d 1188, 1192 (9th Cir. 1989).

"A judgment on the pleadings is properly granted when, taking all the allegations in the pleadings as true, [a] party is entitled to judgment as a matter of law." Lyon v. Chase Bank USA, N.A., 656 F.3d 877, 883 (9th Cir. 2011); Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.,

**United States Bankruptcy Court
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San Fernando Valley
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1:00 PM

CONT... Nazaret Kechejian

Chapter 13

896 F.2d 1542, 1550 (9th Cir. 1989). When evaluating an FRCP 12(c) motion, the court must construe factual allegations in a complaint in the light most favorable to the nonmoving party. Fleming v Pickard, 581 F.3d 922, 925 (9th Cir. 2009).

For a complaint to withstand an FRCP 12(c) motion for judgment on the pleadings, it must contain more detail than "bare assertions" that are "nothing more than a formulaic recitation of the elements" required for the claim. Ashcroft v. Iqbal, 556 U.S. 662, 681 (2009). The complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. Id. at 678. A claim has facial plausibility if the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. Id. 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).

In light of the standard, the Supreme Court invited courts considering a motion to dismiss to use a two-pronged approach. First, identify pleadings that are not entitled to the assumption of truth because they are no more than conclusions. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. Iqbal, 556 U.S. at 680-81. 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-pleaded factual allegations. Id.

Courts must draw upon their "experience and common sense"

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1:00 PM

CONT... Nazaret Kechejian

Chapter 13

when evaluating the specific context of the complaint to determine whether it contains the necessary detail to state a plausible claim for relief. Id. at 679. The court may consider information contained in attached exhibits to the complaint and matters subject to judicial notice. Wal-Mart Stores, Inc., 354 F. Supp. 3d at 1141.

FRCP 9(b) imposes heightened pleading requirements for fraud claims. See Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud," but can generally allege "[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, No.11-00929, 2011 U.S. Dist. LEXIS 145253, at *19-20 (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).

Dismissal without leave to amend is only appropriate when the court is satisfied that the deficiencies in the complaint could not possibly be cured by amendment. Jackson v. Carey, 353 F.3d 750, 758 (9th Cir. 2003).

A. First Claim Against LDI: California Usury Laws

Plaintiff alleges that LDI violated California's laws against usury because LDI's 13.99% interest rate is above the statutory maximum

**United States Bankruptcy Court
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1:00 PM

CONT... Nazaret Kechejian

Chapter 13

annual rate. LDI moves to dismiss this claim because a licensed real estate broker, Prime, allegedly "made or arranged" the LDI Loan. LDI argues that a loan "made or arranged" by a licensed real estate broker are exempt from California's law against usury.

There are exemptions to California's laws against usury, including "any other class of persons authorized by statute." Cal. Const., art. XV, § 1. Cal. Civ. The interest rate restrictions under Article XV of California's Constitution does not apply to "any loan or forbearance *made or arranged* by any person licensed as a real estate broker by the State of California, and secured, directly or collaterally, in whole or in part by liens on real property." Cal. Civ. Code § 1916.1.

The term "made or arranged" includes any loan made by a licensed real estate broker as a principal or as an agent for others, and whether or not the person is acting within the course and scope of such license. Id. A loan is "made" by a licensed real estate broker when the broker acts as a principal by lending his or her own money. Del Mar v. Caspe, 72 Cal. Rptr. 446, 450 (Cal. Ct. App. 1990). A loan is "arranged" by a real estate broker when the broker (1) acts for compensation or in expectation of compensation for soliciting, negotiating, or arranging the loan for another..." Cal. Civ. Code § 1916.1.

Plaintiff alleges in his FAC and opposition that "none of the Defendants are exempt lenders under California law" because Mkrchyan is a real estate salesperson and not a broker and Prime did not "arrange" the loan within the meaning of Cal. Civ. Code § 1916.1. For a licensed real estate broker to "arrange" a loan, the broker must act as a third-party beneficiary rather than as a party to the loan to cause the borrower to obtain or procure a loan. Gibbo v. Berger, 19 Cal. Rptr. 3d 829, 834 (Cal. Ct. App. 2004). Conduct that involves "arranging" a

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CONT... Nazaret Kechejian

Chapter 13

loan includes the real estate broker structuring the loan as the lender's agent; setting the loan's interest rate and points; reviewing the loan documents; conducting title searches; or drafting the loan terms. Id. The court in Gibbo cautioned against a broader definition of "arrange," such as when a broker merely photocopies and collates the loan document pages. Id.

Plaintiff sufficiently alleged Mktrchyan and Prime's conduct did not constitute "arranging" a loan because they did not act as a third-party intermediary, but were merely like scriveners or escrow officers because they neither structured nor drafted the loan documents. Moreover, nothing in the pleadings indicates that Prime "made" the LDI Loan by lending its own money. Plaintiff has thus stated sufficient facts for a plausible usury claim.

The elements to establish a usury claim are: (1) a person lends money to another; (2) the annual interest rate charged exceeds the statutory maximum; (3) the borrower must repay the loan and interest; and (4) the lender willfully intended to enter into the usurious transaction. Ghirardo v. Antonioli, 883 P.2d 960, 965 (Cal. 1994).

Plaintiff's factual allegations provide for all the elements for a usury claim and are sufficient to state a plausible claim for relief. Plaintiff alleged that (1) LDI lent \$165,000 to Plaintiff; (2) LDI charged a 13.99% annual interest rate, which is plausibly above the usurious interest rate under California law; (3) the terms of the loan required Plaintiff to pay interest only for the first five months and a final balloon payment; and (4) LDI provided the consolidated loan.

Defendant LDI also moves to dismiss Plaintiffs' first claim as time-

**United States Bankruptcy Court
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barred by the statute of limitations when a plaintiff seeks to recover treble damages. Defendant cites to Shirley v. Britt, which explains that if the lender sues, none of the usurious payments that can be applied to reduce the principal debt are barred by a statute of limitations. 313 P.2d 875, 877 (Cal. Ct. App. 1957). On the other hand, if the borrower seeks to recover treble damages, the borrower is entitled to recover only (1) treble the amount of the interest paid under a promissory note during the year before the adversary action; (2) actual usurious interest paid one year before the adversary action; and (3) actual usurious interest paid within two years of the adversary action. Id.; Taylor v. Budd, 18 P.2d 333, 334 (Cal. 1933). The penalty of treble interest is cumulative and does not abrogate the common-law remedy to recover money paid under illegal provisions of a contract. Taylor, 18 P.2d at 334.

The statute of limitations for treble damages based on a usurious interest rate is one year from the date in which the borrower paid the usurious interest. See Cal. Civ. Code § 1916-3(a); Hamana v. Kholi, No. 10cv1630, 2010 U.S. Dist. LEXIS 85265, at *6 n.4 (August 19, 2010).

The statute of limitations *applies to* treble damages based on a usurious interest rate. Defendants state that Plaintiff's entire usury claim is time barred because Plaintiff made no payments during the year before the adversary action. However, Shirley v. Britt explains that a borrower is also entitled to recover actual usurious interest paid *within* two years of the adversary action. 313 P.2d at 877. Nothing in the pleadings indicates that Plaintiff did not pay a usurious interest within two years of the adversary action. The statute of limitations, therefore, does not bar Plaintiff's entire usury claim. Moreover, the statute of limitations that applies to treble damages does not necessarily decide the broader claim of usury and other remedies Plaintiff seeks to recover, such as attorney's fees and damages in the form of cancelling all

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interest due under the LDI Loan. Plaintiff may not be entitled to treble damages, but may still proceed with the usury claim.

Defendants' Motion to dismiss Plaintiff's first claim is DENIED.

B. Third Claim: Violation of Truth in Lending Act

Plaintiff claims that LDI did not provide him with the required disclosure statement upon loan closing under TILA and that LDI's Loan is a high-cost mortgage like the other loans. [FAC ¶ 62]. Defendants argue that the court should dismiss Plaintiff's third claim because Plaintiff's allegation is a legal conclusion. Defendants assert that Plaintiff failed to allege that (1) LDI is a "creditor" within the meaning of TILA; (2) the LDI Loan was a consumer transaction; (3) Plaintiff is a consumer; and (4) the loan was used for consumer purposes.

The purpose of TILA is "to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit, and to protect the consumer against inaccurate and unfair credit billing and credit card practices." 15 U.S.C. § 1601(a). TILA requires creditors to provide borrowers with clear and accurate disclosures of terms, such as finance charges, annual interest rates, and the borrowers' rights. Beach v. Ocwen Fed. Bank, 523 U.S. 410, 412 (1998).

TILA defines "creditor" as follows:

The term "creditor" refers only to a person who both (1)

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regularly extends, whether in connection with loans, sales of property or services, or otherwise, consumer credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, and (2) is the person to whom the debt arising from the consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by agreement.

15 U.S.C. § 1602(f).

Regulation Z, which was promulgated by the Federal Reserve Board to assist in applying Section 1602(f), provides an analogous definition of "creditor":

(i) A person (A) who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than 4 installments (not including a downpayment), and (B) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract."

12 C.F.R. 226.2(a)(17)(i).

Plaintiff's FAC defines the meaning of "creditor" in at least two paragraphs. [FAC ¶¶ 56-57]. Plaintiff also explicitly alleges that "Prime is a 'creditor' as defined by TILA because Prime is a mortgage originator, each of Plaintiff's loan is a high-cost mortgage, and Prime originated two or more of the loans in a 12-month period..." [FAC ¶¶ 64]. Plaintiff also alleges that LDI originated a consolidated loan with an interest rate of 13.99%, an interest-only payment plan for the first five months, and a

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final balloon payment. Plaintiff thus made sufficient factual allegations that LDI is a "creditor" within the meaning of TILA.

A "consumer transaction" is a transaction in which "(i) an individual incurs an obligation primarily for personal, family, or household purposes; (ii) a security interest secures the obligation; and (iii) the collateral is held or acquired primarily for personal, family, or household purposes." U.C.C. § 9-102(26). A "consumer" debtor means a debtor in a "consumer transaction." U.C.C. § 9-102(22).

The FAC refers to "consumer credit" numerous times. [FAC ¶ 57, 59, 61]. Plaintiff also directly alleges that "this consumer credit transaction violated TILA and Regulation Z." [FAC ¶ 61]. Based on the factual allegations that LDI secured an interest in Plaintiff's primary residence and the lack of any indicators that Plaintiff spent the LDI Loan on anything other than for "personal, family, or household purposes," the court can reasonably infer that Plaintiff is a consumer. In addition, although it is not apparent whether the FAC was referring to the LDI Loan when discussing "creditor" and "consumer credit" in the third claim, the court can reasonably infer that LDI is included in the allegations because the Plaintiff's claim is "against all Defendants." Moreover, the FAC alleges that Defendants had a common plan and agreement, aided and abetted the commission of the violations, and had a unity of interest and ownership such that Defendants are not individual and separate [FAC ¶ 43]. Plaintiff's allegations are thus sufficient for a plausible TILA violation.

Defendants' Motion to dismiss Plaintiff's third claim is DENIED.

A. Whether Plaintiff's Claim for Damages is Barred by the Statute of

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TILA claims for damages are subject to a one-year statute of limitations, which runs from the time the loan documents are executed. 15 U.S.C. § 1640(e); Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034, 1045 (9th Cir. 2011). Plaintiff allegedly executed the \$165,000 LDI Loan on May 2017. Because of the one-year statute of limitations, Plaintiff had until May 2018 to file an adversary action but did not do so until September 1, 2018. The limitations may be suspended until the borrower discovers or had a reasonable opportunity to discover the TILA disclosure. King v. California, 784 F.2d 910, 915 (9th Cir. 1986). There are no allegations in the complaint concerning discovery of the cause of action. Thus, damages are barred at this time.

Actions for rescission based on improper material disclosure may be brought within three years of consummation of the transaction. 15 U.S.C. 1635(f). Thus, the rescission cause of action may stand.

Defendants' Motion to dismiss Plaintiff's claims pertaining to damages for the alleged TILA violation is DENIED.

B. Whether Plaintiff's Claim for Rescission of the Loan Agreement is Barred by the Statute of Limitations or tender

Plaintiff also seeks to rescind the LDI Loan agreement because of LDI's alleged TILA violation. Defendants argue that Plaintiff does not have the right to rescind because Defendants assume that Plaintiff's use of the term "residential mortgage loan" means, "residential mortgage transaction" under 15 U.S.C. § 1602(x). Under 15 U.S.C. § 1635(e)(1), a "residential mortgage transaction" is exempted from the right to rescission.

Under 15 U.S.C. § 1602(x), a "residential mortgage transaction" is

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defined as "a transaction in which a mortgage, deed of trust, purchase money security interest arising under an installment sales contract, or equivalent consensual security interest is created or retained against the consumer's dwelling *to finance the acquisition or initial construction of such dwelling*. The LDI Loan was a consolidated loan and nothing in the pleadings indicate that it was used to finance the acquisition or initial construction of a dwelling. As such, the LDI loan does not fall within the definition of 15 U.S.C. § 1602(x).

Defendants further argue that Plaintiff's claim to rescind the LDI Loan agreement must be dismissed because Plaintiff did not allege "tender." Plaintiff, on the other hand, argues that he did allege a timely tender to pay-off the loan.

In its opposition, Plaintiff argues that tender is not required where it is inequitable, or if the underlying debt is void based on unconscionability. Pantoja v. Countrywide Home Loans, Inc., 640 F. Supp. 2d 1777, 1184 (N.D. Cal. 2009)(citations omitted); Orcillia v. Big Sur, Inc., 198 Cal. Rptr. 3d 715, 729 (Cal. Ct. App. 2016). However, Plaintiff did not plead facts to support a finding of inequity. In addition, the decision in Big Sur, Inc. is not applicable here because that decision concerned tender as it relates to setting aside a foreclosure sale, and not to rescinding a loan agreement. Big Sur, Inc., 198 Cal. Rptr. 3d at 729.

TILA provides borrowers the right to rescind loan agreements in a consumer credit transaction that is secured by the borrower's principal dwelling if the lender fails to disclose important terms accurately or to deliver certain forms. Beach, 523 U.S. at 411. A borrower initially has three days following the consummation of the transaction or the delivery of the disclosure forms required under 15 U.S.C. § 1635 to notify the

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creditor of his intent to rescind. 15 U.S.C. § 1635(a). However, if the creditor either fails to provide notice of the borrower's right of rescission, or fails to make a material disclosure, the three-day period is extended to three years. See Miguel v. Country Funding Corp., 309 F.3d 1161, 1163 (9th Cir. 2002)(citing 15 U.S.C. § 1635(f); 12 C.F.R. § 226.23(a) (3)); Beach, 523 U.S. at 411; Mehta v. Wells Fargo Bank, N.A., 737 F. Supp. 2d 1185, 1192 (S.D. Cal. 2010).

Under 15 U.S.C. § 1635, within 20 days of receiving notice of rescission, the creditor must return all money and property paid to the borrower and terminate the security interest in the property. Briosos v. Wells Fargo, 737 F. Supp. 2d 1018, 1027 (N.D. Cal. 2010)(citing 15 U.S.C. § 1635). Once the creditor completes its obligation, the borrower must tender the money he received from the creditor. Id. The § 1635(b) procedures apply unless otherwise ordered by a court. Id. The Ninth Circuit has held that courts have the discretion to modify the sequence of rescission of events, including condition rescission on tender by the borrower of the money he received from the lender. Id. Whether a court should exercise its discretion and alter the sequence of procedures under § 1635(b) is determined on a case-by-case basis, considering the entirety of circumstances, including the nature of the violation and the debtor's ability to repay the money. Id.

The Ninth Circuit explained that a court may impose conditions on rescission to assure that the debtor meets his obligations once the creditor has performed its obligations. Yamamoto v. Bank of N.Y., 329 F.3d 1167, 1173 (9th Cir. 2003). Before ordering the rescission of a loan agreement based on a lender's TILA violation, a court may require a borrower to prove an ability to tender the loan proceeds. Yamamoto, 329 F.3d at 1173. The majority of courts to address the issue of tender recently have required that debtors allege an ability to tender the principal balance of the loan to state a claim for rescission under TILA.

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Wells Fargo, 737 F. Supp. 2d at 1028.

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Considering that Plaintiff already defaulted on all three loans, this court will exercise its discretion and alter the sequence of procedures under § 1635(b) and condition rescission on Plaintiff's tender of the loan balance. Plaintiff must therefore allege sufficient facts to support his ability to tender.

Plaintiff's FAC states that "[d]uring March 2018, Plaintiff was willing and able to tender an amount to cure the default. Plaintiff's counsel inquired numerous times of LDI's counsel as to what the exact amount necessary to cure the default and LDI was unable to provide the amount owed on the loan." [FAC ¶ 39]. However, the FAC only alleges an ability to *cure the default*, not the ability to *tender the principal balance* of the LDI Loan, which is required to rescind. Moreover, the circumstances indicate that Plaintiff is unable to tender the principal balance because Plaintiff already defaulted on the Mkrchyan Loan and Phantom Loan, which allegedly had the same payment terms of interest-only for the first five months and a final balloon payment, then also defaulted on the LDI Loan.

The FAC also alleges numerous times Plaintiff's inability to pay. For example, Plaintiff alleges that "Plaintiff had no ability to make the balloon payments...but that was no surprise given the contents of the loan application and considering Plaintiff declared \$8,000 per month in gross income..." [FAC ¶ 34]; "Defendants knew or should have known that Plaintiff did not have sufficient income to repay..." [FAC ¶ 35]; "...Plaintiff did not have and never could have the ability to repay the \$144,319.60 balance due..." [FAC ¶ 36]; "Defendants knew the loan was virtually certain to...end in default" [FAC ¶ 40]; "Defendants knew or should have known that the mortgages were unsuitable for Plaintiff,

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who they knew or should have known lacked the ability to repay the loan" [FAC ¶ 41].

