

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

Wednesday, January 6, 2021

Hearing Room 302

8:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Video/audio web address: <https://cacb.zoomgov.com/j/1603365226>
Meeting ID: 160 336 5226
Password: 010621MT**

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Meeting ID: 160 336 5226
Password: 75470079**

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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8:00 AM

CONT...

Chapter

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, January 6, 2021

Hearing Room 302

9:30 AM

1:19-13009 Edward V. Marquez and Elva Marquez

Chapter 13

#1.00 Motion for relief from stay

CITIBANK N.A.

fr. 12/2/20

Docket 55

***** VACATED *** REASON: VACATED PURSUANT TO APO.**

Tentative Ruling:

VACATED PURSUANT TO APO.
NO TELEPHONIC APPEARANCE REQUIRED.

Party Information

Debtor(s):

Edward V. Marquez

Represented By
Joshua L Sternberg

Joint Debtor(s):

Elva Marquez

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, January 6, 2021

Hearing Room 302

10:00 AM

1:09-16565 David Schwartzman

Chapter 11

#2.00 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, 12/18/19, 1/8/20, 7/15/20

Docket 1

Tentative Ruling:

Having reviewed Debtor's Post-Confirmation Status Report (doc. 425), the Court finds cause to continue this post-confirmation status conference to June 16, 2021 at 10:00 a.m. Debtor to give notice of the continued status conference.

NO APPEARANCE REQUIRED ON 01/06/2021

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
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10:00 AM

1:20-11112 Nathan Daneshrad

Chapter 13

#3.00 Motion for relief from stay

VW CREDIT INC.

Docket 39

Tentative Ruling:

Ch. 13 Petition Date: 6/24/2020

Plan confirmed: Not confirmed as of yet.

Service: Proper. No Opposition.

Property: 2014 Audi A7 (Vin # WAUWGAF3EN048595)

Property Value: \$15,000.00 (per debtor's schedules)

Amount Owed: \$18,902.96 (per Movant's papers).

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$2,397.25 (5 Payments of \$479.45)

Movant requests 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 the 4001(a)(3) stay). The Movant argues that cause exists for lifting the automatic stay because the Debtor has missed postpetition payments, the fair market value of the Property is declining, and the Debtor has not provided proof of insurance.

There is no equity in the Property and the Debtor has missed 5 postpetition payments. The Court finds cause exists for lifting the stay.

Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance required. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
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10:00 AM

CONT... Nathan Daneshrad

Chapter 13

Debtor(s):

Nathan Daneshrad

Represented By
Devin Sawdayi

Movant(s):

VW Credit Inc.

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, January 6, 2021

Hearing Room 302

10:00 AM

1:20-11562 Angel Cos and Margaret Magdalene Cos

Chapter 13

#4.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

Docket 21

Tentative Ruling:

Ch. 13 Petition Date: 8/28/2020

Plan confirmed: 10/13/2020

Service: Proper. No Opposition.

Property: 2018 Nissan Altima (Vin # 1N4AL3AP8JC184375)

Property Value: \$16,500.00 (per debtor's schedules)

Amount Owed: \$26,352.87 (per Movant's papers).

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$2,924.25 (7 Payments of \$397.86)

Movant requests 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 the 4001(a)(3) stay). The Movant argues that cause exists for lifting the automatic stay because the Debtor's confirmed plan indicates that the Debtor intends to surrender the Property and the Debtor has missed postpetition payments.

There is no equity in the Property and the confirmed plan indicates that it the Debtor intends to surrender property.

Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance required. Movant to lodge an order within 7 days.

Party Information

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CONT... Angel Cos and Margaret Magdalene Cos

Chapter 13

Debtor(s):

Angel Cos

Represented By
Raj T Wadhvani

Joint Debtor(s):

Margaret Magdalene Cos

Represented By
Raj T Wadhvani

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:20-11935 Allison Urrutia

Chapter 7

#5.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 8

Tentative Ruling:

Ch. 7 Petition Date: 10/28/2020
Service: Proper. No Opposition.
Property: 2019 Nissan Sentra (Vin # 3N1AB7AP9KY330007)
Property Value: \$15,975.00 (per Movant's papers... not listed on schedules)
Amount Owed: \$26,352.87 (per Movant's papers).
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$0 (All of the arrears arose prepetition at the time this motion was filed)

Movant requests 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 the 4001(a)(3) stay). The Movant argues that cause exists for lifting the automatic stay because the Debtor has not provided proof of insurance and the fair market value of the Property is declining and payments are not being made to Movant to protect this decline in value.

There is no equity in the Property and the fair market value of the Property does not appear to be protected by payments. Additionally, the Debtor has failed to provide proof of insurance to the Movant. Accordingly, the Court finds that cause exists for lifting the automatic stay.

Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance required. Movant to lodge an order within 7 days.

Party Information

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CONT... Allison Urrutia

Chapter 7

Debtor(s):

Allison Urrutia

Represented By
Georgene E Pantelas

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:20-11987 Laura Patricia Amparo

Chapter 7

#6.00 Motion for relief from stay

SANTANDER CONSUMER USA INC

Docket 8

Tentative Ruling:

Ch. 7 Petition Date: 11/05/2020
Service: Proper. No Opposition.
Property: 2016 Toyota Prius (Vin # JTDKARFUXG3010998)
Property Value: \$16,800.00 (per Movant's papers... not listed on schedules)
Amount Owed: \$33,711.66 (per Movant's papers).
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$0

Movant requests 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 the 4001(a)(3) stay). The Movant argues that cause exists for lifting the automatic stay because the fair market value of the Property is declining and payments are not being made to Movant to protect this decline in value. The Movant regained property prepetition.

The Court finds cause exists for lifting the automatic stay.

Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance required. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Laura Patricia Amparo

Represented By
Rhonda Walker

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CONT... Laura Patricia Amparo

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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Chapter

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Password: 011321MT

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 262 2852

Password: 57265377

Docket 0

Tentative Ruling:

**United States Bankruptcy Court
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CONT...

- NONE LISTED -

Chapter

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9:30 AM

1:20-10037 Andrew Blas Lorenzo

Chapter 13

#1.00 Motion for relief from stay

U.S. BANK NATIONAL ASSO

fr. 5/13/20; 6/24/20, 11/18/20

Docket 35

***** VACATED *** REASON: Cont'd to 2/10/21 at 10:00 a.m., per Order #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew Blas Lorenzo

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

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#2.00 Motion for relief from stay

USB LEASING LT

Docket 156

Tentative Ruling:

Petition Date: 1/4/2017

Ch: 7

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

Property: 2014 Chevrolet Volt

Property Value: \$11,200 (per Movant's evidence, NADA Guide)

Amount Owed: \$20,990

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$542.50

Movant alleges that the last payment received was on or about January 6, 2017.

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):

Akhoian Enterprises, Inc.

Represented By
David S Hagen

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CONT... Akhoian Enterprises, Inc.

Chapter 7

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

David Seror (TR)

Represented By
Steven T Gubner
Richard Burstein
Talin Keshishian
Michael W Davis

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10:00 AM

1:20-11203 Irene J. Goytia

Chapter 13

#3.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC.

Docket 43

Tentative Ruling:

Petition Date: 7/8/2020

Ch 13 plan confirmed: 10/5/2020

Service: Proper; co-debtor served. Opposition filed.