Because Plaintiff has not alleged sufficient facts to support his ability to tender, the court will DISMISS Plaintiff's claim for rescission. Whether or not leave to amend should be allowed will be discussed at oral argument.

C. Fourth Claim: Violation of Home Ownership and Equity Protection Act ("HOEPA")

Plaintiff alleges that Defendants violated HOEPA by failing to provide him with the disclosure required under HOEPA at least three business days before the transaction's consummation, and by extending credit to him without regard to his ability to pay the debt. In support of his claim, Plaintiff alleges that he was charged 10% of the total loan amount for the Mkrтчyan Loan and 8.4% of the total loan amount for the Phantom Loan.

However, Plaintiff pleads no factual allegations against the pertinent Defendants – LDI and Lioudkovski – to state a plausible claim to relief for violation of HOEPA. Defendant's Motion to dismiss Plaintiff's fourth claim must be GRANTED.

D. Fifth Claim: Violation of California Civil Code § 1632

Plaintiff withdrew this claim.

E. Sixth Claim: Unconscionability – California Civil Code § 1688

Plaintiff asserts that the loan agreement should be rescinded under Cal. Civ. Code § 1688 because the loan agreement is illegal. In

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support of his argument, Plaintiff repeats the allegations that the Defendants failed to make mandatory loan disclosures and to provide documents translated in Armenian, and that Defendants violated TILA, Regulation Z, and HOEPA. Plaintiff also incorporates ¶¶ 1-44 in the FAC, which included allegations that (1) Defendants engaged in predatory lending; (2) Defendants failed to explain the terms of the loans, such as the interest rate, risks and disadvantages of the loan, and fees; and (3) Defendants misrepresented the terms of the loan by executing a loan with interest-only payments and a final balloon payment despite Plaintiff's understanding to the contrary.

Plaintiff has stated sufficient facts to support a plausible claim of unconscionability. Defendant's Motion to dismiss Plaintiff's sixth claim must be DENIED.

F. Ninth Claim: Unfair and Unlawful Business Practices Under Business and Professions Code § 17200

California Business and Professions Code § 17200 (also known as the "UCL") prohibits any "unlawful, unfair or fraudulent business act or practice." Cal. Bus. & Prof. Code § 17200. Because the statute is written in the disjunctive, it prohibits three separate types of unfair competition: (1) unlawful acts or practices; (2) unfair acts or practices; and (3) fraudulent acts or practices. Cal-Tech Communications, Inc. v. Los Angeles Cellular Telephone Company, 83 Cal. Rptr. 2d 548, 973 (1999). Section 17200 borrows violations of other laws and treats them as unlawful practices that the UCL makes independently actionable. Id. at 561. Under the UCL, an "unfair business practice" is one that "threatens an incipient violation of an antitrust law, or violates the policy or spirit of one of those laws because its effects are comparable to or the same as a violation of the law, or otherwise significantly threatens or harms competition." Cal-Tech Communications, Inc., 83 Cal. Rptr. 2d at

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Plaintiff alleges that Defendants' conduct threatens an incipient violation of consumer law by likely misleading the public. Plaintiff also alleges that Defendants committed unlawful business acts by (1) failing to provide a Mortgage Loan Disclosure Statement or an alternative that complies with § 10240(c); (2) by engaging in misleading practices to induce vulnerable borrowers, such as Plaintiff into an onerous loan in violation of the Financial Code § 4970; (3) by failing to inquire into Plaintiff's ability to repay the loan and to consider Plaintiff's income, obligations, employment status and other financial resources to form a reasonable belief that Plaintiff had the ability to repay the loan in violation of Financial Code § 4970; (4) by engaging in predatory asset-based lending in violation of Financial Code § 4973(l)(1); and (5) by failing to provide Plaintiff with truthful and accurate disclosure and information about the loan. Plaintiff has thus stated sufficient facts for a plausible UCL claim.

Defendant's Motion to dismiss Plaintiff's ninth claim is DENIED.

G. Tenth Claim: Declaratory Relief

Defendant moves to dismiss Plaintiff's claim for declaratory relief and argues that Plaintiff's complaint does not demonstrate an actual controversy because all claims should be dismissed.

The party seeking declaratory relief must show (1) an actual controversy and (2) a matter within federal court subject matter jurisdiction. Calderon v. Ashmus, 523 U.S. 740, 744 (1998). There is

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an implicit requirement that the actual controversy relate to a claim upon which relief can be granted. Earnest v. Lowentritt, 690 F.2d 1198, 1203 (5th Cir. 1982). The controversy must be definite and concrete. Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 240-41 (1937).

There is an actual controversy here because there are claims that survived Defendants' motion to dismiss. Furthermore, this is a matter within the bankruptcy court's jurisdiction, so Plaintiff may proceed with the claims for declaratory relief. Defendant's motion to dismiss Plaintiff's claim for declaratory relief is DENIED.

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Represented By
Eamon Jafari

Kirill Kizyuk

Represented By
Eamon Jafari

Prime Capital Group, Inc., a

Represented By
Eamon Jafari

Mkrtchyan Investments, LP, a

Represented By
Eamon Jafari

Arthur Aristakesyan

Represented By
Eamon Jafari

Phantom Properties, LLC, a Nevada

Represented By
Eamon Jafari

Dimitri Lioudkovski

Represented By
Yevgeniya Lisitsa

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LDI Ventures, LLC, a California

Represented By
Eamon Jafari
Yevgeniya Lisitsa

Plaintiff(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #42.00** 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

fr. 11/7/18; 7/31/19; 9/25/19

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.

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Meet and Confer

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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.

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan Pro Se

Kirill Kizyuk Pro Se

Prime Capital Group, Inc., a Pro Se

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

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Plaintiff(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-10727 Mary Kristin Burak

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Adv#: 1:19-01082 Coha et al v. Burak

#43.00 Motion For Summary Judgment

Docket 8

Tentative Ruling:

Plaintiffs are Loretta M. Coha ("Coha") and Equity Trust Company ("Equity"). Equity is the custodian of assets of Coha's Individual Retirement Account ("IRA"). Plaintiffs had filed a state court complaint for (1) breach of contract; (2) fraud: intentional misrepresentation; and (3) common count: money had and received against Mary Burak; Sirius Financial, LLC; Victoria Burak; and Elizabeth Wilson ("State Court Defendants").

Plaintiffs' first cause of action alleged that State Court Defendants breached a contract when they signed a promissory note in exchange for Plaintiffs' money but did not repay the money. Plaintiff's second cause of action alleged that State Court Defendants represented to Plaintiffs that they were going to use the money borrowed to rehabilitate and short sale real estate owned property. However, Defendants did not use the money for the purpose they promised. The third cause of action alleged that Defendants received money that was intended for Defendants to use for the benefit of Plaintiffs, but Plaintiffs allegedly did not receive the benefit. For each cause of action, Plaintiffs demanded an identical amount of no less than \$356,000 plus interest as damages and attorney's fees.

On September 25, 2012, the state court entered default against State Court Defendants. On November 8, 2012, the state court entered default judgment in favor of Plaintiffs and against State Court Defendants in the amount of \$448,255.65, but the state court did not indicate as to which of the three causes of action it applied the amount. The state court entered default judgment on a generic fill-in-the-blank

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form and did not make specific findings of fact.

On October 23, 2019, Plaintiffs filed a complaint objecting to Debtor's discharge for false pretenses, false representations, and actual fraud under 11 U.S.C. § 523(a)(2)(A) and (B)("Complaint"). On the same day, Plaintiffs moved for summary judgment ("Motion") against Mary Burak ("Debtor/Defendant"). Debtor did not oppose Plaintiff's Motion.

I. Judicial Notice

Plaintiffs ask this court to take judicial notice of Exhibits 1 through 14. Federal Rules of Evidence 201 provides that a court may take judicial notice of a fact that is not subject to reasonable dispute because: (1) it is generally known within the trial court's territorial jurisdiction; or (2) it can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. FRE 201; see also The Golden Gate v. Marincovich, 286 F.105, 106 (9th Cir. 1923). Other courts in the United States must admit and give full faith and credit to the authenticated records and judicial proceedings of any state courts. 28 U.S.C. § 1738.

The state court documents are not subject to reasonable dispute because these documents are properly authenticated. The documents filed with this court are also not subject to reasonable dispute because these documents can be accurately and readily determined using the court's docket. As such, the court takes judicial notice of Exhibits 1 through 14.

II. Summary Judgement Standard

A court grants summary judgment 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 judgment as a matter of law.

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Fed. R. Civ. P. 56(c) (incorporated by Fed. R. Bankr. P. 7056). The moving party has the burden of establishing the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (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. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (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 nonmoving party. Hector v. Wiens, 533 F.2d 429, 432 (9th Cir. 1976). 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). "Even where no evidence is presented in opposition to the motion, summary judgment should not be granted if the evidence in support of the motion is insufficient. Hoover v. Switlik Parachute Co., 663 F.2d 964, 967 (9th Cir. 1981).

III. Issue Preclusion and Default Judgement Standards

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). Here, the court will apply the collateral estoppel principles of California, the state from which the default judgment originated.

Under California law, collateral estoppel or issue preclusion 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 and necessarily

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decided in the former proceeding; (3) the issue in the former proceeding was final and on the merits; and (4) 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).

The party asserting collateral estoppel bears the burden of establishing these threshold requirements. In re Harmon, 250 F.3d at 1245. This burden means providing "a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action." Kelly v. Okoye (In re Kelley), 182 B.R. 255, 258 (9th Cir. BAP 1995), aff'd, 100 F.3d 110 (9th Cir. 1996). Any reasonable doubt as to what was decided by a prior judgment should be resolved against allowing collateral estoppel. Id.

For issue preclusion to apply to a default judgment, two additional conditions must be met. First, collateral estoppel applies only if the defendant has been personally served with the summons or has actual knowledge of the existence of the litigation. Cal-Micro, Inc. v. Cantrell (In re Cantrell), 329 F.3d 1119, 1124 (9th Cir. 2003)(citing In re Harmon, 250 F.3d at 1245). Collateral estoppel, therefore, only applies to a default judgment to the extent that the defendant had actual notice of the proceedings and a "full and fair opportunity to litigate." Id.

Second, a decision has preclusive effect in later proceedings only where the records show an express finding on the issue for which preclusion is sought. Id. The rationale behind estoppel by default judgment is that a defendant who is served with a summons and complaint, but failed to respond, is presumed to admit all the facts pled in the complaint. In re Harmon, 250 F.3d at 1247. So long as an issue is raised and necessary to uphold a default judgment, a default judgment conclusively establishes between the parties, so far as subsequent proceedings on a different cause of action are concerned, the truth of all material allegations in the first action's complaint and every fact necessary to uphold the default judgment. Gottlieb v. Kest, 46 Cal. Rptr. 3d 7, 14 (Cal. Ct. App. 2006).

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(1) Identical Issue

To determine whether the state court judgement has preclusive effect here, the court must first determine whether the state causes of action are similar enough to the Bankruptcy Code's § 523(a)(2)(A) standard. The "identical issue" requirement addresses whether "identical factual allegations" are at stake in the two proceedings, not whether the ultimate issues or dispositions are the same. Lucido v. Superior Court, 795 P.2d 1223, 1225 (Cal. 1990).

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) misrepresentation, fraudulent omission, or deceptive conduct by the debtor; (2) the debtor knew of the falsity or deceptiveness of their statement or conduct; (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. Turtle Rock Meadows Homeowners Ass'n. v. Slyman (In re Sylman), 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).

Fraud under California law and § 523(a)(2)(A) are identical for purposes of collateral estoppel. In re Younie, 211 B.R. 367, 373 (B.A.P. 9th Cir. 1997), aff'd, 163 F.3d 609 (9th Cir. 1998)(the elements of § 523(a)(2)(A) mirror the elements of common law fraud and match those for actual fraud under California law); In re Jung Sup Lee, 335 B.R. 130, 136 (B.A.P. 9th Cir. 2005). A finding of fraud under California law is

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therefore identical to a finding of nondischargeability under § 523(a)(2)(A) for issue preclusion purposes in a nondischargeability action. Lopez v. Raicevic (In re Lopez), BAP No. SC-15-1335, 2017 Bankr. LEXIS 297, at *10 (February 1, 2017).

As explained below, however, the issue of fraud was not actually litigated and necessarily decided for this court to conclude that the state court cause of action for fraud triggers §523(a)(2)(A) for collateral estoppel to apply.

(2) Actually Litigated and Necessarily Decided

Under California law, the fact that a plaintiff "obtained a judgment by default does not, in itself, foreclose the possibility that the resolution of some issues in the litigation would later have preclusive effect." In re Harmon, 250 F.3d at 1246. For a default judgment to be "actually litigated," the material factual issues must have been both raised in the pleadings and necessary to uphold the default judgment. Gottlieb v. Kest, 46 Cal. Rptr. 3d 7, 14 (Cal. Ct. App. 2006). Therefore, the record in the prior proceeding must show an express finding upon the allegation for which preclusion is sought. In re Harmon, 250 F.3d at 1248-49. A court's silence concerning a pleaded allegation is not an adjudication of the issue. Id. at 1247. However, "the express finding requirement can be waived if the court in the prior proceeding necessarily decided the issue." In re Cantrell, 329 F.3d at 1124. "In such circumstances, an express finding is not required because if an issue was necessarily decided in a prior proceeding, it was actually litigated." Id.

The required showing under § 523(a)(2)(A) is detailed above. Its elements differ from the other causes of action alleged in the state court action. Under California law, the elements for breach of contract are: (1) the parties entered into a contract; (2) the defendant failed to do

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something that the contract required or did something that the contract prohibited her from doing; (3) the plaintiffs were harmed; and (4) the defendant's breach of contract was a substantial factor in causing plaintiffs' harm. CACI No. 303. Establishing breach of contract does not necessarily also establish fraud.

Plaintiffs' cause of action for "common count, money had and received" consists of the following elements under California law: (1) the defendant received money that was intended to be used for the benefit of the plaintiffs; (2) the money was not used for the benefit of the plaintiffs; and (3) the defendant has not given the money to the plaintiffs. CACI No. 370. Establishment of these elements also does not necessarily lead to the conclusion that the elements of fraud are satisfied.

Where the issue of fraud was not actually litigated and necessarily decided because the default judgment did not contain express findings of fraud and because the damages awarded could have been based on the other causes of action, finding the fraud claim as a matter of issue preclusion is not justified. See Phan v. Nguyen (In re Phan), BAP No. CC-12-1621, 2014 Bankr. LEXIS 727 at *20-21 (B.A.P. 9th Cir. February 24, 2014)(creditor sought nondischargeability under §523(a)(2)(A) on issue preclusion; state court default judgment made no specific factual findings as to whether the damages were based on fraud or conversion; conversion claim did not necessarily establish a fraud claim because the elements of conversion and fraud are different.)

Because the default judgment awarded the \$356,000 also on a breach of contract and money had and received, this court cannot conclude that the state court made any specific finding of fraud. Since Plaintiff demanded the same \$356,000 for each of the three causes of action, the default judgment award of \$356,000 could have been based on Plaintiffs' other causes of action, which do not necessarily establish

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fraud within the meaning of §523(a)(2)(A). Therefore, the issue of fraud was not necessarily decided or actually litigated.

(3) Final and On the Merits

A judgment is considered final, for purposes of collateral estoppel, when it is free from direct attack and may not be relitigated. People v. Sims, 32 Cal. 3d 468, 486 (1982). Defendants did not appeal the state court default judgment within the deadline, so the judgment is final.

(4) Same Party or Privity

The same Defendant, Mary Burak, against whom the issue is to be precluded was a party to the state court action and the adversary complaint. This requirement for issue preclusion to apply is thus satisfied.

(5) Personal Service or Actual Knowledge

Defendant, Mary Burak, was served with the summons and complaint, so this requirement for collateral estoppel to apply is satisfied.

(6) Policy Considerations

The California Supreme Court has identified three policies underlying the doctrine of issue preclusion: "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation." Baldwin v. Kilpatrick (In re Baldwin), 249 F.3d 912, 919-920 (9th Cir. 2001). They are met here.

IV. Conclusion

Although Defendant provided no evidence in opposition to

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Plaintiffs' Motion, "[e]ven where no evidence is presented in opposition to the motion, summary judgment should not be granted if the evidence in support of the motion is insufficient. Hoover, 663 F.2d at 967. Plaintiff, as the moving party, has the burden of establishing the absence of a genuine issue of material fact, and pinpointing the exact issues litigated in the state court action. The evidence provided, including the state court complaint, entry of default, declarations in support of default judgment, and default judgment do not show whether the issue of fraud was actually litigated and necessarily decided and do not establish all the required elements for collateral estoppel to apply. For these reasons, the court has reasonable doubt as to which of the three causes of action the state court default judgment decided. The court is required to resolve any reasonable doubt as to what was decided by a prior judgment against allowing collateral estoppel. As such, Plaintiff's Motion is DENIED.

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Plaintiff(s):

Loretta M Coha

Represented By
James W Bates

Equity Title Company

Represented By
James W Bates

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-10727 Mary Kristin Burak

Chapter 13

Adv#: 1:19-01082 Coha et al v. Burak

#44.00 Status Conference Re: Complaint Objecting to Discharge of Debtor based Upon False Pretenses, False Representations, Actual Fraud.

fr. 9/18/19

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Mary Kristin Burak

Pro Se

Plaintiff(s):

Loretta M Coha

Represented By
James W Bates

Equity Title Company

Represented By
James W Bates

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-12293 Shahnam Asbaghi

Chapter 7

**#0.01 Reaffirmation Agreement Between Debtor and Logix
Federal Credit Union**

Docket 13

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition date: 9/12/19

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 Hyundai Santa Fe

Debtor's valuation of property (Sch. B): \$7,412

Amount to be reaffirmed: \$12,004.87

APR: 2.99% (fixed)

Contract terms: \$435.61 per month for 29 months

Monthly Income (Schedule I): \$1,000

Monthly expenses: (Schedule J): \$954

Disposable income: \$46.00

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 he will afford this payment. On his Sch. I, Debtor explained that his parents are supporting him and that he is looking for employment. This debt is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 22, 2020, whichever is later.