Property: 6751 Radford Ave., North Hollywood, CA 91606

Property Value: \$471,973 (per debtor's schedules)

Amount Owed: \$312,966.58

Equity Cushion: 26%

Equity: \$159,000.06

Post-Petition Delinquency: \$5,665.57 (three preconfirmation payments of \$1,415.84; two post-confirmation payments of \$2,415.84, less suspense balance of \$1,413.63)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 5 (relief from co-debtor stay); and 6 (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received was on or about Sept. 28, 2020, in the amount of \$1,413.63

Debtor opposes the Motion, arguing that she made more payments than have been credited by Movant. Debtor argues that there is sufficient equity to protect Movant's claim and that she requests to cure any remaining deficiency.

There does appear to be sufficient equity to protect the claim, and the amount asserted as delinquent is comparatively low. Is Movant amenable to Debtor's request to cure any remaining deficiency, once all payments have been properly credited?

APPEARANCE REQUIRED

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CONT... Irene J. Goytia

Chapter 13

Party Information

Debtor(s):

Irene J. Goytia

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:20-11703 Tina Marie Badgett

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC. TRUSTEE
CVI LCF MORTGAGE LOAN TRUST

Docket 18

***** VACATED *** REASON: VACATED PURSUANT TO APO.**

Tentative Ruling:

VACATED PURSUANT TO APO.
NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Tina Marie Badgett

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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10:00 AM

1:20-11826 Arash Majlessi

Chapter 7

#5.00 Motion for relief from stay

VCFS AUTO LEASING COMPANY

Docket 11

Tentative Ruling:

Petition Date: 10/14/2020

Ch: 7

Service: Proper. No opposition filed.

Property: 2019 Volvo XC90

Property Value: \$0 (LEASED)

Amount Owed: \$44,950 (per Movant's evidence, NADA Guide)

Equity Cushion: n/a

Equity: n/a

Delinquency: \$1,753.30

Debtor stated in his schedules that he intends to surrender this vehicle. Movant indicates in the Motion that it regained possession of the vehicle on or about Nov. 12, 2020.

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):

Arash Majlessi

Represented By
Anil Bhartia

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CONT... Arash Majlessi

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:20-12030 Arkady Aleksandrovich Buzin

Chapter 11

#5.01 Motion for relief from stay

CARDENAS THREE LLC

fr. 1/6/21

Docket 19

Tentative Ruling:

APPEARANCE REQUIRED

This hearing was continued from Jan. 6, 2021 to allow Debtor to file a response. As of 1/11/21, nothing has been filed. The Court is inclined to grant this motion per the previous tentative, with the inclusion of the language below in the lodged order:

Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

1-6-21 TENTATIVE BELOW:

Ch. 11 Petition Date: 11/12/2020

Plan confirmed: Not confirmed as of yet.

Service: Proper. No Opposition.

Property: 19237 Charles Street, Tarzana, California 91356

Property Value: \$2,334,000.00(per debtor's schedules)

Amount Owed: \$2,465,319.42 (per Movant's papers) (\$2,065,028.42 to Movant, \$400,000 to junior lien holders, \$291.00 to LA Tax collector)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: 0

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief

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CONT... Arkady Aleksandrovich Buzin

Chapter 11

requested in paragraphs 2 (proceed under non-bankruptcy law); and 7 (waiver of the 4001(a)(3) stay). The Movant argues that cause exists for lifting the automatic stay because the Movant asserts that the filing of this bankruptcy petition was done in bad faith.

Movant is secured by way of a deed of trust against the Property. Movants allege that Debtor has failed to make payments. In September 2017, the Debtor commenced a lawsuit in State Court in order to obtain a judicial declaration that the Movant's Deed of Trust was invalid. Shortly thereafter, the Debtor filed a voluntary petition in the Bankruptcy Court on December 8, 2017 (1:17-bk-13284-MT). Debtor commenced an AP in February 2018 (1:18-ap-01021-MT). The parties would ultimately settle and the Court dismissed the bankruptcy case and the AP was closed as well.

According to the terms of the Settlement Agreement, the Debtor agreed the Property shall be listed for sale and sold pursuant to certain terms and conditions. According to the terms of the Settlement Agreement, in the event there were no offers to purchase the Property in excess of \$2,300,000 after 180 days from the date the Property was listed for sale, the Settlement Agreed was null and void. There were no offers within that time period - Movant asserts that this was due to a lack of cooperation.

On September 4, 2020, the Movant filed a Cross-Complaint against the Debtor and others in the State Court Action. On November 12, 2020, just prior to the Debtor filing this bankruptcy petition, a default was entered against the Debtor on the Cross Complaint.

The Movant recorded a notice of default under the C3 Deed of Trust on June 24, 2020. A notice of sale was recorded on September 25, 2020. A foreclosure sale was initially scheduled for October 23, 2020, but was ultimately rescheduled for November 13, 2020. The Debtor filed this petition on November 12, 2020 and the foreclosure sale has been postponed.

Relief based upon bad faith under § 362(d)(4), which can be granted if the court finds that the filing of the debtor's petition was part of "a scheme to delay, hinder, and defraud creditors" that involved either: (1) transfer of all or part of (or other interest in) the real property without the secured creditor's

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CONT... Arkady Aleksandrovich Buzin

Chapter 11

consent or approval; or (2) multiple bankruptcy filings affecting such real property. 11 U.S.C. § 362 (d)(4)(A) & (B); In re First Yorkshire Holdings, Inc. (9th Cir. BAP 2012) 470 BR 864, 870-871.

A “scheme” for purposes of 11 U.S.C. § 362 (d)(4) is defined as “an intentional artful plot or plan . . . adopted for the nefarious purposes specified in the statute: to delay, hinder, or defraud creditors.” The Court may infer the existence and contents of an unlawful scheme from circumstantial evidence, because direct evidence of a scheme is rare. In re Duncan & Forbes Develop., Inc.) 368 BR 27, 32 (Bankr. C.D. Cal 2006). “It is well established law in the Ninth Circuit, as well as in various other circuits, that lack of ‘good faith’, or existence of ‘bad faith’ in commencing and/or prosecuting a bankruptcy case, constitutes ‘cause’ for either dismissing the bankruptcy case pursuant to Section 1112(b) or for granting relief from stay pursuant to U.S.C. § 362(d).” In re Walter, 108 BR 244, 247 (Bankr. C.D. Cal. 1989).

Rather than seek legal remedies in the State Court - answering the Cross Complaint or injunctive relief to stop a foreclosure sale - the Debtor filed this petition in order to enjoy the benefits of the automatic stay. When the Court considers other facts, such as the Debtor failing to ever make a payment and this being the Debtors second bankruptcy petition, the finding of bad faith becomes clearer. What is most compelling for finding that this bankruptcy petition was filed in bad faith is the fact that this bankruptcy case has been pending for over a month and the Debtor is failing to comply with the chapter 11 formalities as evidenced in the U.S. Trustee's Motion to dismiss or convert (Dkt. No. 25).

There does not appear to be any equity in the Property. Debtor listed in his schedules that the holder of junior liens of \$400,000.00 is in fact the Debtor. If the Court removes the values of these liens for purposes of calculating the equity cushion, then the equity cushion would still only be about 11%. When the Court considers the cost of sale and the fact that the Debtor has never made a payment to the Movant, this equity cushion is quickly diminishing. The Debtor has not made any argument that the Property is necessary for an effective reorganization.

For all of those reasons, the Court finds that the bankruptcy case was filed in

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CONT... Arkady Aleksandrovich Buzin

Chapter 11

bad faith and that the Property is not necessary for an effective reorganization.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 7 (waiver of the 4001(a)(3) stay).

Party Information

Debtor(s):

Arkady Aleksandrovich Buzin

Represented By
R Grace Rodriguez

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1:19-11714 Felisa Ramirez

Chapter 7

#6.00 Motion to compel trustee to abandon interest in property of estate

Docket 16

Tentative Ruling:

Debtor filed this chapter 7 petition on July 11, 2019. On August 20, 2019, chapter 7 trustee David Gottlieb filed his Report of No Distribution and, on October 28, 2019, discharge was entered. The case was subsequently closed.

On November 5, 2020, Debtor's case was reopened so that she could amend her schedules and Statement of Financial Affairs to include a lawsuit as an asset. ECF doc. 11 and 12. On November 7, 2020, and again on December 2, 2020, Debtor filed an amended Schedule A/B; Schedule C; and SofA. In the amended schedules, Debtor listed her interest in a "collective civil lawsuit against VN Partnership, et al. for breach of warranty of habitability; negligence; etc." Debtor claimed an exemption in the lawsuit in the amount equal to 100% of the FMV, up to the statutory limit. Debtor moves the Court under § 554(b) to compel Trustee to abandon the lawsuit as property of the estate.

Service proper. No response filed.

Motion GRANTED. Debtor to lodge Order within 7 days.
APPEARANCE WAIVED ON 1/13/2021

Party Information

Debtor(s):

Felisa Ramirez

Represented By
Sydell B Connor
Onyinye N Anyama

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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CONT... Felisa Ramirez

Chapter 7

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11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

**#7.00 Post-Confirmation Status Conference and
Scheduling and Case Management Conference**

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19, 7/18/19
12/11/19, 3/11/20, 8/26/20, 8/27/20; 10/7/20; 12/18/20

Docket 1

Tentative Ruling:

This status conference was continued from December 18, 2020. No status report has been filed as of 1/12/2021.

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**

Wednesday, January 13, 2021

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC v. CALPAC MANAGEMENT, INC., a California corporation

- #8.00** Status Conference Re: Complaint for:
1 - Violation of 18 U.S.C. Sec. 1962(C);
2 - Violation of 18 U.S.C. Sec. 1962(D)
by Conspiracy;
3 - Fraud - Intentional Misrepresentation;
4 - Fraud - Concealment
5 - Negligent Misrepresentation;
6 - Violation of Cal. Bus. & Prof.
Code Sections 17200, ET. Seq.;
7 - For Disallowance of Claim

Docket 1

Tentative Ruling:

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

Expert witness designation deadline (if necessary): _____

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

Pretrial conference: _____

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

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

Meet and Confer

**United States Bankruptcy Court
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11:00 AM

CONT... PB-1, LLC

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):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a

Pro Se

MED EQUITY LLC, a California

Pro Se

JOSHUA RAYMOND KUKINI, an

Pro Se

RYAN JUSTIN YOUNG, an

Pro Se

FCI Lender Services, Inc., a

Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

**United States Bankruptcy Court
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Wednesday, January 13, 2021

Hearing Room 302

11:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:20-01008 Weil v. Kim et al

#9.00 Status Conference Re: Complaint
for Avoidance and Recovery of
Fraudulent Transfer.

fr. 4/1/20, 10/7/20

Docket 1

***** VACATED *** REASON: Cont'd to 4/21/21 per order #15. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

John Kim

Pro Se

Lucy Kim

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
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Wednesday, January 13, 2021

Hearing Room 302

11:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:20-01009 Weil v. Kim et al

#10.00 Status Conference Re: Complaint
for Avoidance and Recovery of Fraudulent
Transfer

fr. 4/1/20, 10/7/20

Docket 1

***** VACATED *** REASON: Cont'd to 4/21/21 per order #19. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

Brian Kim

Pro Se

Emily Kim

Pro Se

Brian's Shave Ice Two, Inc.

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
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Courtroom 302 Calendar**

Wednesday, January 13, 2021

Hearing Room 302

11:00 AM

1:20-11148 Fayyaz Aly Dammanwalla

Chapter 7

Adv#: 1:20-01112 Edwards Federal Credit Union v. Dammanwalla

#11.00 Status Conference re: Complaint to determine non-dischargeability of debt and for entry of judgment for money

Docket 1

Tentative Ruling:

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

Expert witness designation deadline (if necessary): _____

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

Pretrial conference: _____

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

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

Meet and Confer

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

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met

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CONT... **Fayyaz Aly Dammanwalla**

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):

Fayyaz Aly Dammanwalla

Represented By
Raj T Wadhvani

Defendant(s):

Fayyaz Aly Dammanwalla

Pro Se

Joint Debtor(s):

Meena Fayyaz Dammanwalla

Represented By
Raj T Wadhvani

Plaintiff(s):

Edwards Federal Credit Union

Represented By
Barry W Ferns

Trustee(s):

Nancy J Zamora (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
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Wednesday, January 13, 2021

Hearing Room 302

1:00 PM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avaneessians

#12.00 Motion to Dismiss Adversary Proceeding

Docket 6

Tentative Ruling:

Tadeh Ahani Avaneessians ("Defendant") filed Chapter 7 on July 8, 2020. ATS Accounting Group Inc., Michael Trunnel, and David Sagherian ("Plaintiffs") received notice and attended the 341(a) meeting of creditors on August 14, 2020. The original deadline to file a complaint under Sections 523 or 727 by October 13, 2020. On September 23, 2020, Defendant stipulated with Plaintiffs to have his 2004 examination taken. The Movant selected the date of the examination to be October 29, 2020. The Court approved an order extending the deadline to file a complaint to November 5, 2020, because the Movant's counsel mistyped the date in the stipulation.

Counsel for Plaintiffs filed a complaint on November 5, 2020 as a Third Party Complaint in the main bankruptcy case. The Court sent out a notice of filer error the following day notifying the Plaintiffs that no adversarial filing fee was received. The Court issued a discharge on November 17, 2020. On November 19, 2020 the Plaintiff filed this adversary complaint seeking relief under 11 U.S.C. §§ 523 & 727. The Plaintiffs in the main bankruptcy case filed a motion for relief from discharge which the court has continued. The Defendant filed this motion to dismiss. Many of the same issues are present in both motions, so the Court will hear them together.

Motions to Dismiss Under FRCP 12(b)(6)

A motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, challenges the sufficiency of the allegations set forth in the complaint. The complaint must contain a "short and plain statement of the claim," which shows that the plaintiff is entitled to relief. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (citation omitted).

The Court must construe the complaint in the light most favorable to the

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CONT... **Tadeh Ahani Avanesians**

Chapter 7

plaintiff and accept all well-pleaded factual allegations as true. Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1122 (9th Cir. 2008) (citation omitted). However, the Court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Twombly, 550 U.S. at 555; Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994) (citations omitted).

When considering a 12(b)(6) motion to dismiss, the Court generally may not consider material beyond the pleadings, Fort Vancouver Plywood Co. v. United States, 747 F.2d 547, 552 (9th Cir.1984), unless properly submitted with the complaint. Amfac Mortg. Corp. v. Ariz. Mall of Tempe, Inc., 583 F.2d 426, 429-30 (9th Cir.1978). The Court may consider "allegations contained in the pleadings, exhibits attached to the complaint, and matters properly subject to judicial notice." Swartz v. KPMG LLP, 476 F.3d 756, 763 (9th Cir. 2007) (citation omitted).