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CONT... Shahnam Asbaghi

Chapter 7

Party Information

Debtor(s):

Shahnam Asbaghi

Represented By
R Grace Rodriguez

Trustee(s):

Amy L Goldman (TR)

Pro Se

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11:00 AM

1:13-17737 Pella Parker

Chapter 13

#49.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 10/22/19

Docket 115

Matter Notes:

- NONE LISTED -

Tentative Ruling:

fr. 10/22/19

All parties agreed to continue at last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10/22/19 Tentative Below:

Cont'd. fr. 8/20/2019, 10/22/19

On August 6, 2019, Debtor filed an Opposition to the Motion stating that she has not yet filed 2017 and 2018 tax returns. Debtor states that she is trying to make sure that she has the funds to pay her accountant but hopes to file the tax returns before the hearing. Debtor claims that any 2017 and 2018 tax refunds will be sent to the Trustee.

Has Trustee received Debtor's tax refunds?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10/22/19.

Party Information

Debtor(s):

Pella Parker

Represented By
Steven A Alpert

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Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-12567 Terry Byrd Pitt

Chapter 13

#50.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19

Docket 34

Matter Notes:

- NONE LISTED -

Tentative Ruling:

fr. 10/22/19

All parties agreed to continue at last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10/22/19 Tentative Below:

Cont'd. fr. 8/20/2019, 10/22/19

On 7/30/2019, Debtor filed an Opposition stating that the 2014-2018 tax returns will be submitted shortly.

Has Debtor submitted the 2014-2018 tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10/22/19 hearing.

Party Information

Debtor(s):

Terry Byrd Pitt

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-13206 Amy Algos Bacashihua

Chapter 13

#51.00 Order to Requiring Attorney Anil Bhartia to appear on behalf of debtor and explain status of case.

Docket 47

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

The attorney didn't appear at the last hearing and is ordered to appear. Debtor indicated that attorney would not answer her phone calls regarding Capital One account and informed her to just let the case be dismissed without explanation even though there's only one claim to be resolved. Debtor has complied with Ch. 13 for over 4 years.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Amy Algos Bacashihua

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-13206 Amy Algos Bacashihua

Chapter 13

#52.00 Trustee's Motion to Dismiss Case Trustee
Motion To Dismiss Case Due to Expiration
of the Plan

fr. 11/19/19

Docket 45

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

Attorney is ordered to appear. See #51 above.

APPEARANCE REQUIRED.

11-19-19 Tentative Below:

T'ee. states that Debtor is in material default and has a \$15,526.76 remaining balance.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 11-19-19 tentative.

Party Information

Debtor(s):

Amy Algos Bacashihua

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-14219 Carmine Antoniello

Chapter 13

#53.00 Trustee's Motion to Dismiss Case due to Infeasibility of the Plan

fr. 9/24/19

Docket 127

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed asserting that she will make all payments to pay off the Plan.
Trustee indicated outstanding balance of \$12,890.55.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carmine Antoniello

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-14219 Carmine Antoniello

Chapter 13

#54.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 128

***** VACATED *** REASON: trustee withdrew [#154] - ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Carmine Antoniello

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-14219 Carmine Antoniello

Chapter 13

**#55.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 144

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed and indicated she will bring receipts of payments or will file motion to modify.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carmine Antoniello

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-14576 Anita Marie Dominguez

Chapter 13

#56.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19, 11/12/19

Docket 63

***** VACATED *** REASON: Trustee filed a withdrawal #72. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Anita Marie Dominguez

Represented By
Raffy M Boulgourjian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-15223 Saul O Aviles

Chapter 13

#57.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns
fr. 8/20/19

Docket 65

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Saul O Aviles

Represented By
Eric C Morris

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-10398 Jose Luis Banuelos and Maria L. Tejada

Chapter 13

#58.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19

Docket 63

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

No opposition filed.

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Luis Banuelos

Represented By
Leonard Pena

Joint Debtor(s):

Maria L. Tejada

Represented By
Leonard Pena

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-10705 Nick Ganev Nikolov

Chapter 13

#59.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19, 10/22/19

Docket 72

***** VACATED *** REASON: order entered to modify plan - ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Nick Ganev Nikolov

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-10981 Sandra Andrews

Chapter 13

#60.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19, 10/22/19

Docket 44

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

10-22-19 Tentative Below:

Con't. fr. 9/24/2019

Trustee alleges that Debtor has a \$750 default.

On 8/14/19, Debtor filed an Opposition. Debtor claims she will cure the default by the time of the hearing.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 9-24-19 tentative.

Party Information

Debtor(s):

Sandra Andrews

Represented By
Rebecca Tomilowitz

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

#61.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 64

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Romeo J Pettinelli

Represented By
Eliza Ghanooni

Joint Debtor(s):

Gloria J Pettinelli

Represented By
Eliza Ghanooni

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-11162 Steven Sandler

Chapter 13

**#62.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 98

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he had to care for his mother, who has a serious health issue, which affected his income.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Steven Sandler

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-12349 Marjan Bahman

Chapter 13

#63.00 Trustee's Motion to Dismiss Case for Failure
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fr. 10/22/19

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Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Marjan Bahman

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-12530 Marcos Guerrero and Rosa I. Cancino-Guerrero

Chapter 13

#64.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 62

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Marcos Guerrero

Represented By
Richard A Loa

Joint Debtor(s):

Rosa I. Cancino-Guerrero

Represented By
Richard A Loa

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:15-12942 Seth Eric Simon

Chapter 13

#65.00 Motion for Authority to Sell or Refinance Real Property

fr. 11/19/19

Docket 95

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

APPEARANCE REQUIRED.

11-19-19 Tentative Below:

Debtor filed this Motion to sell the property located at 6601 Wilbur Avenue, Unit 53, Reseda, CA 91335. The proposed sale price is \$230,000. No proceeds will remain after the sale. Trustee is authorized to demand upon escrow the remaining balance after escrow's payment of the encumbrances to U.S. Bank, BoNYM, and Citibank, even though the amount is insufficient to pay off the Plan.

U.S. Bank, as holder of the 1st trust deed and a claim of \$303,597.31 opposed. U.S. Bank has a RFS motion that was continued from 11-13-19 to 11-19-19 at 11:00 a.m. U.S. Bank opposes because the proposed sale would only generate \$171,066.81 for U.S. Bank. U.S. Bank denied Debtor's request for a short sale.

Trustee approves of the sale on the condition that Trustee can take the statutory fees on claims paid through escrow; Trustee receives all net proceeds and the final closing statement; and Trustee can increase the % to unsecured creditors if funds permit.

Debtor replied asserting that U.S. Bank's conduct is unreasonable and in bad faith. Debtor indicates that U.S. Bank had notice of the short sale at a hearing and that there is a buyer for the short sale since August 2019. Debtor asserts that if this Motion is denied and RFS is not granted, the property value would only generate \$220,000. In addition, a foreclosure sale will prejudice the second lienholder

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CONT... Seth Eric Simon

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because it will not receive any proceeds. A foreclosure sale will also allegedly prejudice Debtor by having the foreclosure on his record, which will financially ruin him for another 10 years. Debtor asserts that BSI for US Bank refused to conduct an appraisal, declined the short sale, and demanded the full amount.

APPEARANCE REQUIRED for 11-19-19 tentative.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-12942 Seth Eric Simon

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#66.00 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19, 7/31/19, 9/11/19, 11/13/19, 11/19/19

Docket 88

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

Property relisted for \$359,000 to comply with 1st trust deed holder. There is one potential buyer.

The last hearing was continued to wait for a sale.

BONYM filed an opposition to the short sale arguing that a short sale is not possible because U.S. Bank and BONY, whose interests are to be partially paid, do not agree.

APPEARANCE REQUIRED.

11-19-19 Tentative Below:

Cont'd. fr. 11-13-19

At the last hearing, Debtor's attorney indicated that the effort to sell is ongoing on the motion to sell or refinance. See #72 above. The hearing was continued to 11-19-19 to be heard with the motion to sell or refinance.

APPEARANCE REQUIRED for 11-13-19 tentative.

11-13-19 Tentative Below:

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CONT... Seth Eric Simon
Cont'd. fr. 9-11-19

Chapter 13

The property is in escrow and the hearing was continued to complete the sale. The hearing for the motion for authority to sell is scheduled for 11-19-19. U.S. Bank opposes the motion for authority to sell because the sales proceeds would not fully satisfy U.S. Bank's claim. T'ee. approves of the sale.

APPEARANCE REQUIRED for 11-13-19 tentative.

fr. 7/31/19 , 9/11/19

This hearing was continued so the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?
APPEARANCE REQUIRED

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter 13 plan confirmed: 3/31/16

Service: Proper. Opposition filed.

Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335

Property Value: \$336,788.84 (per debtor's schedules)

Amount Owed: \$319,819.55 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$7,426

Post-Petition Delinquency: \$30,343.53

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 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED for 6-26-19 tentative.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-13123 Buenaventura Marquez

Chapter 13

#67.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds

fr. 10/22/19

Docket 26

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

Debtor opposed explaining that during 2017, 2018, and 2019 tax years, Debtor and her family had increased necessary expenses, particularly health and house insurance, that exceeded the tax refunds.

Trustee filed a reply asserting that Debtor did not disclose her increased income, and did not update income and expenses information.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Buenaventura Marquez

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-13169 Normandy Papa and Cristeta Gonzaga Papa

Chapter 13

#68.00 U.S. Trustee for Account Reconciliation Statement and Waiver and/or Refund of Unnoticed Mortgage Payment Changes Relating to New Residential Mortgage, LLC's Claim 3-1

Docket 48

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Trustee alleges that New Residential Mortgage, LLC ("NRM") and its servicer, Select Portfolio Servicing ("SPS")(collectively "Respondent") have not complied with FRBP 3002.1 by failing to timely file a Notice of Mortgage Payment Changes ("NPC") in connection with its claim related to Debtors' principal residence ("Property").

Debtors third amended plan ("Plan") required Debtors to make all post-confirmation monthly mortgage payments directly to Respondent, and any arrears would be cured through the Plan. Respondent filed a proof of claim for \$174,474.46 ("Claim 3-1").

Claim 3-1 listed Debtors' post-petition mortgage payments as of October 1, 2015 as \$957.03, including a principal and interest payment of \$727.65 and escrow payment ("Escrow Payment") of \$229.38.

On October 31, 2016, Respondent filed the first NPC. The NPC listed Debtor's new monthly payment as \$984.78 based on an increased Escrow Payment from \$229.38 to \$257.13.

On October 25, 2017, Respondent filed another NPC that reduced Debtors' mortgage payment to \$972.72 due to a decrease in Escrow Payment from \$257.13 to \$245.07.

On October 4, 2019, Respondent filed another NPC that increased Debtors' monthly mortgage payment to \$1,078.78 due to the Escrow Payment increasing from \$245.07 to \$351.33. The escrow statement attached to the NPC listed a \$1,560.27 escrow shortage. However, Respondent did not file an NPC in 2018 for any change in the Escrow Payment, which allegedly puts into question whether the escrow shortage was in part or fully due to Respondent's failure to run an escrow analysis in

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CONT... Normandy Papa and Cristeta Gonzaga Papa

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2018 for changes in the escrow disbursements.

Trustee seeks a court order requiring Respondent to (1) provide an accounting from 2015 to present; (2) waive or credit any unnoticed post-petition escrow charges; (3) update its records to reflect that Debtors are contractually current, absent evidence that Debtors missed a payment; and (4) comply with other relief under Rule 3002.1(i).

Rule 3002.1

FRBP 3002.1(b) states:

The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice of any change in the payment amount including any change that results from an interest rate or escrow account adjustment, no later than 21 days before a payment in the new amount is due.

The Property at issue is Debtor's principal residence. Debtor's loan with Respondent is an escrowed loan. Accordingly, the escrow portion of the monthly mortgage payment changes yearly.

Respondent allegedly did not file an NPC in 2018 for annual escrow account changes. It is also allegedly unclear whether the escrow shortage in the 10-4-19 NPC was due to Respondent's failure to run an escrow analysis and properly notice any change in the escrow payment that could have occurred due to changes in the mortgage insurance, hazard insurance, and/or taxes.

Trustee thus requests for an order to require Respondent to conduct a full and complete account reconciliation from 2015 to present, and to file with the court an account reconciliation statement to identify all post-petition payments made by Debtors; how Debtors' payments were applied to the principal and interest balance and escrow balance; and all escrow payments to and disbursements from Debtors' escrow accounts.

Waiver of Unnoticed Mortgage Payment Changes

Trustee requests that Respondent waive and/or credit the collection of any unnoticed changes in the escrow payment that resulted from Respondent's failure to conduct an escrow analysis and file an NPC for 2018 based on the following rules:

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CONT... **Normandy Papa and Cristeta Gonzaga Papa**

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"Bankruptcy Rule 3002.1...was promulgated in 2011, in response to a growing problem that had arisen in Chapter 13 cases throughout the country: debtors who had successfully completed their Chapter 13 plans, and paid all of their mortgage arrears and post-petition installment payments, would find themselves in renewed foreclosure proceedings due to undisclosed and unpaid post-petition charges and fees – a result clearly at odds with a debtor's right to a fresh start." In re Gravel, 556 B.R. 561, 568 (Bankr. D. Vt. 2016).

"To honor the promise and spirit of chapter 13 administrations for the compliant debtor...the remedy for a mortgage creditor's failure to provide appropriate notice is disallowance of the implicated deficiencies..." In re Tavares, 547 B.R. 204, 221 (Bankr. S.D. TX 2016).

"[C]ourts have determined that the proper remedy for a failure to abide by the required notice of escrow account analysis under RESPA is essentially a death knell: deeming a waiver of any right to recover any deficiencies encompassed by the failed period." Id. at 220-21.

Rule 3002.1(i) provides a remedy for failure to comply with Rule 3002.1(b):

Failure to Notify: If the holder of a claim fails to provide any information as required by subdivision (b), (c), or (g) of this rule, the court may, after notice and hearing, take either or both of the following actions:

Preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or harmless; or

Award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

11 U.S.C. § 105

(a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, *sua sponte*, taking any action or making any determination necessary or

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CONT... Normandy Papa and Cristeta Gonzaga Papa Chapter 13

appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

Service proper. No opposition filed.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Normandy Papa

Represented By
Lawrence B Yang

Joint Debtor(s):

Cristeta Gonzaga Papa

Represented By
Lawrence B Yang

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-13493 Ronny Bess and Jeannie Renat Bess

Chapter 13

#69.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 129

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he has not yet filed his taxes and will do so on
December 4, 2019, and will provide the Trustee with a copy.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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

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1:15-13971 Ramon Ojeda and Juana Ojeda

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 51

***** VACATED *** REASON: Filed Notice of w/drawal filed 12/16/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

The last hearing was continued.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Ramon Ojeda

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Juana Ojeda

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:15-14147 Jared Garcia Canchola

Chapter 13

**#71.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 88

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed asserting that he will be current on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jared Garcia Canchola

Represented By
L. Tegan Rodkey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-10064 Jacobo Reyes

Chapter 13

#72.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 62

*** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacobo Reyes

Represented By

Ghada Helena Philips

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#73.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec. 1329(a) and the Percentage to be Paid to Unsecured Creditors or, in the Alternative, Dismissing the Chapter 13 Petition Due to Debtors' Failure to Make Debtors' Best Efforts to Repay Creditors Pursuant to 11 USC Sec. 1307(c)(6)

Docket 55

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jim K. Nikolopoulos

Represented By
Scott D Olsen

Joint Debtor(s):

Ayarpi Nikolopoulos

Represented By
Scott D Olsen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-10507 Amjad Shaktah

Chapter 13

**#74.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 97

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor will bring receipts of payments at the hearing and/or file a motion to modify.
No motion to modify has been filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Amjad Shaktah

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

**#75.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 8/20/19, 9/24/19

Docket 113

***** VACATED *** REASON: Trustee filed withdrawal [#131] - ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D Resnik
Matthew D Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-11164 Bennie James Hildreth

Chapter 13

#76.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 45

*** VACATED *** REASON: Trustee filed a withdrawal #47. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennie James Hildreth

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-11278 Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

#77.00 Motion for Order Modifying the Plan to Increase
the Plan Payment

fr. 10/22/19

Docket 73

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

At the last hearing, the parties requested to continue.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 9/17/19, Trustee filed this Motion requesting to increase plan payments to \$5,587.88 starting November 13, 2019 and to increase the percent to unsecured creditors, or, alternatively, dismiss the petition.

On 10/8/19, Debtors filed an Opposition asking to deny the Motion, or, alternatively, modify the plan to no greater than \$905 based on Debtors' current monthly net income.

Debtors were given notice that they selected the incorrect hearing date and time of 11/12/19.

On 10/10/2019, Trustee filed a Reply stating the following issues with Debtors' proposal: (1) no current paystub has been provided to Trustee; (2) Debtors' budget now includes a \$721.41 payment for a vehicle. Trustee states that Debtors appeared to have purchased or leased a vehicle without court authorization to incur debt; and (3) Debtors increased the entertainment expense from \$100 to \$300 and the charitable expense from \$30 to \$200. The Trustee requests that Debtor provide the current paystub and address the budget concerns.

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CONT... Armine Charkhchyan and Andranik Charkhchyan

Chapter 13

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Armine Charkhchyan

Represented By
Rosie Barmakszian

Joint Debtor(s):

Andranik Charkhchyan

Represented By
Rosie Barmakszian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-11315 Samantha Michelle Johnson

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 33

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

A stipulation to modify plan was entered.

Does this resolve this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Samantha Michelle Johnson

Represented By
Shirlee L Bliss

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-11648 Aydin Aliyev

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 38

*** VACATED *** REASON: trustee withdrew [#40] - ts

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Aydin Aliyev

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-12085 Arthur H. Song

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 34

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Arthur H. Song

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-12201 Andrea Beckham

Chapter 13

#81.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 42

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 9/18/19, Debtor filed an Opposition asserting that the delinquent payment will be cured before the hearing. Debtor also claims making an online payment of \$1,200 on 9/13/19.