Court documents filed in an underlying bankruptcy case are subject to judicial notice in related adversary proceedings. Mullis v. United States Bankr. Court, 828 F.2d 1385, 1388 (9th Cir. 1987).

Federal Rule of Bankruptcy Procedure 4007

The Defendant asserts several grounds for dismissing the Plaintiffs' Complaint. The first is that the deadline for commencing this proceeding is a strict one, and because the Plaintiffs missed this deadline then their complaint should be dismissed.

Federal Rule of Bankruptcy Procedure 7001 requires that claims brought under Sections 523 and 727 be brought by way of an adversary Proceeding. On November 5, 2020, the Plaintiffs filed a complaint on the main bankruptcy case docket. The Plaintiff did not pay the filing fee to formally commence an adversary proceeding. Fourteen days after the November 5, 2020 deadline, the Plaintiffs formally commenced this Adversary Proceeding. The Plaintiffs argue that the complaint filed on November 5, 2020 substantially complied with the Bankruptcy Code and that the subsequent commencement of the adversary proceeding should relate back to the November 5, 2020 date.

FRBP 4007 provides:

a complaint to determine the dischargeability of a debt under §

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

Fed. R. Bank. 4007(c).

By the plain language, the rule requires creditors to file nondischargeability complaints within sixty days of the creditors' meeting. A creditor may move to extend the deadline for cause—as Anwar successfully did once—but "[t]he motion shall be filed before the time has expired." *Id.* Reinforcing the rule that creditors must move for extensions of FRBP 4007(c)'s filing deadline before the time for filing has expired, FRBP 9006(b)(3) states that bankruptcy courts may extend this deadline "only to the extent and under the conditions stated in" FRBP 4007(c) itself. FRBP 9006(b)(3). This requirement distinguishes FRBP 4007(c)'s deadline from most others set by the bankruptcy rules, which bankruptcy courts may extend at any time upon a showing of good cause or excusable neglect. FRBP 9006(b)(1).

Consistent with the plain language of FRBP 4007(c) and 9006(b)(3), the Ninth Circuit has repeatedly held that the sixty-day time limit for filing nondischargeability complaints under 11 U.S.C. § 523(c) is "strict" and, without qualification, "cannot be extended unless a motion is made before the 60-day limit expires." *In re Kennerley*, 995 F.2d 145, 146 (citing *Anwiler v. Patchett (In re Anwiler)*, 958 F.2d 925 (9th Cir. 1992)); see also *Anwar v. Johnson*, 720 F.3d 1183, 1187 (9th Cir. 2013). The issue here is not timeliness of the filing but where the timely filing occurred,

Even though the time limitations provided in Rule 4007 are to be strictly construed, there is authority that relates to timeliness as to a defective complaint. These cases hold that the technical defects to a complaint do not affect the timeliness of the complaint under FRBP 4007. See *American Express Travel Related Services Co. v. Chandler*, 139 B.R. 817, 1992 Bankr. LEXIS 561 (Bankr. S.D. Miss. 1992) (Even if 11 USC § 523 nondischargeability complaint is considered to be defective as result of its being filed prior to entry of order granting creditor's attorney permission

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to appear pro hac vice, such defect is only technical which does not affect timeliness of complaint under Bankruptcy Rule 4007); Re/Max Properties, Inc. v. Barnes (In re Barnes), 96 Bankr. 833, (Bankr. N.D. Ill. 1989) ("procedural errors in filing the complaint do not result in dismissal of the complaint, provided the objection was received by the court before the Rule 4007(c) deadline. This is so even though process was not served by that deadline. In short, where some form of timely filing was made, creditors have been allowed to correct procedural errors after the Rule 4007(c) cut-off date."); Federal Deposit Insurance Corporation v. Bresnell (In re Bresnell), 109 Bankr. 412, 416 (Bankr. D. Haw. 1989) ("A complaint objecting to dischargeability of debt is timely filed as the date it is file-stamped by the clerk's office, even though the filing is defective and the processing of the defective complaint occurs after the expiration of the bar date.").

This deadline has been extended twice: first by stipulation and second by an order from the Court. While the Defendant has disagreed with the Court's extension of the deadline, the order permitted an extension to November 5, 2020. The issue is not the failure to file a complaint timely but the question of where the complaint was filed. The Plaintiffs filed a complaint on the main bankruptcy docket by the date set forth in the second Court order; however, due to not paying filing fees, no adversary proceeding was commenced until fourteen days past the deadline.

Although untimely, a bankruptcy court may consider a nondischargeability complaint timely based on the doctrines of substantial compliance and relation back of amended pleadings. In re Marino, 37 F.3d 1354 (finding no substantial compliance); In re Dominguez, 51 F.3d at 1510 (finding substantial compliance and relation back); Markus v. Gschwend (In re Markus), 313 F.3d 1146, 1150-51 (9th Cir. 2002) (finding no substantial compliance).

In re Marino dealt with the issue of substantial compliance as it relates to FRBP 4007. In Marino, the creditor received timely written notice of the bankruptcy and the bar date for filing claims under § 523(c). The creditor's counsel filed an "Opposition to Sale" before the bar date and told the debtor's attorney that the creditor intended to file a nondischargeability complaint. The complaint was filed nine days late. The debtor filed an answer asserting the bar date as an affirmative defense and moved to dismiss the complaint. The bankruptcy court dismissed the complaint. On appeal, this Panel and the Ninth Circuit affirmed. In discussing whether the

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"Opposition to Sale" and the documents filed with it substantially complied with requirements of a complaint, the Ninth Circuit noted that Civil Rule 8(a) requires a pleading that states a claim for relief to "include a demand for judgment for the relief the pleader seeks." 37 F.3d at 1357. The court found no language in the opposition or documents filed with it that demanded a judgment of nondischargeability as required by Rule 8(a). In addition, the court noted that the opposition was not captioned as a pleading, did not include the correct file number as required by Rules 7(a) and 10(a) or satisfy the additional requirement of Rule 7008(a) that in an adversary proceeding before a bankruptcy judge, a complaint shall contain a statement that the proceeding is core or non-core. Id. The Court emphasized that the purpose of a pleading is to give the defendant fair notice of the plaintiff's claim and the grounds for the claim. Id. "However, the policy of construing pleadings liberally does not justify the conclusion that any document filed in a court giving some notice of a claim satisfies the requirements of the Federal Rules." Id. In the end, the court found that the opposition and the documents filed with it did not satisfy the requirements for a complaint. Accordingly, because the later filed complaint had nothing to relate back to, it was not timely filed.

This case should be permitted to relate back under the reasoning of Marino. Debtor received clear notice of the objection to discharge and the basis therefor. He received it shortly after it was filed and has not complained that he did not know about it. In fact, had a summons issued on November 5, it could permissibly not have been served by the time the actual adversary complaint was filed. Where a complaint meets all the requirements of a proper adversary complaint, the Marino court did not find that the fact that it was filed in the main bankruptcy case and not on the adversary docket to bar the complaint.