Has Trustee received Debtor's payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Andrea Beckham

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-12275 Cecilia Arrieta

Chapter 13

#82.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Refunds

Docket 27

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she filed amended schedules B & C exempting the tax refunds. Debtor alleges that her tax refunds are exempted because no objections were filed to the amended exemptions per FRBP § 4003(b)(1).

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Cecilia Arrieta

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-12319 Erik Chavez

Chapter 13

#83.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Refunds

fr. 10/22/19

Docket 32

***** VACATED *** REASON: Ntc. of w/drawal filed 11/14/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Erik Chavez

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-12528 Damian M Wilson

Chapter 13

**#84.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 60

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he mailed a \$22,000 cashier's check to Trustee on November 5, 2019.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Damian M Wilson

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:16-12578 Waqas Memon

Chapter 13

#85.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec. 1329(a) and the Percentage to be Paid to Unsecured Creditors or, in the Alternative, Dismissing the Chapter 13 Petition Due to Debtor's Failure to Make Debtor's Best Efforts to Repay Creditors Pursuant to 11 USC Sec. 1307(c)(6).

Docket 85

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor filed a notice of non-opposition to Trustee's motion to modify to increase plan payment to \$6,864.80 as of January 1, 2020 and percentage paid to unsecured creditors to 100%.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Waqas Memon

Represented By
William R Ramsey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Represented By
Huy N Tran

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11:00 AM

1:16-12860 Erika Urrego

Chapter 13

#86.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Erika Urrego

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-12904 Maria Teresa Pedalino

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 29

*** VACATED *** REASON: Ntc. of w/drawal filed 12/4/19 (eg)

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Teresa Pedalino

Represented By
Paul M Allen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-12948 Chiraporn Phornpituck

Chapter 13

#88.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 43

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #46. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chiraporn Phornpituck

Represented By
Nicholas S Nassif

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13023 Monica Marie Fuentes

Chapter 13

#89.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 31

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she provided her attorney the 2016, 2017, and 2018 tax returns. Debtor provided the 2015 tax returns before filing this ch. 13 case.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Monica Marie Fuentes

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13109 Andrew S Joo and Eunyong Joo

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 57

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #63. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew S Joo

Represented By
M Teri Lim

Joint Debtor(s):

Eunyong Joo

Represented By
M Teri Lim

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13127 Adolfo Flores, Jr.

Chapter 13

#91.00 Trustee's Motion to Dismiss Case for Failure to submit all tax returns

Docket 39

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Adolfo Flores Jr.

Represented By
Sydell B Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13236 Francisco Montes and Elizabeth F Montes

Chapter 13

#92.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 79

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #83. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Montes

Represented By
Elena Steers

Joint Debtor(s):

Elizabeth F Montes

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#93.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 84

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

Has Debtor provided the federal and state tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 9/5/19, Debtor filed an Opposition stating that he will provide 2016, 2017, and 2018 federal and state tax returns before the hearing.

Has Trustee received Debtor's tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

**#94.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 93

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he will bring receipts of payments for the \$8,576 delinquency or file a motion to modify. No motion to modify on file.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Robert Michael Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:16-13394 Marshall T. Pattison

Chapter 13

#95.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 38

***** VACATED *** REASON: Ntc. of w/drawal filed 12/16/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marshall T. Pattison

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

#96.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 36

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10080 Jesse Farran

Chapter 13

#97.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 60

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jesse Farran

Represented By
Janet L Mertes

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

**#98.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 105

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he will bring receipts of payments for \$9,012 delinquency or he will file a motion to modify. No motion to modify on file.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10164 Christy Ann Nelson

Chapter 13

#99.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 86

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Christy Ann Nelson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10165 Maria Guadalupe Rodriguez

Chapter 13

#100.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 31

***** VACATED *** REASON: trustee withdrew [#33] -ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Maria Guadalupe Rodriguez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

#101.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 145

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that his shoe business has been impacted by the U.S. trade war. Debtor expects to be financially on track when sales increase for the holidays. Debtor alleges paying over \$197,000 to his plan and requests to continue paying his plan.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10302 Prentiss Greene and Annette Greene

Chapter 13

#102.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 79

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Prentiss Greene

Represented By
Richard T Baum

Joint Debtor(s):

Annette Greene

Represented By
Richard T Baum

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#103.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 51

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10437 Osnat Bentov

Chapter 13

#104.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 112

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 9/18/19, Debtor filed an Opposition stating that the arrears were paid.

Debtor provided evidence in the form of exhibits of an \$8,500 payment to the Trustee via a cashier's check.

Has Trustee received the payment?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Osnat Bentov

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10437 Osnat Bentov

Chapter 13

#105.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 118

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposes explaining that he has not submitted his 2018 tax returns because it has not yet been completed and filed. Debtor requests to dismiss this motion or to continue the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Osnat Bentov

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10460 Liliana Sanchez

Chapter 13

#106.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposes explaining that she has provided the Trustee with her 2018 federal and state tax returns.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Liliana Sanchez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10543 Jessica Reyes Gaeta

Chapter 13

#107.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19, 11/19/19

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10543 Jessica Reyes Gaeta

Chapter 13

#108.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 42

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#109.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 113

***** VACATED *** REASON: trustee withdrew [#115] - ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Mario Rene Tejada

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19; 8/20/19, 10/22/19

Docket 109

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Cont'd. fr. 8/20/19

Trustee asserts that Debtor has a \$3,273 delinquency.

Debtor filed an Opposition on 6/25/19 stating that he will bring his plan current before the hearing or will file a motion to modify.

No motion to modify has been filed.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Mario Rene Tejada

Represented By
Ali R Nader

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Mario Rene Tejada

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10565 Nelson Pedraza and Elsa Patino

Chapter 13

#111.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 44

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #47. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Nelson Pedraza

Represented By
Kevin T Simon

Joint Debtor(s):

Elsa Patino

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10636 Juan L Vaca

Chapter 13

#112.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 41

*** VACATED *** REASON: Trustee withdrew [#46]-ts

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Juan L Vaca

Represented By
Alla Tenina

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10654 Alex Michael Mariano and Sarah Jane Abad Cruz-Mariano

Chapter 13

#113.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 31

***** VACATED *** REASON: Trsutee filed a withdrawal - doc. #34. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Michael Mariano

Represented By
Paul M Allen

Joint Debtor(s):

Sarah Jane Abad Cruz-Mariano

Represented By
Paul M Allen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10674 Jose Martin Dulanto

Chapter 13

#114.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 41

***** VACATED *** REASON: Trustee filed a withdrawal #43. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Martin Dulanto

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10697 Jerriann Francis Anderson

Chapter 13

#115.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 21

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #25. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerriann Francis Anderson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10856 Marian Woods and Timothy Woods

Chapter 13

**#116.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns**

Docket 45

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marian Woods

Represented By
Aalok Sikand

Joint Debtor(s):

Timothy Woods

Represented By
Aalok Sikand

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-10883 Martin Rios

Chapter 13

**#117.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns**

Docket 47

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

The court entered an order granting stipulation to modify plan.

Does this modification resolve this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Martin Rios

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11120 Jennifer H. Nguyen

Chapter 13

#118.00 Trustee's Motion to Dismiss Case Trustee Motion
for Failure to Submit All Tax Returns

Docket 42

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jennifer H. Nguyen

Represented By
Rob R Nichols

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11130 Monet R Davis

Chapter 13

#119.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 32

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor filed a response agreeing that Trustee is correct in that 2017 and 2018 tax returns have not been provided. Debtor asserts that 2017 state and federal tax returns will be filed in the next few days; 2018 tax returns will be filed and turned over by end of November 2019; and that she has been unemployed since May 2019 and is seeking new employment.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Monet R Davis

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11146 Arnae Annette Bailey

Chapter 13

#120.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 23

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Arnae Annette Bailey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

#121.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 107

***** VACATED *** REASON: trustee withdrew [#111]-ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11205 Shahla Hariri

Chapter 13

#122.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 82

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that all filed tax returns have been submitted.

Did Trustee receive the tax returns, and does this resolve the Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Shahla Hariri

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11230 Shana Kemp

Chapter 13

#123.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 59

*** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.61]

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shana Kemp

Represented By
Beatriz Chen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11267 Irma Villalpando

Chapter 13

#124.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 118

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she sent the 2017 and 2018 federal tax returns to Trustee, and will send the state tax returns.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11267 Irma Villalpando

Chapter 13

#124.01 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 120

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposes explaining that she will file a motion to modify. No motion to modify on file.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#125.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Refunds

Docket 107

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#126.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 151

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors oppose asserting that they have provided the tax returns to the Trustee.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#127.00 Order to have attorney Michael Avanesian appear
in person on behalf of debtor

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

At the last hearing, Debtor's attorney did not appear but had substitute counsel specially appear. Debtor stated that her attorney's office is not acknowledging receipt of information she forwarded about payments she made. Debtor's attorney needs to appear to explain the difference in position between the debtor and the lender.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#128.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19, 7/30/19, 9/24/19; 11/19/19

Docket 78

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

At the last hearing, Debtor stated that there is a discrepancy between the balance on her account and the payments she made. Debtor's attorney is ordered to appear to explain the discrepancy. See #127 above.

11-19-19 Tentative Below:

Cont'd. fr. 9-24-19

Debtor opposed asserting that she is current on payments and has overpaid. Debtor attached proof of payment via cashier's checks in her declaration.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 11-19-19 tentative.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11404 Jose Rodriguez Garcia

Chapter 13

#129.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 72

***** VACATED *** REASON: Ntc. of w/drawal filed 12/12/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Jose Rodriguez Garcia

Represented By
Donna R Dishbak

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#130.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19, 9/24/19, 11/19/19

Docket 50

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

At the last hearing, Trustee indicated that Debtor has an RFS motion and Debtor was supposed to object to creditor's proof of claim. Debtor has since filed an objection to claim by BONYM. The objection to claim hearing was moved to January 28, 2020.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#130.01 Motion RE: Objection to Creditor's Proof
of Claim

Docket 77

***** VACATED *** REASON: Stip. cont. to 1/28/20 @ 11am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#131.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 91

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors oppose explaining that they will provide 2017 and 2018 federal and state tax returns before the hearing.

Has Trustee received the tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11732 Anthony Antonello and Tamara Marie Antonello

Chapter 13

#131.01 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 93

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors oppose explaining that they will bring receipts of payment to the hearing and/or will file a motion to modify.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Anthony Antonello

Represented By
Kevin T Simon

Joint Debtor(s):

Tamara Marie Antonello

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11764 Jeffrey Arthur Craddock

Chapter 13

#132.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 72

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11764 Jeffrey Arthur Craddock

Chapter 13

#133.00 Trustee's Motion for Order Modifying the Plan to
Increase the Plan Payment

Docket 75

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Trustee moves to modify the Plan or dismiss the case because Debtor allegedly failed to make best efforts to repay creditors.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11777 Cindy Lee Harris

Chapter 13

#134.00 Motion to Dismiss Case for Failure to Make
Plan Payments F Rojas (TR) (Rojas (TR), Elizabeth (SV))

Docket 68

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she will bring receipts of payments at the hearing or file motion to modify. TMD indicates \$7,056.79 delinquency.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11843 Lilia De Niz

Chapter 13

#135.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

Docket 33

*** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia De Niz

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11913 Timothy Vegtel

Chapter 13

#136.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 23

***** VACATED *** REASON: Ntc. of w/drawal filed 10/21/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Vegtel

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-11995 Priscilla Jeanette Bueno

Chapter 13

**#137.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns**

Docket 55

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she provided the Trustee with her 2017 and 2018 tax returns by uploading them on the Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Priscilla Jeanette Bueno

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman

Chapter 13

#138.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19, 11/19/19

Docket 79

*** VACATED *** REASON: resolved per stipulation modifying plan
[#86] - ts

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12346 Carmen Pilar Ocaranza

Chapter 13

#139.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 52

*** VACATED *** REASON: Ntc. of w/drawal filed 12/17/19 (eg)

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Pilar Ocaranza

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12363 Janice Marie Semien

Chapter 13

#140.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 52

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she filed the 2017 and 2018 tax returns and uploaded them on the website. Debtor will also upload her most recent pay check before the hearing. Debtor alleges having paid over \$32,000 into the plan and requests to continue her plan.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Janice Marie Semien

Represented By
Vernon R Yancy

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#141.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 75

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that the 2017 and 2018 tax returns were uploaded on Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12764 Sheldon Scott Green and Laura Elaine Green

Chapter 13

**#142.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns**

Docket 74

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors opposed explaining that he submitted copies of his 2017 and 2018 federal and state tax returns to the Trustee. Debtors will also submit their 2017 and 2018 combined federal and state refunds to the Trustee before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sheldon Scott Green

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Laura Elaine Green

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12834 Michael Rizzo, Jr

Chapter 13

#143.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 64

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he turned over his tax returns.

Has Trustee received Debtor's tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Michael Rizzo Jr

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-12943 Alireza Alex Mesrinejad and Mojgan Taghipour

Chapter 13

#144.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 78

***** VACATED *** REASON: Trustee filed a withdrawal #84. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alireza Alex Mesrinejad

Represented By
Kevin T Simon

Joint Debtor(s):

Mojgan Taghipour

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-13047 Brenda Leigh Worden-Jones

Chapter 13

#145.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she uploaded her 2017 and 2018 tax returns on the Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Brenda Leigh Worden-Jones

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-13365 Sundara Devananda Rao

Chapter 13

#146.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 57

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sundara Devananda Rao

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

#147.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

Docket 89

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor proposes to suspend 3 plan payments and reduce plan payment from \$5,800 to \$500.

Trustee opposes Debtor's Motion because the reduced payment to \$500 from \$5,800 does not appear to be Debtor's best effort.

Former Ch. 7 Trustee objects as well because the reduced payment and suspension of 3 payments is allegedly not Debtor's best efforts. Trustee states that the Motion is not filed in good faith and requests to reconvert Debtor's case to Ch. 7.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dawn O. Olivieri

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10018 Betty D Frey

Chapter 13

#148.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 8/20/19, 10/22/19

Docket 72

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Cont'd. fr. 8/20/19, 10/22/19

On 7/24/19, Debtor filed an Opposition stating that she intends to bring plan payments current before 8/20/19.

Is Debtor now current on her plan payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Betty D Frey

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10023 Gennady Aleksandrovsky

Chapter 13

**#149.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns**

Docket 57

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor objects explaining that he has uploaded his 2018 tax returns to Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Gennady Aleksandrovsky

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10083 Abdul K. Patel

Chapter 13

#150.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 47

***** VACATED *** REASON: trustee withdrew [#51] -ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10222 Maria Audelia Navarro

Chapter 13

#151.00 Trustee's Motion To Dismiss for Failure to
Submit All Tax Returns

Docket 54

***** VACATED *** REASON: Ntc. of w/drawal filed 12/16/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she will provide Trustee her 2018 tax returns on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Audelia Navarro

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#152.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 44

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10533 Marvin Eleid

Chapter 13

#153.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit
All Tax Returns

Docket 45

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Marvin Eleid

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#154.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19, 11/19/19

Docket 68

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

11-19-19 Tentative Below:

Cont'd. fr. 9-24-19

Debtor opposed explaining that he suffered financial hardship because his brother and tenant failed to pay rent due to diabetes complications. Debtor would like to reinstate his post-petition arrears by modifying the plan. Debtor has not filed a motion for plan modification.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 11-19-19 tentative.

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#155.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 77

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he will file the 2018 tax returns on or before the hearing.

Has Trustee received Debtor's 2018 tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Joaquin Martinez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10671 Yuriy Sharonov

Chapter 13

#156.00 Trustee's Motion to Dismiss Case Trustee Motion
for Failure to Submit All Tax Returns

Docket 37

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Yuriy Sharonov

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#157.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 77

***** VACATED *** REASON: Trustee filed a withdrawal #79. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10843 Mary Ann Friermor

Chapter 13

#158.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 33

***** VACATED *** REASON: Trustee filed a withdrawal #35. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Ann Friermor

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10930 Jose Alberto Vidal Romero

Chapter 13

#159.00 Trustee's Motion to Dismiss Case for
Failure to Submit All Tax Returns

Docket 52

*** VACATED *** REASON: Ntc. of w/drawal filed 11/14/19 (eg)

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alberto Vidal Romero

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10934 Maria Mercedes Arana

Chapter 13

#160.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 54

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed explaining that she will bring receipts of payments for \$4,127.70 deficiency or will file a motion to modify. Order granting Debtor's Mtn. to Modify was approved.

Does the modification resolve this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Mercedes Arana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10969 Hal Berman

Chapter 13

#161.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 33

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #35. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hal Berman

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-10979 Irina G Dzhalalyants

Chapter 13

#162.00 Trustee's Motion to Dismiss Case
Trustee Motion for Failure to Submit
All Tax Returns

Docket 40

***** VACATED *** REASON: Trustee filed a w/drawal - doc. #42. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Irina G Dzhalalyants

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11002 Joshua M Smith

Chapter 13

#163.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment

fr. 10/22/19

Docket 43

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee requests to increase plan payments to \$3,750.37 as of 11/22/2019 and increase the percentage to unsecured creditors, or, alternatively, dismiss the petition.

Debtor filed an Opposition on 10/8/2019 stating that the plan payments should not increase after considering his monthly income and expenses. Debtor claims that he will file a motion to request a continuance of the hearing to allow time to review the matter with his attorney and to file a supplemental opposition with the correct amount for any plan payment increase. Debtor claims that he has not filed a motion to request a continuance because of a delay in the mail in receiving the Trustee's notice; (2) Debtor has been out of state; and (3) Debtor's attorney has been busy tending to Debtor's mother, who has cancer.

Debtor did not sign the Opposition and was instructed to re-file with the proper signatures on 10/9/2019.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Joshua M Smith

Chapter 13

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11080 Rafael Huerta

Chapter 13

#164.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 31

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he mailed a cashier's check for \$1,248 to Trustee and that he will be current on his plan payments by the hearing.

Did Trustee receive Debtor's payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rafael Huerta

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11090 Jason R. Corralejo and Claudine P. Corralejo

Chapter 13

#165.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 55

***** VACATED *** REASON: Ntc. of w/drawal filed on 11/6/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11140 Dahlia J-nai Jones

Chapter 13

#166.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 53

*** VACATED *** REASON: Trustee withdrew [#59] – ts

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dahlia J-nai Jones

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11247 Sabrina Loralyn Samuel-Lawton

Chapter 13

**#167.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns**

Docket 69

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed stating that she will be current by the hearing or she will file a motion to modify. No motion to modify on file.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sabrina Loralyn Samuel-Lawton

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11399 Florbobee Regala-Robles

Chapter 13

**#167.01 Motion to Dismiss Case for Failure to
Make Plan Payments**

Docket 32

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that payments were made to cure the default.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Florbobee Regala-Robles

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11399 Florbobe Regala-Robles

Chapter 13

#168.00 Trustee's Motion to Dismiss Case Trustee Motion
for Failure to Submit All Tax Returns

Docket 29

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #31. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Florbobe Regala-Robles

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11512 Donna Mapile

Chapter 13

#169.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Refunds

Docket 33

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor filed a motion to retain her 2018 tax refunds for \$3,986 for birthday expenses and child care. Debtor used \$1,500 to pay a divorce attorney.

Trustee filed a comment stating that more information is needed to determine whether she can recommend retaining the tax refunds or whether the remaining payments can be increased to compensate the estate for the use of the refunds. Debtor's circumstances appear to have significantly changed. Trustee requests Debtor to update Schedules I and J to show current income and expenses and provide evidence of current income. Trustee is not clear whether Debtor is receiving support or is continuing to pay household expenses.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Donna Mapile

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11528 Heather Lynn Brezny

Chapter 13

#170.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 30

Matter Notes:

- NONE LISTED -

Tentative Ruling:

In opposition, Debtor's attorney declared that he uploaded Debtor's 2018 state and federal tax returns on the Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Heather Lynn Brezny

Represented By
Richard A Brownstein

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11550 Andrea L Cervantes

Chapter 13

#171.00 Trustee's Motion to Dismiss Case Trustee
Motion To Dismiss for Failure to Submit
All Tax Returns

Docket 37

***** VACATED *** REASON: Ntc. of w/drawal filed 12/16/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Andrea L Cervantes

Represented By

Stephen S Smyth

William J Smyth

Andrew Edward Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11558 Paymaun Jafari

Chapter 13

#172.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

Docket 44

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Paymaun Jafari

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11575 Roderick Bill Norseweather

Chapter 13

**#173.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 60

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he will file a motion to modify. No motion to modify on file yet.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Roderick Bill Norseweather

Represented By
James G. Beirne

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11625 Blanca Araceli Michel

Chapter 13

#174.00 Trustee Motion to Dismiss case for Failure
to Submit All Tax Returns

Docket 65

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #67. If

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

#175.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 48

***** VACATED *** REASON: Ntc. of w/rawal filed 12/12/19 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Fredy A. Caballero

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11771 Claudia Victoria Gonzalez

Chapter 13

#176.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 39

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that she uploaded her 2018 tax returns to the Trustee's website.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11784 Alexandra Olga Sologub

Chapter 13

#177.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 44

***** VACATED *** REASON: order entered granting stipulation to modify
and resolve tax [#47] – ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexandra Olga Sologub

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11961 Sukhdev Singh and Gurjinder Pal Kaur

Chapter 13

#178.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All
Tax Returns

Docket 26

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #28. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sukhdev Singh

Represented By
Edmond Richard McGuire

Joint Debtor(s):

Gurjinder Pal Kaur

Represented By
Edmond Richard McGuire

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

#179.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/25/19, 7/30/19; 8/20/19, 10/22/19

Docket 60

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Cont'd. fr. 8/20/19

Trustee indicates that Debtors are \$8,871 in default.

On 5/14/19, Debtors filed an Opposition stating that they intend to cure the delinquency before the hearing.

Have Debtors cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Gregory Bernard Walker

Represented By
Thomas B Ure

Joint Debtor(s):

Brenda Yvonne Walker

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

**CONT... Gregory Bernard Walker and Brenda Yvonne Walker
Thomas B Ure**

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-12294 Joe Magana

Chapter 13

#180.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit
All Tax Returns

Docket 38

***** VACATED *** REASON: trustee withdrew [#40] -ts**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Joe Magana

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-12534 David Wayne Thompson

Chapter 13

#181.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 51

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

On 8-1-2019, Debtor opposed asserting that he will bring receipts of payment for \$6,505 delinquency.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

David Wayne Thompson

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#182.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 65

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

On 8-1-19, Debtor opposed indicating that he will bring receipts of payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Frances Pink Kaplan

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-12737 Craig A. Lapiner

Chapter 13

#183.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 65

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee's Motion indicates that Debtor is \$8,478 in default.

On 9/16/19, Debtor filed an Opposition stating that he will cure delinquency on or before 10/22/19.

Has Debtor cured the default?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Craig A. Lapiner

Represented By
Eliza Ghanooni

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-10083 Daniel Y. Baah

Chapter 7

#184.00 Motion to vacate dismissal

Docket 36

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor moves the court for an order vacating dismissal under FRBP 9024 and Fed. R. Civ. P. 60(b).

Under Fed. R. Civ. P. 60(b), as incorporated in FRBP 9024, a court may relieve a party or its legal representative from a final judgment, order, or proceeding for (1) mistake, inadvertence, surprise, or excusable neglect; (6) any other reason that justifies relief.

Debtor explains that his attorney mistakenly did not prepare Form 122A ch. 7 means test upon conversion of Debtor's ch. 13 case because the attorney believed that Debtor's eligibility for relief under ch. 7 had been established by Debtor's filed Form 122C-1.

No opposition filed.

Motion GRANTED.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Daniel Y. Baah

Represented By
Clifford Bordeaux

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-10108 Wilfredo Castillo and Carmen Rosa Castillo

Chapter 13

**#185.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 36

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors opposed explaining that plan payments were not accounted for and that they will provide evidence of payment or, alternatively, tender the balance on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Wilfredo Castillo

Represented By
Donald E Iwuchuku

Joint Debtor(s):

Carmen Rosa Castillo

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-10287 Paris Fuerte

Chapter 13

#186.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 36

***** VACATED *** REASON: Debtor requested for a voluntary dismissal
[#44] - ts.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Paris 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#187.00 Motion RE: Objection to Claim Number 3 by Claimant U.S. Bank, National Association, et al. c/o PHH Mortgage Corporation, its Successors and/or Assigns.

fr. 7/30/19; 8/20/19; 10/22/2019

Docket 26

***** VACATED *** REASON: parties stipulated to continue to February 25, 2020 at 11:00 a.m.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Bridget G Moran Smith

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-10708 Elizabeth Fincher

Chapter 13

#188.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 19

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor opposed explaining that he will file motion to modify, which has not yet been filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Elizabeth Fincher

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

#189.00 Motion RE: Objection to Claim Number 4
by Claimant Select Portfolio Servicing, Inc.

fr. 9/24/19, 10/22/19, 11/19/19

Docket 21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Cont'd. fr. 11-19-19

This matter was vacated at the last hearing and continued.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12079 Martin Pantoja

Chapter 13

#190.00 Motion for Order Determining Value of Collateral

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Pursuant to 11 U.S.C. § 1322, Debtor moves for order to determine the value of a used 2014 Nissan Altima. Debtor asserts that the value is \$4,240 based on an Edmunds appraisal report that assumes the car is "average." Debtor states that Coast Hills is the 1st lienholder with a \$4,240 secured claim and \$6,037.58 unsecured claim.

Creditor, Coasthills Credit Union (as holder of the 1st TD), opposed the Motion, arguing that Debtor is not entitled to strip away or cram down the amount owed to Creditor. Creditor alleges Debtor undervalued the property and that the actual value of the vehicle is \$9,115 based on Kelley Blue Book. Creditor requests the value be set at no less than \$9,115 and for Debtor to pay this amount through his Ch. 13 Plan.

Under Ch. 13, the Plan must provide for the payment of the present value of the secured claim. Under 11 U.S.C. § 506(a)(2), "If the debtor is an individual in a case under chapter... 13...such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

The correct method for calculating a vehicle's retail value depends on the facts presented in each case. In re Morales, 387 B.R. 36, 45 (Bankr. C.D. Cal. 2008). Absent unusual circumstances, the retail value should be calculated by adjusting the Kelley Blue Book or N.A.D.A. Guide's retail value for a like vehicle by a reasonable amount in light of any additional evidence presented regarding the condition of the vehicle and any other relevant factors. Id. The burden of proving the

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

CONT... Martin Pantoja

Chapter 13

reasonableness of any deviation from a valuation guide is on the debtor because the debtor has the best access to information about the condition of the vehicle. Id.

Debtor's petition was filed on 8-20-2019, so this is the date to determine replacement value.

Debtor and Creditor's valuation differs in the following ways:

	Condition	Guide	Valuation	Valuation Date	Miles
Debtor	Average	Edmunds	\$4,240	10-29-19	104,000
Creditor	Fair	Kelly Blue Book	\$9,115	11-2-19	93,776

In addition, Debtor based his valuation as a private party, which is usually lower than the retail price.

Creditor's valuation is appropriate because it used the Kelley Blue Book and adjusted for the vehicle's options, such as traction control, keyless entry, power steering, 4-wheel drive, etc.

The burden of proving the reasonableness of deviation from the \$9,115 Kelly Blue Book valuation is on Debtor. Debtor must now present evidence that the price should deviate from the \$9,115 Kelly Blue Book valuation.

Debtor presented evidence in the form of an Edmunds valuation that adjusts for higher mileage. Debtor's stated mileage is 104,000 and Creditor's stated mileage is 93,776, which is a difference of 10,224 miles. If this 10,224-mile difference accounts for the \$4,875 valuation difference, then Debtor's valuation is accurate.

What else does debtor show to justify the difference?

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Martin Pantoja

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Martin Pantoja

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

#191.00 Trustee's Objection to Homestead Exemption

Docket 16

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor seeks to exempt \$11,000 of construction tools under C.C.P. § 704.060 based on the assertion that he and his wife both work in the business as construction workers. Trustee objects to Debtor's claimed exemption because Debtor has allegedly not provided any evidence that his wife also works in the business and requests to limit the exemption to \$8,725.

C.C.P. §704.060 exempts equity in tools, implements, instruments, materials, uniforms, furnishings, books, equipment, among other personal property used in a debtor's business or livelihood up to \$8,725. This exemption increases to \$17,450 if both husband and wife engage in the business.

Generally, a debtor's claimed exemption is presumptively valid, and the party objecting to a debtor's exemption has the burden of proving that the exemption is improper. Carter v. Anderson (In re Carter), 182 F.3d 1027, 1029 n. 3 (9th Cir. 1999); Rule 4003(c).

If the objecting party can produce evidence sufficient to rebut the presumption of validity, then the burden of production shifts to the debtor to provide unequivocal evidence to demonstrate that the exemption is proper. Carter, 182 F.3d at 1029 n. 3. The burden of persuasion always remains with the objecting party who must provide sufficient proof to meet the preponderance of the evidence standard. Id. The objecting party must show by a preponderance of the evidence that the exemption should be denied. In re Nicholson, 435 BR 622, 632-633 (B.A.P. 9th Cir. 2010).

Debtor's \$11,000 claimed exemption is presumptively valid. However, Trustee presented evidence to rebut the presumption of validity by indicating that Debtor has not provided evidence that his wife also works in the business in order to be entitled to the higher exemption amount of \$17,450 under C.C.P. § 704.060.

**United States Bankruptcy Court
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Tuesday, December 17, 2019

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11:00 AM

CONT... Mauricio Nunez

Chapter 13

The burden of production now shifts to Debtor, who must provide unequivocal evidence to demonstrate that his wife works in the same business and that they are entitled to the \$11,000 exemption.

Objection is SUSTAINED. Debtor's exemption under 704.060 is allowed in the amount of \$8,725.

Service proper. Debtor has not filed a response to this objection.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Mauricio Nunez

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12351 Hadar Heather Sadon and Sharon Sadon

Chapter 13

#192.00 Motion RE: Objection to Claim Number 9 by Claimant
LVNV Funding, LLC.

Docket 22

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors object to Claim #9 in the amount of \$5,055.21 by LVNV Funding ("Lender"). The proof of claim indicates a 12-22-2003 last payment date.

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.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Hadar Heather Sadon and Sharon Sadon Chapter 13

Under California Civil Code § 335, the periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:

California Civil Code § 335

The periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:

California Civil Code § 337

Within four years (from the date of breach of contract):

(a) An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a...

Lender's proof of claim is prima facie evidence of the validity and amount of the claim. However, Debtor has provided sufficient evidence to defeat the claim in the form of Lender's proof of claim, which indicates that the last payment date was 12-22-2003. Under C.C.P. §§ 335 and 337, Lender had 4 years to bring an action for breach of contract. The breach of contract occurred on 12-22-2003. Lender had until 12-22-2007 to bring an action. Lender did not file a proof of claim until 11-11-2019, which is beyond the time allowed. The burden is now on Lender to prove the validity of its claim by a preponderance of the evidence. Given that Lender has not filed an opposition to prove the validity of its claim, Debtor's objection is SUSTAINED.

Service proper at address designated by Creditor on the proof of claim. No opposition filed.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hadar Heather Sadon

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Sharon Sadon

Represented By
Jeffrey J Hagen

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

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Hearing Room 302

11:00 AM

CONT... Hadar Heather Sadon and Sharon Sadon

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12351 Hadar Heather Sadon and Sharon Sadon

Chapter 13

#193.00 Motion RE: Objection to Claim Number 7 by
Claimant Rosenthal & Rosenthal, Inc.

Docket 23

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtors object to Claim No. 7 filed on 10-18-19 by Rosenthal & Rosenthal, Inc. ("Lender") in the unsecured and nonpriority amount of \$12,824.

Debtors allege that claim is for a debt owed by Debtor's now defunct corporation, Bellagio Shoes, Inc. Debtors allegedly never personally guaranteed the debt and are not personally liable as the alter ego of the defunct business.

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

**United States Bankruptcy Court
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Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Hadar Heather Sadon and Sharon Sadon

Chapter 13

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.

Under California Civil Code § 335, the periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:

California Civil Code § 335

The periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:

California Civil Code § 337

Within four years (from the date of breach of contract):

(a) An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a...

Service proper at address designated by Creditor on the proof of claim". No opposition filed.

Lender's \$12,824 proof of claims is prima facie evidence of its validity. To defeat the claim, Debtors must provide sufficient evidence and show facts tending to defeat the claim by probative force equal to that of the allegations in the proofs of claim.

Here, Debtors offers evidence in the form of a declaration and exhibits. Debtors declare that the claim is against their now defunct corporation. Debtors also provide a statement of account indicating that the debt is owed by the corporation. Generally, principals of a corporate are not personally liable for the debts of a corporation, unless the corporate veil is pierced. Holley v. Crank, 386 F.3d 1248 (9th Cir. 2004). Because Debtors were owners of the defunct corporation and no evidence was provided to pierce the corporate veil, Debtors are considered not personally liable for the debts of the corporation.

The burden reverts to Lender to prove the validity of its \$12,824. Lender having filed no opposition, Debtor's objection is SUSTAINED.

APPEARANCE REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

CONT... Hadar Heather Sadon and Sharon Sadon

Chapter 13

Debtor(s):

Hadar Heather Sadon

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Sharon Sadon

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12352 Martin Miguel Centurion and Magalita R Centurion

Chapter 13

#194.00 Objection to Homestead Exemption

Docket 16

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Trustee objects to Debtors' \$100,000 claimed exemption from an alleged personal injury lawsuit and drunk driving accident under C.C.P. § 704.140.

C.C.P. § 704.140 provides:

(a) Except as provided in Article 5 (commencing with [Section 708.410](#)) of Chapter 6, a cause of action for personal injury is exempt without making a claim.

(b) Except as provided in subdivisions (c) and (d), an award of damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

Generally, a debtor's claimed exemption is presumptively valid, and the party objecting to a debtor's exemption has the burden of proving that the exemption is improper. Carter v. Anderson (In re Carter), 182 F.3d 1027, 1029 n. 3 (9th Cir. 1999); Rule 4003(c).

If the objecting party can produce evidence sufficient to rebut the presumption of validity, then the burden of production shifts to the debtor to provide unequivocal evidence to demonstrate that the exemption is proper. Carter, 182 F.3d at 1029 n. 3. The burden of persuasion always remains with the objecting party who must provide sufficient proof to meet the preponderance of the evidence standard. Id. The objecting party must show by a preponderance of the evidence that the exemption should be denied. In re Nicholson, 435 BR 622, 632-633 (B.A.P. 9th Cir. 2010).

Debtors' \$100,000 claimed exemption is presumptively valid. Trustee carries the

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Hearing Room 302

11:00 AM

CONT... Martin Miguel Centurion and Magalita R Centurion Chapter 13

burden to prove that the exemption is improper. Here, Trustee objects based on the allegation that Debtors provided no evidence that the proceeds are reasonable and necessary for maintenance and support, and that Debtors' budget indicates \$100,000 is not necessary for Debtors' maintenance and support.

Debtors argue that Trustee applied the wrong standard, C.C.P. § 704.140(b), which exempts an award of damages or a settlement to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. Debtors explain that the personal injury cause of action has not yet been reduced to a judgment, and as of the petition, are only claims, so C.C.P. § 704.140(b) does not apply and Trustee's objection is premature and inapplicable. Debtors assert that, even assuming C.C.P. § 704.140(b) applies, \$100,000 is necessary for their maintenance and support because they are still undergoing treatment and the extent of their injuries is unknown.