The Defendant argues that the In re Chin Kun An, 526 B.R. 24, (Bankr. C.D. Cal 2015) is directly on point. The plaintiff in Chin Kun An filed a third party complaint in the main bankruptcy case on the final day to file a Complaint under FRBP 4007. The Court in that case found that:

The deadline established was for the Creditors to *commence an adversary proceeding*, not merely for them to file a document that bore the title, "complaint." The record unambiguously reflects, and the Creditors do not dispute, that they did not pay the required filing fee,

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Chapter 7

that no adversary number was assigned and that no adversary proceeding was opened until November 18, 2014. Thus, they did not commence an adversary proceeding by the required deadline.

Id. at 30.

At first glance, the fact pattern in that case is similar; however, upon further review there are critical characteristics about the Chin Ku An complaint that are very different from the complaint filed here. The Court takes judicial notice of the complaint filed in Chin Ku An (Case No: 11-bk-46346 BB. Docket No. 40). The first thing that jumps out is the fact the Chin Ku An complaint is missing most of the pages (as indicated by the page numbers at the bottom). This is significant because there is no section pertaining to the factual allegations and the complaint is missing the majority of the forms of relief being sought. Additionally, the complaint does not contain an issuance of summons form or an adversary proceeding cover sheet. The Chin Ku An complaint was deficient on so many levels that it hardly could even be called a complaint - the Court in that case even alludes to this conclusion by referring to the complaint as "a document that bore the title, 'complaint'..." - it did not put the defendant on notice of the allegations being asserted and was filed merely as a last ditch effort to meet the FRBP 4007 deadline.

In contrast, Plaintiff's complaint here makes factual allegations that puts the Defendant on notice of what is being alleged and there are specific claims of relief being sought by the Plaintiff. Additionally, the Plaintiff's complaint attaches the mandatory forms for filing an Adversary Proceeding and issuing a summons. All that was deficient here was the fees had not been paid and it was filed on the main case docket instead of opening an adversary docket. The identical documents would have been put on each docket, had the adversary case been opened. Even though these two cases have similarities there are important distinctions regarding the documents that were filed prior to the deadline. The Court is not persuaded that Chin Ku An is applicable here. Accordingly, the Plaintiffs' complaint filed on November 5, 2020 substantially complied with the requirements of the Bankruptcy Code and the November 5 deadline imposed by the Court. Since the Plaintiffs' substantially complied with their obligations under both the Code and the extended deadline imposed by the Court, the Court will relate this adversary proceeding back to

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CONT... Tadeh Ahani Avaneessians

Chapter 7

November 5, 2020.

Dismissal of 523 Claims:

The next argument raised by the Defendant is that the Court should dismiss claims brought under section 523(a) because the order extending time to file did not provide for an extension relating to non-dischargability. That order provides: "an extension of time to file a complaint objecting to the debtor's discharge until November 5, 2020." The Plaintiffs argue that an objection to the discharge of a particular debt is an objection to discharge under Section 523. They are correct. Although the order should ideally state that both actions under sections 523 and 727 are included, the language adequately encompasses what was filed here.

While plaintiffs have been sloppy in how they filed this action, they have filed it timely and have provided defendant debtor with all protections to which he is entitled. The Court Denies defendant's motion to dismiss. The Court will also grant the Plaintiffs' motion for relief from the discharge order and will relate back the time of filing to the November 5, 2020 date.

Apperance Required.

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

1:00 PM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

#13.00 Motion for relief from the Order of Discharge.

fr. 12/9/20, 1/6/21

Docket 47

Tentative Ruling:

See tentative on Motion to Dismiss.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Trustee(s):

David Seror (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, January 19, 2021

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8:00 AM

1:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

You will not be permitted to be physically present in the courtroom. All appearances for the January 19, 2021 calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join By Computer

Meeting URL: <https://cacb.zoomgov.com/j/1606502678>

Meeting ID: 160 650 2678

Password: 203850

Join by Telephone

For higher quality, dial a number based on your current location.

Dial: US: +1 669 254 5252 or +1 646 828 7666

Meeting ID: 160 650 2678

Password: 203850

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CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 302

8:30 AM

1:20-11764 Rory Michael Wilkins

Chapter 7

**#1.00 Reaffirmation Agreement Between Debtor
and TD Auto Finance LLC
(2014 Tesla Model S)**

Docket 12

Tentative Ruling:

Petition date: 9/30/2020

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 Tesla Model S

Debtor's valuation of property (Sch. B): \$34,945

Amount to be reaffirmed: \$32,432.15

APR: 4.4% (fixed)

Contract terms: \$960.85 for Jan. 2021; \$966.95 per month for 34 months (commencing Feb. 2021)

Monthly Income (Schedule I): \$1,690.00

Monthly expenses: (Schedule J): \$1,690

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 does not explain how he will afford this payment. Debtor lists in his Schedules that his sole income is from "family contributions" and "CalFresh." This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 1, 2021, whichever is later.

Party Information

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CONT... Rory Michael Wilkins

Chapter 7

Debtor(s):

Rory Michael Wilkins

Represented By
Heather J Canning

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, January 19, 2021

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8:30 AM

1:20-11765 Armando Enrique Ulloa

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor
and Los Angeles Police Federal Credit Union**

Docket 11

Tentative Ruling:

Petition date: 9/30/20

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: 2007 Chevrolet Silverado

Debtor's valuation of property (Sch. B): \$2,627

Amount to be reaffirmed: \$4,815.44

APR: 6.14%

Contract terms: \$199.69 per month for 26 months

Monthly Income (Schedule I): \$2,937.07

Monthly expenses: (Schedule J): \$4,245

Disposable income: <\$1,307.93>

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

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

Debtor states that he will work extra shifts at his job or get contributions from family members to afford his monthly car payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 1, 2021, whichever is later.

Party Information

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8:30 AM

CONT... Armando Enrique Ulloa

Chapter 7

Debtor(s):

Armando Enrique Ulloa

Represented By
Michael Jay Berger

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 302

8:30 AM

1:20-12027 Jennifer Cherie Fulgentis

Chapter 7

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

Docket 9

Tentative Ruling:

Petition date: 11/12/20

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

Discharge?: No

Property: 2013 Toyota Prius

Debtor's valuation of property (Sch. B): \$7,025

Amount to be reaffirmed: \$6,310.84

APR: 3.85% (fixed)

Contract terms: \$262.90 per month for 25 months

Monthly Income (Schedule I): \$3,950

Monthly expenses: (Schedule J): \$3,941

Disposable income: \$8.88

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

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

Debtor does not explain how she will afford this payment. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until Feb. 18, 2021, whichever is later.

Party Information

Debtor(s):

Jennifer Cherie Fulgentis

Represented By

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

Tuesday, January 19, 2021

Hearing Room 302

8:30 AM

CONT... Jennifer Cherie Fulgentis

Daniel King

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, January 19, 2021

Hearing Room 302

8:30 AM

1:20-11705 Rebecca Mirzabakous

Chapter 7

**#4.00 Pro se Reaffirmation Agreement Between Debtor
and TD Auto Finance LLC (2017 Hyundai Elantra)**

Docket 13

Tentative Ruling:

Petition date: 9/23/20

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

Discharge?: No

Property: 2017 Hyundai Elantra

Debtor's valuation of property (Sch. B): \$20,000

Amount to be reaffirmed: \$9,438.51

APR: 5.54% (fixed)

Contract terms: \$306.85 per month for 33 months

Monthly Income (Schedule I): \$1,364

Monthly expenses: (Schedule J): \$1,347

Disposable income: <\$17.00>

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 states that this payment and the vehicle insurance were included in her total expenses and she is maintaining those payments. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until Feb. 16, 2021, 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, January 19, 2021

Hearing Room 302

8:30 AM

CONT... Rebecca Mirzabakous

Chapter 7

Debtor(s):

Rebecca Mirzabakous

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, January 19, 2021

Hearing Room 302

8:30 AM

1:20-11469 Barry C. Irick

Chapter 7

**#5.00 Pro se Reaffirmation Agreement with
Kinecta Federal Credit Union**

fr. 12/15/20

Docket 11

Tentative Ruling:

This hearing was continued from Dec. 15, 2020 to allow Debtor the opportunity research whether the reaffirmed loans for the 2014 Ford Explorer & the 2012 Ford Escape were cross-collateralized with this "overdraft" line of credit, and whether the agreement could be amended to include a provision providing for Kinecta to report timely payments to credit reporting bureaus.

Debtor was informed at the previous hearing by Judge Mund that if he wanted to continue pursuing approval of this reaffirmation agreement that he would have to appear at this continued hearing. If Debtor chose not to appear, the reaffirmation would be denied but that he was free to voluntarily make payments on this overdraft line of credit to maintain his good standing with Kinecta.

APPEARANCE REQUIRED or reaffirmation to be denied.

12/15/20 TENTATIVE BELOW

Petition date: 8/17/2020

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: "LINE OF CREDIT"

Debtor's valuation of property (Sch. B): not listed on Sch. B

Amount to be reaffirmed: \$5,000.00 (balance due -\$2,608.62) Reaffirmation Agreem't, Part I, para. B & G

APR: 9.990%

Contract terms: \$112.00 per month for indeterminate term Id., Part I, para. G

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

Tuesday, January 19, 2021

Hearing Room 302

8:30 AM

CONT... Barry C. Irick

Chapter 7

Monthly Income (Schedule I): \$6,848.50

Monthly expenses: (Schedule J): \$6,827

Disposable income: \$21.50

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 explains that because the bankruptcy has alleviated his debt, he will be better able to manage his monthly budget and continue this payment

Debtor has a right to rescind agreement anytime prior to discharge, or until January 11, 2021, whichever is later.

Party Information

Debtor(s):

Barry C. Irick

Represented By
Nathan A Berneman

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, January 19, 2021

Hearing Room 302

8:30 AM

1:20-11770 Michael A Meraz

Chapter 7

**#6.00 Pro se Reaffirmation Agreement Between Debtor and
Alaska USA Federal Credit Union**

Docket 11

Tentative Ruling:

Petition date: 10/1/2020

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 GMC Yukon

Debtor's valuation of property (Sch. B): \$13,388

Amount to be reaffirmed: \$25,642

APR: 4.84% (fixed)

Contract terms: \$468.29 per month for 61 months

Monthly Income (Schedule I): \$0.00

Monthly expenses: (Schedule J): \$180.00

Disposable income: <\$180.00>

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 states in the Reaffirmation that his family is loaning him the money for the car payment. Reaffirmation, p. 3, para. C(1).

Debtor has a right to rescind agreement anytime prior to discharge, or until March 4, 2021, 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, January 19, 2021

Hearing Room 302

8:30 AM

CONT... Michael A Meraz

Chapter 7

Debtor(s):

Michael A Meraz 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, January 20, 2021

Hearing Room 302

9:30 AM

1:20-10474 Dewayne Anthony Brady

Chapter 13

#0.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 9/9/20, 11/18/20

Docket 25

***** VACATED *** REASON: Cont'd to 1/27/21 at 9:30 per Order #32. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition Date: 2/27/2020

Chapter 13 plan confirmed: 6/5/2020

Service: Proper. Opposition filed.

Property: 10317 Steven Pl., Chatsworth, CA 91311

Property Value: \$749,711 (per debtor's schedules)

Amount Owed: \$997,790.35

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$12,370.57 (3 payments of \$4,150.89; less suspense balance of \$82.10)

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 the Motion should be denied as he has applied for a "Mortgage Assistance Streamline Modification" with Movant and a trial period plan was offered & accepted.

Does Debtor's performance under a trial period plan resolve the issues raised in this Motion?

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

Wednesday, January 20, 2021

Hearing Room 302

9:30 AM

**CONT... Dewayne Anthony Brady
APPEARANCE REQUIRED**

Chapter 13

Party Information

Debtor(s):

Dewayne Anthony Brady

Represented By
Allan S Williams

Movant(s):

U.S. 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 20, 2021

Hearing Room 302

11:00 AM

1:19-12485 Alisa Khachatryan

Chapter 7

Adv#: 1:20-01064 United States Trustee (SV) v. Khachatryan

#1.00 Pre-Trial Conference re: Complaint objecting to discharge

fr. 8/27/20

Docket 1

***** VACATED *** REASON: Cont. to 2/18/21 @11am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): **November 23, 2020**

Expert witness designation deadline (if necessary): **to be decided later**

Case dispositive motion filing deadline (MSJ; 12(c)): File before pretrial stipulation is due

Pretrial conference: **January 13, 2021, at 11:00 a.m.**

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : **December 30, 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

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

Wednesday, January 20, 2021

Hearing Room 302

11:00 AM

CONT... Alisa Khachatryan
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):

Alisa Khachatryan

Represented By
Aidan Butler

Defendant(s):

Alisa Khachatryan

Pro Se

Plaintiff(s):

United States Trustee (SV)

Represented By
Katherine Bunker

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 20, 2021

Hearing Room 302

11:00 AM

1:18-11869 Albert Lee

Chapter 7

Adv#: 1:20-01066 DAVID K. GOTTLIEB, CHAPTER 7 TRUSTEE v. Montgomery et al

#2.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers,
for Declaratory Relief, and for Constructive
Trust

fr. 9/2/20; 10/7/20, 11/18/20, 12/2/20

Docket 1

***** VACATED *** REASON: Cont'd to 1/27/21 at 11:00 a.m. per Order
#25. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

Albert Lee

Represented By
M Teri Lim

Defendant(s):

Jodi Pais Montgomery

Pro Se

David Berrent

Pro Se

Plaintiff(s):

DAVID K. GOTTLIEB, CHAPTER

Represented By
Jivko Tchakarov

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Howard Camhi
Peter A Davidson

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

Wednesday, January 20, 2021

Hearing Room 302

11:00 AM

CONT...

Albert Lee

Byron Z Moldo

Chapter 7

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

Wednesday, January 20, 2021

Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avaneessians

#3.00 Status Conference Re: Complaint
to Determine the Dischargeability of Debt,
and to Deny Discharge

Docket 1

***** VACATED *** REASON: Cont'd to 1/27/21 at 11:00 a.m. per Order
#3. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Pro Se

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

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, January 21, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616159437>

Meeting ID: 161 615 9437

Password: 566173727

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 615 9437

Password: 566173727

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, January 21, 2021

Hearing Room 302

10:00 AM

1:17-13196 Isaac Nessim Azoulay

Chapter 13

#1.00 Show Cause Hearing Re: Civil Contempt
and for an Order Holding Elenor Goldring in
Civil Contempt

Docket 81

Tentative Ruling:

No tentative posted. Appearance required.