Debtors explain that C.C.P. § 704.140(a) is the proper standard, which exempts a personal injury cause of action that has not yet been reduced to a judgment and paid.

Without more evidence to rebut the presumption of validity of Debtors' claimed exemption, Trustee's evidence is insufficient. As such, Trustee's objection is **OVERRULED**.

Service proper. Opposition filed.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Martin Miguel Centurion

Represented By
Kevin T Simon

Joint Debtor(s):

Magalita R Centurion

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:19-12788 Claire L Gregorio

Chapter 13

#195.00 Motion to Avoid Lien Junior Lien with
Statebridge Company, LLC

Docket 13

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Service: Proper. Opposition filed.
Property Address: 16401 Flander Street, Granada Hills, CA 91344
First trust deed: \$ 440,288.25 (PHH Mortgage)
Second trust deed (to be avoided): \$ 257,631.72 (Statebridge Company, LLC)
Debtor's Fair market value per appraisal: \$ 618,000

Statebridge Company, LLC ("Creditor") opposed arguing that Debtor cannot modify its secured claim because the claim is secured by Debtor's principal residence. Creditor argues that under 11 U.S.C. § 1322(b)(2), the plan may "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." Creditor further argues that rights that cannot be modified under § 1322(b)(2) include Creditor's rights under the loan documents, including the right to accelerate the loan upon default. See Nobleman v. American Savings Banks, 508 U.S. 324, 329 (1993). These rights are protected from modification, although a Creditor's powers to enforce such rights may be limited by the mortgagor's Chapter 13 bankruptcy filing. See Nobleman, 508 U.S. at 329-30.

The Ninth Circuit has determined that Debtors are able to combine section 506(a) with section 1322 (b)(2) to effectively "avoid" or "strip-off" a junior lien on a Debtor's principal residence if the lien is completely or wholly unsecured. See Lam v. Investors Thrift (In re Lam), 211 B.R. 36 (B.A.P. 9th Cir. 1997); Zimmer v. PSB Lending Corp. (In re Zimmer), 313 F.3d 1220 (9th Cir. Cal. 2002).

Here, Creditor's junior lien is not completely or wholly unsecured because the fair market value of the Property is \$618,000. After accounting for the \$440,288.25 first trust deed, \$177,711.75 remain to partially secure the second trust deed. As such,

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CONT... Claire L Gregorio
Motion is DENIED.

Chapter 13

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Claire L Gregorio	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:00 AM

1:18-11672 Artura Flores and Rosalba Rubalcaba

Chapter 13

#196.00 Trustee's Motion for Order Modifying the Plan to
Increase the Plan Payment

Docket 33

Matter Notes:

- NONE LISTED -

Tentative Ruling:

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Artura Flores

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosalba Rubalcaba

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

11:30 AM

1:19-11422 Joe Kearney

Chapter 13

#197.00 Motion to Disallow Claims of Patricia Leupold (claim # 8-1)
fr. 10/22/19

Docket 37

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, December 17, 2019

Hearing Room 302

1:00 PM

1:19-11422 Joe Kearney

Chapter 13

#198.00 Motion to Disallow Claims of Patricia Leupold (claim # 8-1)
fr. 10/22/19

Docket 37

***** VACATED *** REASON: Moved to 11:30 am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

9:30 AM

1:19-12999 Glenn Neil Ledesma

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 5

Tentative Ruling:

Party Information

Debtor(s):

Glenn Neil Ledesma	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

9:30 AM

1:19-13018 Sophie Lena Guy

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 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sophie Lena Guy	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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

9:30 AM

1:19-13024 Oscar Alberto Molina Ramirez

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 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Alberto Molina Ramirez Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
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Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

#1.00 Motion for relief from stay

MICHELLE ADAMS

Docket 800

Tentative Ruling:

Petition Date: 1-7-2010

Chapter: 7

Service: Proper. No opposition filed.

Movant: Michelle Adams

Relief Sought to: Pursue Pending Litigation ___ Commence Litigation ___

Pursue Insurance ___

Other: Pursue Worker's Compensation Claim

Litigation Information

Case Name: Michelle Adams v. R.J. Financial, Inc.

Court/Agency: State of California Worker's Compensation Appeals Board, Long Beach

Date Filed: 2-4-2002

Judgment Entered: N/A

Trial Start Date: N/A

Action Description: Lawsuit or administrative proceeding involving Debtor's bankruptcy estate.

Grounds

Bad Faith ___ Claim is Insured ___ Claim Against 3rd Parties ___ Nondischargeable

___ Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum ___

Other: Request for worker's compensation

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs and **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate).

**United States Bankruptcy Court
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CONT... R.J. Financial, Inc.

Chapter 7

DENY relief requested under 7 (order binding & effective relief against any debtor) because such relief requires the filing of an adversary proceeding under FRBP 7001.

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Trustee(s):

David Seror (TR)

Represented By
Robyn B Sokol
Michael W Davis
Travis M Daniels
Rosendo Gonzalez

**United States Bankruptcy Court
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10:00 AM

1:17-10317 James Patrick Sweet

Chapter 13

#2.00 Motion for relief from stay

LOANCARE, LLC

Docket 50

Tentative Ruling:

Petition Date: 2-7-2017

Chapter 13 Plan Confirmed: 5-25-2017

Service: Proper. No opposition filed.

Property: 13246 Cumpston Street, Van Nuys, CA 91401

Property Value: \$665,000 (per debtor's schedules)

Amount Owed: \$215,335.50

Equity Cushion: 60.0%

Equity: \$449,664.50

Post-Petition Delinquency: \$5,297.85 (3 late payments of \$1,765.95 each)

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); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5); and **13** (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

James Patrick Sweet

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:17-11310 Hilda Correa

Chapter 13

#3.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

fr. 10/3/18, 11/7/18, 12/5/18, 12/12/18, 1/16/19, 3/27/19
5/1/19, 6/5/19, 7/31/19, 9/18/19, 10/2/19, 11/13/19

Docket 57

Tentative Ruling:

This case was dismissed on December 17, 2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING
WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

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 18, 2019

Hearing Room 302

10:00 AM

1:18-10662 Doris Elizabeth Rosales

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSC.

fr. 10/23/19, 11/20/19

Docket 46

Tentative Ruling:

The last hearing was continued to allow parties to work on an APO.

What is the status of this Motion?

APPEARANCE REQUIRED.

11-20-19 tentative below:

*This hearing was continued from 10-23-19 so that the parties could discuss whether this can be resolved with an APO. Nothing has been filed since the last hearing.
What is the status of this Motion?*

APPEARANCE REQUIRED for 11-20-19 tentative.

Cont. fr. 10/23/19

Petition Date: 3/18/18

Chapter 13 plan confirmed: 10/12/18

Service: Proper; co-borrower Jose Rosales not served. No opposition filed.

Property: 8923 Lev Ave., Arleta, CA 91331

Property Value: \$435,000 (per debtor's schedules)

Amount Owed: \$409,152 (per Proof of Claim #8-2)

Equity Cushion: -2.0% (assuming 8% cost of sale)

Equity: \$25,848

Post-Petition Delinquency: \$7,574.88 (approx. 3 payments of \$2,150.48; late charge of \$92.44; attorney's fees of \$1,031)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1) and (d)(2), with the

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CONT... Doris Elizabeth Rosales

Chapter 13

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 of \$1,720.39 was made on or about August 13, 2019.

Given the relatively small delinquency, have the parties had an opportunity to discuss an APO?

APPEARANCE REQUIRED for 10-23-19 tentative.

Party Information

Debtor(s):

Doris Elizabeth Rosales

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

#5.00 Motion for relief

DCA DRILLING AND CONSTRUCITON

fr; 8/21/19, 9/18/19

Docket 42

*** VACATED *** REASON: Motion withdrawn - ts

Tentative Ruling:

Party Information

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Trustee(s):

Diane C Weil (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#5.01 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 2/6/19; 2/27/19, 4/3/19, 5/1/19, 6/26/19, 7/31/19,
9/18/19, 12/4/19

Docket 27

Tentative Ruling:

The last hearing was continued to allow Creditor's response to Debtor's APO proposal.

What is the status of this Motion?

APPEARANCE REQUIRED.

12-4-19 Tentative Below:

At the last hearing, the parties requested to continue, so they can work out an APO, and to give time to account for the mortgage payments Debtor asserts she made.

What is the status of this Motion?

APPEARANCE REQUIRED for 12-4-19 tentative.

This hearing was continued from 7/31/19 so that the parties had time to address an issue with the Bank's payment records that do not accurately reflect the payment from an old loan modification with the previous lender. Nothing has been filed since the last hearing. What is the status of this Motion?

4-3-19 Tentative Below:

Petition Date: 09/05/2018

Chapter: 13

Service: Proper. Original borrower was served. Opposition filed.

Property: 20722 Stagg Street, Canoga Park, CA 91306

Property Value: \$ 550,000 (per debtor's schedules)

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10:00 AM

CONT... **Sonia Figueroa**

Chapter 13

Amount Owed: \$ 516,638.40 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$33,361.60.

Post-Petition Delinquency: \$3,260.48 (2 payment of \$2,469.24; less suspense account or partial paid balance: \$1,678)

Movant alleges cause for 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); 6 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the total amount of debt on the property is \$510,710.97; more payment have been made to Movant than the Motion accounts for. The movant alleges that it has not received the mortgage payments for two months contrary to Debtor's declaration. Debtor needs to trace the payments made by her which can take 6 to 8 weeks.

APPEARANCE REQUIRED for 4-3-19 tentative.

Party Information

Debtor(s):

Sonia Figueroa

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:18-12708 Jose Estrada

Chapter 13

#6.00 Motion for relief from stay

U.S. BANK NATIONAL ASSO.

Docket 50

Tentative Ruling:

Petition Date: 11-5-2018

Chapter: 13

Service: Improper (co-debtor served). Opposition filed.

Property: 10956 Columbus Avenue, Mission Hills, CA 91345

Property Value: \$602,000 (per debtor's schedules)

Amount Owed: \$397,422.11

Equity Cushion: 26.0%

Equity: \$204,577.89

Post-Petition Delinquency: \$12,598.20 (4 late payments of \$3,149.55 each)

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); **13** (if stay not granted, order APO); and **14** (reimbursement of attorney's fees and costs provided for in Movant's deed of trust).

Debtor opposed alleging that (1) service was improper because service was sent to the wrong attorney's email address, and no Judge's Copy was served; (2) payments are unaccounted for and Debtor will provide proof of payments; (3) all postpetition arrears will be cured by the hearing; (4) the Property has equity and necessary for an effective reorganization. If Debtor is unable to get current by the hearing, he requests an APO.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Jose Estrada

Represented By
Erika Luna

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CONT... Jose Estrada

Chapter 13

Movant(s):

U.S. Bank National Association as

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-10772 Donnie Polk

Chapter 13

#7.00 Motion for relief from stay

JPMC SPECIALTY MORTGAGE LLC

fr. 10/23/19, 11/20/19

Docket 27

Tentative Ruling:

This case was dismissed on 11-21-2019, so the stay expired on that same day under 362(c)(2)(B). As Movant does not request extraordinary or *in rem* relief due to allegations of bad faith, this Motion is DENIED as moot.

APPEARANCE REQUIRED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Donnie Polk

Represented By
Miguel Duarte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11118 Miguel Hernandez Garcia

Chapter 13

#8.00 Motion for relief from stay

WELL FARGO BANK, N.A.

fr. 11/13/19

Docket 29

Tentative Ruling:

Petition Date: 5-6-19

Chapter: 13

Service: Proper. Opposition filed.

Property: 13781 Louvre Street, Pacoima, CA 91331-3536

Property Value: \$390,000 (per debtor's schedules)

Amount Owed: \$54,450.53

Equity Cushion:

Equity:

Post-Petition Delinquency: \$2,210.75 (1 late payment of \$432.45)

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** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5).

Debtor opposed arguing that (1) the Motion should be denied because the Property is being sold; (2) the Property's value is \$399,999; (3) total debt on Property is \$257,239.91; (4) equity in the Property is \$142,759.09; and (5) equity cushion is \$142,759.09.

An order to sell the Property was entered on December 5, 2019.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Miguel Hernandez Garcia

Represented By
Donald E Iwuchuku

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CONT... Miguel Hernandez Garcia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-11646 Michael T Stoller

Chapter 11

#9.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 67

*** VACATED *** REASON: Order to continue hearing on 1.18.20 at
10:00 a.m. entered [#71] – ts

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael T Stoller

Represented By
Matthew Abbasi

Movant(s):

Adjustable Rate Mortgage Trust

Represented By
Greg P Campbell
Bernard J Kornberg

WELLS FARGO BANK, N.A.

Represented By
Bernard J Kornberg

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1:19-12357 Jaime Roman

Chapter 7

#10.00 Motion for relief from stay

US BANK NATIONAL ASSOC.

Docket 15

Tentative Ruling:

Petition Date: 9-18-2019
Chapter: 7 (no asset)
Service: Proper as to Debtor (co-debtor not served). No opposition filed.
Property: 9454 Alta Cresta Avenue, Riverside, CA 92508
Property Value: \$580,000 (per debtor's schedules)
Amount Owed: \$491,402.81
Equity Cushion: 7.0%
Equity: \$88,598
Post-Petition Delinquency: N/A
Other: \$40,778.66 overdue payments

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).

Disposition: DENY relief requested under paragraph **6** (co-debtor stay is waived) because co-debtor was not served.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Jaime Roman

Represented By
Daniel S March

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-12578 Meshylle A Martin

Chapter 7

#10.01 Motion for relief from stay

CATAMOUNT PROPERTIES 2018, LLC

Docket 24

Tentative Ruling:

Petition Date: 10/10/19

Ch 7 dismissed: 12/2/19

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Catamount Properties 2018, LLC

Property Address: 9427 Noble Ave. #106, North Hills, CA 91343

Type of Property: Residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 10/10/19

UD case filed: 11/7/19

UD Judgment: n/a

Movant alleges cause for annulment of the stay because it issued a notice to vacate and filed an unlawful detainer complaint, all without notice or knowledge of the filing of this case.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), **4** (annulment of stay); 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 requests for binding and effective relief, as no allegations of bad faith were made (i.e., repeat filing or unauthorized transfers).

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Meshylle A Martin

Pro Se

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CONT... Meshylle A Martin

Chapter 7

Movant(s):

Catamount Properties 2018, LLC

Represented By
Sam Chandra

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-12708 Gios Fresh Mediterranean, Inc.

Chapter 7

#11.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 9

Tentative Ruling:

Petition Date: 10-25-2019
Chapter: 7 (no asset)
Service: Proper. No opposition filed.
Property: 2019 Honda Pilot
Property Value: Unknown (per debtor's schedules)
Amount Owed: \$35,876.41
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: N/A
Other: \$1,819.94 in arrears + \$141 late charge

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); and **11** (if stay not granted, order APO).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Gios Fresh Mediterranean, Inc.

Represented By
Dominic Afzali

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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10:00 AM

1:19-12730 Michael Anthony Malone

Chapter 7

#12.00 Motion for relief from stay

AL SABERI

Docket 17

*** VACATED *** REASON: Duplicate of matter heard & granted on
12/11/19 (cal. no. 14) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Malone

Represented By
Nicholas M Wajda

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:19-12996 Scott Michael Graffius

Chapter 13

#12.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket 10

Tentative Ruling:

On 12-1-19, Debtor filed this Chapter 13 case. Debtor has 1 previous bankruptcy case that was dismissed a short time ago. The first dismissed Chapter 13 case, 19-11676-MT, was filed on 7-8-2019 and dismissed on 10-4-2019.

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 Debtor could not find employment until 11-12-2019. Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3)(C)(i) because Debtor's failure to file or amend the petition or other documents resulting in dismissal was excusable because Debtor was optimistic that he would gain employment and be able to make his plan and mortgage payments, but he didn't gain employment until 11-12-2019. There has been a substantial change in the financial affairs of Debtor because Debtor is now employed.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Scott Michael Graffius

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-10527 Sharique Ahmed Shaikh

Chapter 7

Adv#: 1:19-01016 Weil, Chapter 7 Trustee v. Shaikh

#13.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

fr. 5/15/19; 5/22/19

Docket 4

***** VACATED *** REASON: Con't per stip to 3/11/20 at 11 a.m. (doc. 17)
- hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Ishraque Shaikh

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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10:00 AM

1:17-10527 Sharique Ahmed Shaikh

Chapter 7

Adv#: 1:19-01017 Weil, Chapter 7 Trustee v. Tanveer

#14.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers
and/or Preferential Transfers

fr/ 5/15/19; 5/22/19

Docket 4

***** VACATED *** REASON: Dismissed 10/2/19 - hm**

Tentative Ruling:

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

Defendant(s):

Sameena Tanveer

Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov

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10:00 AM

1:19-11935 Maria Estela San Vicente

Chapter 11

Adv#: 1:19-01123 Saucedo v. San Vicente et al

#15.00 Status Conference re: Complaint to determine dischargeability to debt pursuant to 11 U.S.C. sections 523 (a)(4) and (a)(6), and objection to discharge pursuant to sections 723 (a)(2)(A) and 727(a)(3)

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): **March 15, 2020**

Expert witness designation deadline (if necessary): _____

Case dispositive motion filing deadline (MSJ; 12(c)): _____

Pretrial conference: **May 13, 2020, at 11:00 a.m.**

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : **April 29, 2020**

*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:

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CONT... **Maria Estela San Vicente**

Chapter 11

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.