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, January 26, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602675063>

Meeting ID: 160 267 5063

Video Password: 012621MT

Dial by your location: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 267 5063

Telephone Password: 96100902

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, January 26, 2021

Hearing Room 302

9:30 AM
CONT...

Chapter

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

Tuesday, January 26, 2021

Hearing Room 302

9:30 AM

1:19-12717 Laura Pena

Chapter 13

**#0.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 10/27/20; 11/17/20; 12/15/20

Docket 43

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00 a.m.**

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, January 26, 2021

Hearing Room 302

11:00 AM

1:15-10398 Jose Luis Banuelos and Maria L. Tejada

Chapter 13

#25.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19, 12/17/19, 2/25/20; 3/31/20; 6/23/20;
8/25/20, 10/27/20; 11/17/20

Docket 63

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Luis Banuelos

Represented By
Leonard Pena

Joint Debtor(s):

Maria L. Tejada

Represented By
Leonard Pena

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 26, 2021

Hearing Room 302

11:00 AM

1:15-13123 Buenaventura Marquez

Chapter 13

#26.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds

fr. 10/22/19, 12/17/19; 1/28/20; 3/31/20; 5/19/20; 8/25/20; 12/22/20

Docket 26

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.**

Tentative Ruling:

Party Information

Debtor(s):

Buenaventura Marquez

Represented By
Stella A Havkin

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 26, 2021

Hearing Room 302

11:00 AM

1:15-13421 Brian J. Comer and Jeanette Y. Comer

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 66

***** VACATED *** REASON: Withdrawal filed 1/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian J. Comer

Represented By
Michael Jay Berger

Joint Debtor(s):

Jeanette Y. Comer

Represented By
Michael Jay Berger

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 26, 2021

Hearing Room 302

11:00 AM

1:15-14101 Carlita Smith

Chapter 13

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

fr. 1/28/20; 3/31/20; 6/23/20, 9/22/20; 11/17/20

Docket 60

Tentative Ruling:

Party Information

Debtor(s):

Carlita Smith

Represented By
Lauren Rode

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 26, 2021

Hearing Room 302

11:00 AM

1:16-10063 Amado Zepeda

Chapter 13

#29.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of Plan:
Failure to Submit all Tax Returns

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amado Zepeda

Represented By
Carlo Reyes - DISBARRED -

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 26, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21

Docket 141

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:16-11198 Rhonda J Divens-Govan and Samuel Govan, Jr.

Chapter 13

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

Docket 63

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #67.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rhonda J Divens-Govan

Represented By
Julie J Villalobos

Joint Debtor(s):

Samuel Govan Jr.

Represented By
Julie J Villalobos

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:16-11244 Roxana Flores

Chapter 13

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

Docket 52

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roxana Flores

Represented By
Alla Tenina

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 26, 2021

Hearing Room 302

11:00 AM

1:16-11417 Farshid Tebyani

Chapter 13

#33.00 Trustee's Motion to Dismiss Case .

fr. 10/27/20

Docket 90

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

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, January 26, 2021

Hearing Room 302

11:00 AM

1:16-12201 Andrea Beckham

Chapter 13

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

fr. 10/22/19, 12/17/19; 1/28/20; 3/30/20; 5/19/20;
6/23/20; 8/25/20, 10/27/20; 12/15/20

Docket 42

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Beckham

Represented By
Michael Jay Berger

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 26, 2021

Hearing Room 302

11:00 AM

1:16-12400 Daniel Robert Eaton and Linell Zuidema Eaton

Chapter 13

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

Docket 122

***** VACATED *** REASON: Withdrawal filed 1/22/21**

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

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 26, 2021

Hearing Room 302

11:00 AM

1:16-12613 Susan Griffin

Chapter 13

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

fr. 11/19/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20, 7/21/20;
8/25/20, 10/27/20; 12/15/20

Docket 50

***** VACATED *** REASON: Ntc. of wdrawal filed 1/11/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Griffin

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 303 Calendar**

Tuesday, January 26, 2021

Hearing Room 303

11:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

**#37.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 144

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria G. Alonso

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

**#38.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

#39.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 12/17/19, 2/25/20, 4/28/20; 8/25/20, 9/22/20, 10/27/20; 12/15/20

Docket 36

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 12/15/20

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

Represented By
Devin Sawdayi

Movant(s):

Michael Klapsis

Represented By
Devin Sawdayi

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, January 26, 2021

Hearing Room 302

11:00 AM

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

Chapter 13

**#41.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 10/27/20; 11/17/20; 12/15/20

Docket 59

***** VACATED *** REASON: Withdrawn 1/4/21**

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

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

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

fr. 12/17/19, 2/25/20,4/28/20, 7/21/20, 9/22/20, 10/27/20; 11/17/20

Docket 145

***** VACATED *** REASON: Cont'd to 4/27/21 @ 11:00 a.m.**

Tentative Ruling:

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#43.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 12/17/19, 2/25/20, 4/28/20; 6/23/20; 8/25/20, 9/22/20; 11/17/20

Docket 51

***** VACATED *** REASON: Ntc. of w/drawal filed 1/23/21 (eg)**

Tentative Ruling:

Party Information

Debtor(s):

Annette Sanders-Wright

Represented By
Dana C Bruce

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

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

fr.9/22/20; 11/17/20

Docket 46

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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 26, 2021

Hearing Room 302

11:00 AM

1:17-10883 Martin Rios

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 55

*** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Rios

Represented By
William G Cort

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 26, 2021

Hearing Room 302

11:00 AM

1:17-11130 Monet R Davis

Chapter 13

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

fr. 4/28/20; 8/25/20, 10/27/20; 12/15/20

Docket 36

***** VACATED *** REASON: Ntc. of w/drawal filed 1/11/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monet R Davis

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 26, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Movant(s):

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 26, 2021

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

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

fr. 7/30/19, 9/24/19, 11/19/19, 12/17/19,
2/25/20, 4/28/20, 7/21/20, 10/27/20

Docket 50

***** VACATED *** REASON: Cont'd to 4/27/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele	Pro Se
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Movant(s):

Elizabeth (SV) F Rojas (TR)	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, January 26, 2021

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

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

fr. 11/19/19; 1/28/20; 3/31/20, 4/28/20; 6/23/20,
7/21/20; 8/25/20, 9/22/20, 10/27/20; 12/15/20

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo N Trillo Jr.