Party Information

Debtor(s):

Maria Estela San Vicente

Represented By
Michael R Totaro

Defendant(s):

Maria Estela San Vicente

Pro Se

Sergio San Vicente

Pro Se

Plaintiff(s):

Maria Saucedo

Represented By
Jesse J Thaler

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10:00 AM

1:11-16307 Diana Lopez

Chapter 7

#16.00 Trustee's Motion for Order Disallowing Claim No. 36-1

Docket 312

Tentative Ruling:

Claimant filed Claim 36-1 on January 31, 2012, asserting a claim totaling \$382,000.00 in the Lopez case. A claim may be objected to under 11 U.S.C. § 502(a). The deadline for a claim to be filed is fixed unless a creditor seeks and obtains an extension of the deadline for cause, FRBP 3003(c)(3) or certain exceptions to the time of filing apply, see FRBP 3002(c). No extension was sought here and Trustee asserts that the exceptions are not applicable on their face so Claim 36-1 should be barred as late.

Trustee also argues that the Claim lacks supporting evidence. The Claim asserts the loss of \$382,000 against many defendants. Claimants alleged in a State Court action that the proceeds of the sale of Claimants' property located at 29814 Hasley Canyon Road, Castaic, CA 91384 ("Property") were embezzled. The principal attachment to Claim 36-1 appears to Claimants' Complaint filed March 18, 2011 in the Los Angeles Superior Court, case number BC457658 ("Complaint"). Trustee argues that critical allegations in the Complaint are deficient or lack the supporting documents alleged. Trustee maintains that this is an alternate reason that Claim 36-1 should be disallowed because it lacks critical supporting documents and is confusing and filled with apparent irrelevant material.

Trustee made a written request for explanation of the late filing and for the support for Claim 36-1 to Claimant. Objection, Ex. B. No response was received.

Service proper at address on proof of claim designated to receive notice. No response filed

Objection SUSTAINED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 12/18/19.

Party Information

Debtor(s):

Diana Lopez

Represented By
Kathleen P March

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

CONT... Diana Lopez

Chapter 7

Trustee(s):

David Seror (TR)

Represented By
Claire E Shin
Steven T Gubner
David Seror (TR)
Corey R Weber
Richard Burstein
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:09-16565 David Schwartzman

Chapter 11

#17.00 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;
8/1/18; 3/6/19, 8/21/19

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:12-15062 Alton Ray Anderson and Lauren Mildred Anderson

Chapter 11

#18.00 Motion For Final Decree and to enter Discharge the Chapter 11
Plan Has Been Fully Paid And Administered

Docket 142

Tentative Ruling:

Since the Effective Date of the Plan, the Reorganized Debtor has made all of the payments required under their Plan, such that, as provided under 11 U.S.C. § 1141(d)(5), the Reorganized Debtor is entitled to entry of his discharge. The Plan provided for a completion date of November 15, 2018, and under 11 U.S.C. §1129(a)(15) Debtors have completed their five (5) year commitment period, as provided under 11 U.S.C. §1129(a)(15)(B).

Having reviewed the Motion for Final Decree and Entry of Discharge and finding that the case has been fully administered and all payments were made under applicable provisions of the Plan, the Motion is GRANTED.

DEBTOR TO LODGE ORDER WITHIN 7 DAYS. NO APPEARANCE REQUIRED
ON 12/18/19

Party Information

Debtor(s):

Alton Ray Anderson

Represented By
Louis J Esbin

Joint Debtor(s):

Lauren Mildred Anderson

Represented By
Louis J Esbin

Movant(s):

Alton Ray Anderson

Represented By
Louis J Esbin
Louis J Esbin

Lauren Mildred Anderson

Represented By
Louis J Esbin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

**CONT... Alton Ray Anderson and Lauren Mildred Anderson
Louis J Esbin**

Chapter 11

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:14-14747 Tony Servera Company, Inc.

Chapter 11

#19.00 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, 9/26/18, 2/6/19, 6/26/19, 8/21/19

Docket 1

Tentative Ruling:

Having reviewed the Post-Confirmation status report filed by Debtor on 11/27/19 and finding cause, this status conference is continued to 6/24/20, at 11:00 a.m.

NO APPEARANCE REQUIRED ON 12/18/19.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#20.00 Second and Final Fee Application by Resnik Hayes Moradi LLP, General Bankruptcy Counsel for the Debtor, for Allowance of Fees and Reimbursement of Costs for the Period July 16, 2018 Through July 8, 2019; and on a Final Basis for the Period July 8, 2016 Through July 16, 2018

Docket 314

Tentative Ruling:

Service proper. No objections filed. Having reviewed the Second & 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 12/18/19.

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#21.00 Post Confirmation status 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, 6/26/19, 9/18/19

Docket 1

Tentative Ruling:

Having reviewed the Post-Confirmation status report filed by Debtor on 12/12/19 and finding cause, this status conference is continued to 2/11/20, at 11:00 a.m.

NO APPEARANCE REQUIRED ON 12/18/19.

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#22.00 Status and case management conference

fr. 12/12/18, 4/17/19; 5/15/19, 9/11/19, 10/23/19

Docket 1

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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#23.00 Individual Debtor's Disclosure Statement in Support
of Plan of Reorganization/Liquidation

Docket 86

Tentative Ruling:

Service proper. Response filed. Having reviewed Debtor's Disclosure Statement describing his Liquidating Plan and finding that it contains adequate information, the Disclosure Statement is APPROVED.

Debtor has agreed to include in the proposed order the provisions listed in secured creditor Mr. Cooper's response to the Motion to Sell Real Property (cal. no. 24) but Mr. Cooper also requests that the Property be sold and its claim paid in full at closing (ECF doc. 94). The parties should be prepared to discuss the timing of the sale and of confirmation.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#24.00 Motion for Order Approving Sale of Real Property Free and Clear of Designated Lien, Providing for Overbids, and for Ancillary Relief. (Anyama, Onyinye)

Docket 89

Tentative Ruling:

Service proper; accurate and reasonable notice of the sale was given.

Having reviewed the Motion to Sell Real Property at 24661 Cordillera Dr., Calabasas, CA 91302, and finding that the offer is fair and reasonable, that proposed overbid procedures are designed to obtain the highest and best offer, and that the offer was made in good faith, the Motion to Sell is GRANTED.

Debtor has agreed to include in the proposed order the provisions listed in the Secured Creditor's response (ECF doc. 95; 96). No sale will be approved, however, until the judgment from the adversary 19-01020 is entered, and counsel has not submitted it.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:18-12547 Michael Vara

Chapter 11

#25.00 Scheduling and case management conference
and filing of monthly reports.

fr. 12/12/18; 5/22/19; 6/14/19, 8/7/19, 8/28/19, 10/16/19

Docket 16

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):

Michael Vara

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#26.00 Status Conference RE: Motion of Hawkeye Entertainment, LLC, Debtor and Debtor-in-Possession for and Order (1) Authorizing the Assumption of non-Residential Real Property lease and Sublease, (2) Determining the Debtor and Sublessor not to be in Breach of Default, thereby Deeming them in Compliance with Bankruptcy Code Sec. 365(b)(1)(A) and Excusing the Debtor from any Additional Compliance with Sec. 365(b)(1)(B) and (C), and (3) Authorizing the Debtor to Enter into a Revised Sublease that Amends and Extends the Sublease; or Alternatively, Extending the Time Period within which the Debtor may Assume or Reject Unexpired non-Residential Leases and Executory Contracts

fr. 11/6/19

Docket 21

Tentative Ruling:

Proposed claim bar date: _____

Objections to claims deadline: _____

Avoidance actions deadline: _____

Proposed disclosure statement filing deadline: _____

Proposed disclosure statement hearing: _____

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE INITIAL STATUS CONFERENCE

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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10:00 AM

CONT... Hawkeye Entertainment, LLC

Chapter 11

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

Movant(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

**United States Bankruptcy Court
Central District of California
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Wednesday, December 18, 2019

Hearing Room 302

11:00 AM

1:18-12547 Michael Vara

Chapter 11

Adv#: 1:19-01020 Vara v. THE BANK OF NEW YORK MELLON C/O BANK OF

#27.00 Status Conference Re: Complaint to
Determine Value of Real Property, Determine
the Extent of Secured Claims and to Extinguish
the Second Position Lien of Creditor the Bank
of New York Mellon C/O Bank of America N.A.

fr. 8/7/19, 8/28/19, 10/16/19

Docket 4

Tentative Ruling:

Mtn. for Default Judgment granted on 12/11/19. Order and Judgment not yet lodged. This status conference will be VACATED upon entry of Judgment.
NO APPEARANCE REQUIRED ON 12/18/19.

Party Information

Debtor(s):

Michael Vara

Represented By
Onyinye N Anyama
Alfred J Verdi

Defendant(s):

THE BANK OF NEW YORK

Pro Se

Does 1-10 Inclusive

Pro Se

Plaintiff(s):

Michael Vara

Represented By
Alfred J Verdi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, December 18, 2019

Hearing Room 302

11:00 AM

1:18-13019 David Herrera

Chapter 7

Adv#: 1:19-01035 Beck v. Herrera

#28.00 Pretrial Conference Re: Complaint for
Determination of Nondischargeability of
Debt

fr. 5/22/19, 10/23/19

Docket 1

***** VACATED *** REASON: Dismissed 12/4/19 - hm**

Tentative Ruling:

Party Information

Debtor(s):

David Herrera

Represented By
Michael E Clark

Defendant(s):

David Herrera

Pro Se

Plaintiff(s):

Dwayne S Beck

Pro Se

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, December 18, 2019

Hearing Room 302

11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

#29.00 Plaintiff's Motion for Default Judgment Under LBR 7055-1

fr. 10/23/19, 11/6/19

Docket 26

Tentative Ruling:

Plaintiff Robert Sautter ("Plaintiff") filed a verified complaint against Santa Fe General Construction, Inc., Julio Escalera, et. al. The complaint alleged (1) fraud; (2) civil conspiracy; (3) expungement of mechanic's liens; (4) quiet title; (5) cancellation of instruments; (6) title slander; (7) elder abuse; (8) declaratory relief; and (9) injunctive relief. The court entered default. Santa Fe General Construction, Inc. ("Santa Fe") and Jubilio Escalera (collectively, "Defendants") moved the court to set aside the entry of default and resolve the issues on the merits. Defendants' pleadings, which Escalera revealed was prepared by paralegals, failed to provide support for their motion to set aside entry of default and provided no specifics explaining what any meritorious defense would be. The court held a hearing and gave Escalera an opportunity to support his request to set aside the entry of default. The court then denied Defendants' motion.

Plaintiff now moves for a default judgment against Defendants ("Motion"). In support of his Motion, Plaintiff filed supplemental points and authorities and a declaration. Plaintiff moves for default judgment for the following cause of action: (1) fraud; (2) expungement of mechanic's liens; (3) quiet title; (4) cancellation of instruments; (5) slander of title; and (6) elder abuse. Defendants did not oppose the Motion.

Factual Background

Plaintiff, who is 88 years old, owns a property located in Sherman Oaks, California ("Property"). Plaintiff and his wife purchased the

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CONT... **Robert Benjamin Sautter**

Chapter 13

Property and placed it in a trust. When Plaintiff's wife died, Plaintiff became the trust's sole trustee.

The events leading to this adversary proceeding arose when Plaintiff's home went into foreclosure. On October 26, 2016, a notice of default was issued against the Property. On January 30, 2017, a notice of trustee sale was executed against the Property. In or about February 2017, Plaintiff was introduced to Escalera, who allegedly promised to assist Plaintiff in saving his home from foreclosure.

The First Grant Deed

On February 27, 2017, Plaintiff declared that under the influence and direction of Escalera, who promised to assist with saving his home from foreclosure, Plaintiff executed a grant deed (Grant Deed 1), which conveyed a one-eighth interest in the Property to Robert Sautter as co-trustee of the Kingsley Trust (Ex. E). Grant Deed 1 is signed by "Robert B. Sautter," which is characterized by a shaky penmanship.

Plaintiff alleges that he has no affiliation with The Kingsley Trust, did not participate in the trust's formation, and is not aware of the named trustees whom he has never met. Plaintiff believes that Lorena and Humberto are co-trustees, and declares that he has never met them, does not know them, and never conducted business with them.

Plaintiff alleges that on the day before the foreclosure sale, one of the trustees, Lorena, filed a chapter 13 bankruptcy petition without Plaintiff's authorization and knowledge. Lorena included the Property as one of her assets.

The Fire and The Four Mechanic's liens

On May 25, 2017, Plaintiff declares that a devastating fire ravaged the Property, rendering uninhabitable. The City of Los Angeles subsequently red-tagged the Property.

Plaintiff declares that starting on September 1, 2017, and until April 11, 2019, four mechanic's liens were recorded against the Property, clouding the Property's title. Defendant Santa Fe, by and through Defendant Escalera, recorded the first, third, and fourth

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CONT... Robert Benjamin Sautter

Chapter 13

mechanic's liens (respectively, "ML1," "ML3," and "ML4"). ML1, ML3, and ML4 each indicate an identical amount of \$141,231. Plaintiff believes that ML3 and ML4 are merely duplicates of the other mechanic's liens. All four mechanic's liens indicate that "The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are: Humberto Lara, co-trustee of the Kingsley Trust." ML1, ML3, and ML4 each have Escalera's signature, as President of Santa Fe General Construction, Inc.

Plaintiff argues that the recording of ML3 and ML4 are improper ways to circumvent the statutory deadlines for a mechanics lien. Plaintiff also declares that: (1) no written or verbal contract supported the four mechanic's liens; (2) no preliminary notice preceded the four mechanic's liens as required by Cal. Civ. Code §§ 8100 et. seq. and 8410; and (3) there was no action to enforce the mechanic's liens through foreclosure within 90 days as required by Cal. Civ. Code § 8460.

The Second Grant Deed

Plaintiff declares that on February 11, 2019, without his knowledge or authorization, someone purporting to be him authorized the trustee of The Kingsley Trust to execute a second grant deed (Grant Deed 2). Grant Deed 2 allegedly conveyed the Property's title to a White. (Ex. J). Plaintiff further declares that he never agreed to voluntarily transfer any interest in the Property and that he would not have transferred any interest had he known Defendants' motive to steal his home. Plaintiff declares that he and his counsel demanded Defendants to release the mechanic's liens and cancel the grant deeds, but Defendants did not acquiesce.

Default Judgment

Default judgment is controlled by F.R. Civ. Pro. 55(b), applicable in bankruptcy adversary proceedings through FRBP 7055. To determine whether the court should enter default judgment, the court may consider (1) possibility of prejudice to the plaintiff, (2) merits of plaintiff's substantive claims; (3) sufficiency of the complaint, (4) sum of money at

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CONT... **Robert Benjamin Sautter**

Chapter 13

stake in the action, (5) possibility of a dispute concerning material facts, (6) whether default was due to excusable neglect, and (7) strong policy favoring decisions on the merits. See Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)(citing_6 Moore's Federal Practice, ¶ 550-05[2], at 55-24 to 55-26. Default judgments are ordinarily disfavored. Id. at 1472.

"A party seeking a default judgment must state a claim upon which it may recover." Philip Morris USA, Inc. v. Castworld Prods., Inc., 219 F.R.D. 494, 498 (C.D. Cal. 2003) (citing PepsiCo Inc. v. Cal. Sec. Cans, 238 F.Supp.2d 1172 (C.D. Cal. 2002)). The general rule of law is that upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true." Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977). In determining the appropriate sum for a default judgment, a court may rely on the affidavits or documentary evidence submitted by a plaintiff or order a full evidentiary hearing. Fed. R. Civ. P. 55(b)(2); see also PepsiCo Inc., 238 F. Supp. 2d at 1175 ("[T]he plaintiff is required to provide proof of all damages sought in the complaint.").

Fraud

"The elements of fraud, which give rise to the tort action for deceit, are (1) misrepresentation (false representation, concealment, or nondisclosure); (2) knowledge of falsity (or 'scienter'); (3) intent to defraud, i.e., to induce reliance; (4) justifiable reliance; and (5) resulting damage." Lazar v. Superior Court, 909 P.2d 981, 984 (Cal. 1996). To maintain any fraud action, a plaintiff must show that he or she changed position in reliance on the alleged fraud and suffered damages by the change of position. Cal. Civ. Code § 1709.

Whether Defendants Engaged in Misrepresentation

Plaintiff alleged sufficient facts with particularity to find that Defendants engaged in misrepresentation as to Grant Deed 1. Plaintiff alleged that on February 27, 2017, Escalera promised to assist Plaintiff with saving his home from foreclosure. Escalera allegedly influenced

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CONT... **Robert Benjamin Sautter**

Chapter 13

and directed Plaintiff, who declares being in his 80s, to execute Grant Deed 1. Grant Deed 1 conveyed a fractional interest in the Property to "Robert Sautter as co-trustee of The Kingsley Trust." Plaintiff declares that he is not affiliated with The Kingsley Trust; he never participated in forming The Kingsley Trust; and he does not know the co-trustees and never met them.

Plaintiff also alleged particular facts surrounding Defendants misrepresentation as to Grant Deed 2. Plaintiff declares that on February 11, 2019, without his knowledge or authorization, someone purporting to be him authorized the trustee of The Kingsley Trust to execute Grant Deed 2. Grant Deed 2 purported to convey the Property's title to a person named "White." However, Plaintiff alleges that he does not know White, did not sign Grant Deed 2 and did not authorize anyone to sign on his behalf.

The following signature specimens are from Plaintiff's Declaration, Grant Deed 1, and Grant Deed 2.

Signature on Plaintiff's declaration:



Signature on Grant Deed 1



Signature on Grant Deed 2



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CONT... **Robert Benjamin Sautter**

Chapter 13

Plaintiff does not deny signing Grant Deed 1 but denies signing Grant Deed 2. The purported signature on Grant Deed 2 varies drastically from the signatures in Plaintiff's Declaration and Grant Deed 1 in that the Grant Deed 2 signature lacks the shaky penmanship characteristic of the other two signatures. This supports Plaintiff's statement that the Grant Deed 2 signature is not his. These circumstances surrounding the execution of Grant Deed 2 are sufficient to establish that Defendants engaged in misrepresentation.

Once Plaintiff purportedly became a co-trustee of The Kingsley Trust, Escalera signed and executed three mechanic's liens, ML1, ML3, and ML4, as president of Santa Fe General Construction. The three mechanic's liens indicated that the owner or reputed owner of the Property as "Humberto Lara, co-trustee of the Kingsley Trust." Plaintiff was excluded as the owner of the Property. However, there is no evidence in the record that the Property was foreclosed and that Plaintiff no longer had an interest in the Property. Therefore, Escalera's repeated act of signing the mechanic's lien and declaring Humberto the owner is a clear misrepresentation of the real ownership interest in the Property.

In conclusion, Plaintiff has provided specific factual allegations, which is supported by a declaration, and exhibits of Grant Deed 1, Grant Deed 2, and the mechanic's liens containing Escalera's signature, to establish that Defendants' engaged in misrepresentation.

Whether Defendants Knew of the Misrepresentation

Plaintiff declares that Escalera himself approached Plaintiff on February 27, 2017, promising to help Plaintiff prevent the foreclosure, and convincing Plaintiff to execute Grant Deed 1 as co-trustee of The Kingsley Trust. Escalera had an opportunity to deny these allegations, yet failed to do so. The court explained to Defendant that he needed to present the facts of any meritorious defense, but he did not do so. Plaintiff's factual allegations are thus sufficiently specific for a finding that Escalera knew of the misrepresentation in executing Grant Deed 1.

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CONT... **Robert Benjamin Sautter**

Chapter 13

Plaintiff has also alleged specific facts to show Escalera's knowledge of the falsity of the mechanic's liens. Escalera etched his signature on the three mechanic's liens — ML1, ML3, and ML4 — and he does not deny signing them. Escalera's knowledge of the misrepresentation is thus established.

Whether Defendants Intended to Defraud Plaintiff

Plaintiff has alleged sufficient facts to show that Defendants intended to defraud him. Plaintiff alleged that Escalera convinced him to execute Grant Deed 1 as co-trustee of The Kingsley Trust despite Plaintiff allegedly having no knowledge of The Kingsley Trust and its co-trustees and never agreeing to voluntarily transfer any interest in the Property. Defendants' intent to defraud Plaintiff is even more transparent in executing the three mechanic's liens because Escalera's etched his signature when declaring Humberto as co-trustee of The Kingsley Trust while concealing Plaintiff's ownership interest.

Whether Plaintiff Justifiably Relied on Defendants' Misrepresentation

Plaintiff states that he executed Grant Deed 1 under the direction of Escalera after Escalera promised to save his home from foreclosure. This element of fraud is satisfied.

Whether Plaintiff Suffered Damages

Plaintiff alleges that Defendants' fraud caused him actual damages, lost equity in the Property, and attorney's fees for work attempting to unravel the fraudulent scheme. This element of fraud is satisfied.

After having determined that Plaintiff has stated sufficient facts with particularity to establish fraud, the court will now analyze whether it should exercise its discretion and enter default judgment as to fraud.

Plaintiff will likely be prejudiced if default is not entered because Defendants have not responded to this Motion, and Plaintiff has already expended resources in this action and has no other means of obtaining relief. See [PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1177 \(C.D. Cal. 2002\)](#)(finding this factor weighed in the plaintiffs' favor

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CONT... Robert Benjamin Sautter

Chapter 13

because they "would likely be without other recourse for recovery" if the court does not grant default judgment). This factor weighs in favor of granting default judgment. To warrant default judgment, the allegations in the complaint must be sufficient to state a claim upon which a plaintiff can recover. [Danning v. Lavine, 572 F.2d 1386, 1388 \(9th Cir. 1978\)](#). Plaintiff's claims have merit because Plaintiff alleged sufficient facts with particularity to reveal Defendants' fraudulent conduct.

Plaintiff provided a declaration with specific factual allegations; exhibits of Grant Deed 1 and Grant Deed 2; and exhibits of the four mechanic's liens. Plaintiff's pleadings are sufficient, and this factor also weighs in favor of entering default judgment. This action involves real property. ML1, ML3, and ML4 each indicate an amount of \$141,231. ML2 indicates an amount of \$91,250. The Notice of Default is allegedly for a \$1,476,689.02 loan on the Property, which indicates the Property's value. However, Plaintiff alleged that fire devastated the Property, so the Property's value may be less than the amount indicated in the Notice of Default. Although the amount has not yet been established, Plaintiff is asking for actual damages, lost equity in the Property, attorney's fees, exemplary or punitive damages, and treble damages. The sum of money at stake in this action is therefore high, but not unreasonable given that real property is involved. This factor disfavors granting a default judgment, but does not outweigh all the other factors.

The possibility of a dispute concerning the material facts appears unlikely because Defendant failed to provide any defenses before entry of default and did not oppose this Motion. Excusable neglect did not cause the default because Defendants had notice of the adversary complaint, this Motion, and Plaintiff's supplemental pleading and declaration. In fact, Defendant appeared to try and vacate entry of default and still failed to come forward with any meritorious defense.

Although there is a strong policy favoring decisions on the merits, the court finds that the sufficiency of Plaintiff's allegations and the other Eitel factors outweighs this policy. The court finds it sound to exercise its discretion and GRANT Plaintiff's Motion for default judgment as to the fraud claim.

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Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, December 18, 2019

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11:00 AM

CONT... Robert Benjamin Sautter
Remedies

Chapter 13

Plaintiff seeks actual damages and attorney's fees. Plaintiff also asks this court to cancel the two grant deeds and four mechanic's liens, which cloud the Property's title to restore full title to Plaintiff. A plaintiff must prove all damages sought. [Fed. R. Civ. P. 54\(c\)](#). The damages and remedies Plaintiff seek require further evidence. Such evidence must be filed within 60 days of this ruling along with the proposed judgment

Expungement of Mechanic's Liens

Under Cal. Civ. Code §8460, a claimant must commence an action to enforce a lien within 90 days after recording the lien claim. If the claimant does not commence an action to enforce the lien within the required time, the lien claim expires and is unenforceable. Cal. Civ. Code § 8480(a) instructs that the property owner subject to a lien claim may petition the court for an order to release the property from the lien claim if the claimant has not commenced an action to enforce the lien within the time provided in § 8460.

Plaintiff's ownership interest in the Property is evidenced by a grant deed dated February 22, 1978 to Robert Sautter and Misue Sautter as joint tenants (Motion, Ex. A). Plaintiff also alleges that in October 2002, he and his wife placed the Property in the Misue Sautter Trust with him and his wife as co-trustees.

On July 16, 2005, Misue Sautter, as trustee for the Misue Sautter Trust, executed a deed of trust to secure a reverse mortgage. (Motion, Ex. B). On July 2, 2016, Plaintiff purportedly granted a fractional 1/8 interest to the Property to himself as co-trustee of The Kingsley Trust after Escalera allegedly influenced and directed him with a promise to save his home from foreclosure. On October 26, 2016, a notice of default was issued to the Misue Sautter Trust.

Nothing in the record indicates that the Property is foreclosed and that Plaintiff no longer has a property interest. Additionally, nothing in the record shows that Defendants took action to enforce the four mechanic's liens within 90 days after recording the mechanic's liens.

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Chapter 13

Under Cal. Civ. Code §8460, the mechanic's liens therefore expired and are unenforceable. Moreover, under Cal. Civ. Code § 8480(a), this court may order the mechanic's liens expunged.

Plaintiff's Motion is sufficiently detailed because Plaintiff provided a declaration of the facts surrounding the four mechanic's liens and exhibits of the mechanic's liens. The possibility of a dispute concerning the mechanic's liens is unlikely for the same reasons discussed earlier. As discussed above, Defendants were given notice and an opportunity to be heard yet failed to oppose this Motion.

A decision to grant default judgment to expunge the four mechanic's liens is not against policy because Plaintiff provided evidence of his ownership interest in the Property and the four mechanic's liens, and Defendant does not oppose despite being provided notice.

On balance, granting default judgment to expunge the four mechanic's liens is appropriate.

Plaintiff's attorney seeks attorney's fees from this action. Plaintiff's attorney must provide proof in support of this demand.

Quiet Title

The purpose of quiet title is to establish title against adverse claims to an interest in property. See Cal. Code Civ. Proc. § 760.020. Under Cal. Code Civ. Proc. § 761.020, a complaint must be verified and include certain elements which are provided here. California courts require an evidentiary hearing for quiet title actions, but the evidentiary and procedural protections provided here have been deemed sufficient. Citimortgage, Inc. v. Wright, No. 16-2920, 2018 U.S. Dist. LEXIS 228773, at *8 n.7 (April 6, 2018). The court has required evidence to be submitted and has given defendant an opportunity to provide any meritorious defense to that evidence.

The court quiets title in Plaintiff based on all evidence detailed elsewhere.

Cancellation of Instruments

Plaintiff seeks to cancel Grant Deed 1, Grant Deed 2, and the four mechanic's liens. Under California law, a court may cancel a written

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instrument if "there is a reasonable apprehension that if left outstanding, it may cause serious injury to a person against whom it is void or voidable." Cal. Civ. Code § 3412; see Rockridge Trust v. Wells Fargo, N.A., 985 F. Supp. 2d 1110, 1159 (N.D. Cal. 2013)(stating that "[t]he Court may order cancellation of an invalid written instrument that is void or voidable."). "To plead a cause of action for cancellation of instrument, plaintiff must show that he will be injured or prejudiced if the instrument is not canceled, and that such instrument is void or voidable." Zendejas v. GMAC Wholesale Mortg. Corp., No. 1:10-CV-00184 OWW GSA, 2010 U.S. Dist. LEXIS 64903, at *7 (June 29, 2010).

Plaintiff is 87 years old and the mechanic's lien and grant deeds are interfering with his title to the Property and depriving him of his home. Plaintiff has thus stated sufficient facts to show injury. Moreover, as discussed above, Plaintiff has alleged sufficient facts to show that Grant Deed 1 and 2 and the four mechanic's liens are fraudulent. The court grants default judgment to cancel Grant Deed 1, Grant Deed 2, and the four mechanic's liens.

Slander of Title

Slander of title is a (1) publication; (2) without privilege or justification; (3) which is false; and (4) which causes direct and immediate pecuniary loss. Alpha & Omega Development, LP v. Whillock Contracting, Inc., 132 Cal. Rptr. 3d 781, 786 (Cal. Ct. App. 2011). Slander of title occurs when a person without privilege publishes untrue and disparaging statements about the property of another that would lead a reasonable person to foresee that a prospective purchaser or lessee might abandon his intentions. M.F. Farming Co. v. Couch Distributing Co., Inc., 143 Cal. Rptr. 3d 160, 174-75 (Cal. Ct. App. 2012). Slander of title is an invasion of the vendibility of property. Id. Actual malice or ill will is unnecessary. Id.

Damages for slander of title consist of loss of a prospective buyer. Id. For a statement to be disparaging, it does not need to deny title in another; any unfounded claim of an interest in the property, which throws doubt on its ownership interest, is sufficient. Id. It is not necessary to show that a pending deal was hampered or prevented. Id.

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CONT... **Robert Benjamin Sautter**

Chapter 13

There can be damages for the depreciation in the market value of the property. Id.

Plaintiff has alleged sufficient facts to establish slander of title. Plaintiff has shown that Defendants committed slander of title because Defendants willfully, wrongfully, without justification, and without privilege, published or caused to be recorded Grant Deed 1, Grant Deed 2, and the four mechanic's liens. Plaintiff further showed that these written instruments are void or false and have cast doubt on Plaintiff's title to the Property, which adversely affected his ability to sell or refinance the Property. In addition, Plaintiff argues that the publication and recording of these written instruments without his authorization caused the market value of the Property to depreciate, restrict Plaintiff's full use and enjoyment and right to develop the Property, and directly impairs the Property's vendibility in the open market. Plaintiff also alleges that he suffered damages and that he continues to suffer damages as a direct and proximate result of the alleged slander of title. The court finds that granting default judgment as to slander of title is appropriate.

Elder Abuse

Plaintiff alleges that Defendants committed elder abuse under the California Welfare and Institutions Code § 15600 et. seq. (The Elder Abuse and Dependent Adult Protection Act) by causing Plaintiff physical harm and/or pain and/or mental suffering. California Welfare & Institutions Code § 15610.27 defines an elder as "any person residing in this state, 65 years of age or older. To bring a claim for elder abuse, the plaintiff must have been sixty-five when the alleged financial abuse occurred. See [Paslay v. State Farm Gen. Ins. Co., 248 Cal. App. 4th 639, 656, 203 Cal. Rptr. 3d 785 & n.14 \(2016\)](#).

Plaintiff's proof on this cause of action is sufficient to satisfy the Eitel factors. Plaintiff alleges that at the time of Defendants' actions, he was 87 years old and an "elder" as defined by § 15610.27, and Defendants knew of Plaintiff's age. Moreover, Plaintiff sufficiently alleged facts surrounding the alleged abuse, which the court found involved Defendants' fraud and slander of title against Plaintiff.

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Chapter 13

Defendants did not oppose these allegations.

Plaintiff also alleges that Defendants elder abuse resulted in Plaintiff's physical harm, pain, and/or mental suffering. Plaintiff therefore seeks general and economic damages, including for mental distress; attorney's fees and costs for this litigation; fees and costs under § 156657.5(a); exemplary and punitive damages for recklessness, oppression, fraud, and malice under § 15657.5 and Cal. Civ. Code § 3294; and treble damages under Cal. Civ. Code § 3345. A plaintiff must prove all damages sought in the complaint. [Fed. R. Civ. P. 54\(c\)](#). Further evidence must be submitted within 60 days to prove-up Plaintiff's damages resulting from elder abuse.

For the reasons discussed above, Plaintiff's Motion for default judgment is GRANTED in full.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

Defendant(s):

Santa Fe General Construction, Inc.,	Pro Se
Jubilio Escalera	Pro Se
Chaidez Construction, Inc.	Pro Se
Cesar Chaidez	Pro Se
Lorena Lara	Pro Se
Humberto Lara	Pro Se
John White	Pro Se

Movant(s):

Robert Benjamin Sautter

Represented By
Matthew D. Resnik

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CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff(s):

Robert Benjamin Sautter

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
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Hearing Room 302

11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

Adv#: 1:19-01074 Sautter v. Santa Fe General Construction, Inc., a California

- #30.00** Status Conference re: Complaint for: 1) Fraud;
2) Civil Conspiracy;
3) Expungment of Mechanics Liens
4) Quiet Title;
5) Cancellatio of Instruments;
6) Slander of Title; 7) Elder Abuse;
8) Declaratory Relief
9) Injunctive Relief

fr; 8/21/19, 11/6/19

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Defendant(s):

Santa Fe General Construction, Inc., Pro Se

Jubilio Escalera Pro Se

Chaidez Construction, Inc. Pro Se

Cesar Chaidez Pro Se

Lorena Lara Pro Se

Humberto Lara Pro Se

John White Pro Se

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CONT... Robert Benjamin Sautter

Chapter 13

Plaintiff(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, December 18, 2019

Hearing Room 302

11:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

#31.00 Motion for relief from stay

INFINITY CAPITAL FUNDING, LLC

fr. 12/11/19

Docket 20

Tentative Ruling:

This hearing was continued from 12/11/19 so that the parties, including the chapter 7 trustee, had an opportunity to discuss repairs to the properties, rent collection, and whether these properties are assets that should be administered for the benefit of this bankruptcy estate. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

12-11-19 TENTATIVE BELOW

Petition Date: 10/30/19

Chapter: 7

Service: Proper. Opposition and Reply filed.

Property: real property commonly known as-

(1) 5846-5850 Woodman Ave., Van Nuys, CA 91401

(2) 1425 W, 18th St., Los Angeles, CA 90006

(3) 450 Calle Jazmin, Thousand Oaks, CA 91360

(4) 617 Calle Margarita, Thousand Oaks, CA 91360

Property Value: not provided

Amount Owed: \$6,513,658

Equity Cushion: Unk.

Equity: Unk.

Post-Petition Delinquency:

Movant, a judicial lien creditor, moves for relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific 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 also requests binding and

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CONT... Reynaldo Rene Vizcarra

Chapter 7

effective relief. Movant alleges cause for extraordinary relief due to Debtor's alleged bad faith actions in filing this case. These allegations are considered in more depth in connection with the Motion to Dismiss Chapter 7 Case. See Cal. no. 27.

Debtor opposes the Motion, conceding that there is no available equity in these investment properties but arguing that the chapter 7 trustee has not yet had an opportunity to assess whether she may be able to administer these real properties to create value for a broader group of creditors, including unsecured creditors. Debtor also addresses and explains the circumstances of the allegations of bad faith.

Creditor argues in reply that it will not consent to Trustee selling these properties, as the United States Trustee would certainly require a carve-out from its interest for the benefit of unsecured creditors. Creditor asserts that, by allowing it to proceed with its sale by sheriff under state law, costs of sale would be lower because it would not require payment of trustee's statutory fee or broker's fees.

It is clear that the parties have starkly different views of the factual circumstances that led to Debtor having filed this chapter 7. While the Court recognizes the strong position of Creditor here, the Court must consider whether there is a resolution possible that maximizes the estate's distribution to all creditors. This case has only been pending for slightly more than a month. The Court is inclined to continue this hearing to January 15, 2020 to allow Trustee an opportunity to review all assets in this estate and make a determination as to her position here.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Movant(s):

Infinity Capital Funding, LLC

Represented By

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Wednesday, December 18, 2019

Hearing Room 302

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CONT... Reynaldo Rene Vizcarra

Diane C Stanfield

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, December 26, 2019

Hearing Room 302

2:00 PM

1:19-11668 Ruth Gabriela Carmona and Julio Enrique Carmona

Chapter 7

**#1.00 Pro se Reaffirmation Agreement Between Debtor and
Hyundai Motor Finance**

fr. 11/19/19 Note: to be heard by Judge Kaufman

Docket 13

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 _____

Party Information

Debtor(s):

Ruth Gabriela Carmona Pro Se

Joint Debtor(s):

Julio Enrique Carmona Pro Se

Trustee(s):

David Seror (TR) Pro Se