Represented By
Elena Steers

Joint Debtor(s):

Maritess Biglangawa Trillo

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/20

Docket 74

***** VACATED *** REASON: Ntc. of w/drawal filed 1/15/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arman Tombakian

Represented By
Michael Jay Berger

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 26, 2021

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

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

Docket 119

*** VACATED *** REASON: Cont'd to 3/16/21 at 11:00 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:18-10140 Cheryl S Orleans

Chapter 13

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

Docket 61

***** VACATED *** REASON: Ntc. of w/drawal filed 1/14/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cheryl S Orleans

Represented By
Julie J Villalobos

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

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

Docket 55

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

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 26, 2021

Hearing Room 302

11:00 AM

1:18-10533 Marvin Eleid

Chapter 13

#54.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20; 6/23/20;
8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20

Docket 45

Tentative Ruling:

Party Information

Debtor(s):

Marvin Eleid

Represented By
Steven Abraham Wolvek

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 26, 2021

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

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

fr. 11/17/20

Docket 86

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00 am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Gevorkian

Represented By
Robert T Chen

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 26, 2021

Hearing Room 302

11:00 AM

1:18-11078 David Wolfe Amper

Chapter 13

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

Docket 58

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, January 26, 2021

Hearing Room 302

11:00 AM

1:18-11227 Cynthia Marie Dean

Chapter 13

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

Docket 33

*** VACATED *** REASON: Trustee filed a Withdrawal - Doc. #37. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia Marie Dean

Represented By
Raj T Wadhvani

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 26, 2021

Hearing Room 302

11:00 AM

1:18-11558 Paymaun Jafari

Chapter 13

#58.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

fr. 10/27/20

Docket 52

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #55. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paymaun Jafari

Represented By
Julie J Villalobos

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:18-11718 James Sarkis Giritlian and Joan Schaeffer Giritlian

Chapter 13

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

fr. 12/15/20

Docket 71

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #88.**

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

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 26, 2021

Hearing Room 302

11:00 AM

1:18-11768 Octaviano Aguilar

Chapter 13

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

Docket 63

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #66. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Octaviano Aguilar

Represented By
Rebecca Tomilowitz

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 26, 2021

Hearing Room 302

11:00 AM

1:18-11944 Sara Hinojosa and Jesus Hinojosa

Chapter 13

#61.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20

Docket 49

***** VACATED *** REASON: Withdrawn 1/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Hinojosa

Represented By
R Grace Rodriguez

Joint Debtor(s):

Jesus Hinojosa

Represented By
R Grace Rodriguez

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 26, 2021

Hearing Room 302

11:00 AM

1:18-12302 Alona Orit Athouel

Chapter 13

#62.00 Trustee's Motion to Dismiss Chapter 13 Case
Failure to Submit all Tax Returns

Docket 49

*** VACATED *** REASON: Ntc. of w/drawal filed 12/29/20 (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alona Orit Athouel

Represented By
Eric Bensamochan

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:18-12453 Mark Anthony Rivera

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Anthony Rivera

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:18-12473 Stephen Anthony Cook

Chapter 13

**#64.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/28/20; 3/31/20; 6/23/20, 9/22/20; 11/17/20

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Anthony Cook

Represented By
Lauren Rode

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 26, 2021

Hearing Room 302

11:00 AM

1:18-12549 Moshe Cohen

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 78

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:18-12737 Craig A. Lapiner

Chapter 13

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

fr. 3/31/20, 7/21/20, 10/27/20; 12/15/20

Docket 89

Tentative Ruling:

Party Information

Debtor(s):

Craig A. Lapiner

Represented By
Eliza Ghanooni

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 26, 2021

Hearing Room 302

11:00 AM

1:19-10043 Douglas Henry Baylis

Chapter 13

**#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 9/22/20; 11/17/20; 12/15/20

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Henry Baylis

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:19-10322 Louis Vargas

Chapter 13

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

fr. 8/25/20, 10/27/20; 12/15/20

Docket 70

*** VACATED *** REASON: Cont'd to 2/23/21 at 11:00 am

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Vargas

Represented By
Michael Jay Berger

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 26, 2021

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#69.00 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; 12/17/19, 2/25/20, 4/28/20; 6/23/20; ,8/25/20, 10/27/20

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bridget G Moran Smith

Represented By
Kevin T Simon

Movant(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, January 26, 2021

Hearing Room 302

11:00 AM

1:19-10781 Daniel Correa

Chapter 13

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

fr. 3/31/20, 4/28/20; 6/23/20, 9/22/20; 11/17/20

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Correa

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:19-10800 Edgar Roberto Salazar

Chapter 13

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

fr. 9/22/20, 10/27/20; 12/15/20

Docket 58

***** VACATED *** REASON: Ntc. of w/drawal filed 1/14/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Roberto Salazar

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:19-10836 Melissa D Kurtz

Chapter 13

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

fr. 8/25/20; 11/17/20; 12/15/20

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa D Kurtz

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

**#72.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 43

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11159 Craig Huxley

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 37

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #46. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Huxley

Represented By
Shai S Oved

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11272 Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

**#74.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 12/15/20

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Araos Pasag

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Nellie Garingan Pasag

Represented By
Hasmik Jasmine Papian

Movant(s):

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11427 Lecia Kay Westerman

Chapter 13

**#75.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr, 12/15/20

Docket 75

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lecia Kay Westerman

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11709 Omar Manzano

Chapter 13

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

fr.12/15/20

Docket 45

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #57. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Omar Manzano

Represented By
William G Cort

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

**#77.00 Motion to Commence Loan Modification
Management Program**

Docket 99

Tentative Ruling:

Having considered the Motion and creditor's opposition, the Court will GRANT the Motion.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(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, January 26, 2021

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 89

Tentative Ruling:

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11930 Vicente M Aguilar

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente M Aguilar

Represented By
David Samuel Shevitz

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#80.00 Motion RE: Objection to Claim Number 3
by Claimant Los Angeles County Treasurer and Tax Collector

fr. 3/31/20, 9/22/20, 10/27/20

Docket 0

Tentative Ruling:

Debtor objects to the \$31,810.71 claim filed by the Los Angeles County Treasurer and Tax Collector ("Tax Collector"). Debtor contends that she does not owe the property taxes asserted in the Claim because her mortgage payments include property taxes. Instead, she believes that that the next-door neighbor owes these property taxes and the Tax Collector has been using the wrong address and Assessor's Parcel Number. Debtor's counsel, Nathan A. Berneman ("Counsel"), filed a declaration in which he asserted that he received documents evidencing payments the mortgage company made on Debtor's behalf to the Tax Collector. The documents are attached to Counsel's declaration as Exhibit B.

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].

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

Per In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of claim

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

CONT... Hazel M Renderos

Chapter 13

and its documentation. In re Heath, 331 B.R. at 435, 437-38. Section 502 deems a claim allowed and directs that the bankruptcy court "shall" allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., id., 331 B.R. at 437-38. "If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it." Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, "creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection." In re Heath, 331 B.R. at 436. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

"The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated." 11 U.S.C. §502(b).

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).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, Collier on Bankruptcy § 502.02, at 502–22 (15th ed. 1991).

Debtor's main argument is that she has paid her property taxes to her mortgage company, and so there is no debt on which to base this Claim. Debtor's objection included print outs of what she purported were documents evidencing payments the mortgage company made on Debtor's behalf to the Tax Collector. Berneman Decl., Ex. B. Debtor appears to rely on this document to allude that that Tax Collector did not have grounds to file a claim for the taxes that were paid by the mortgage company. The evidence that Debtor provided, screen shots of a lending

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

CONT... Hazel M Renderos

Chapter 13

portal displaying a mortgage history, were very difficult to read. When the documents are enlarged, however, there are amounts listed for "escrow balances" that could be related to the payment of property taxes. Counsel for Tax Collector filed a declaration explaining that, despite repeated requests and demands made by both it and Debtor, the lender refuses to provide proof to substantiate Debtor's position that the property taxes were in fact paid in connection with Debtor's residence.

On the other hand, Tax Collector contends that Debtor's real property taxes on her residence have been delinquent since 2016. In addition to the illegibility of Debtor's evidence, Tax Collector notes that the mortgage lender to which Debtor asserts the tax payments were made filed a proof of claim evidencing its interest in an entirely different parcel APN 2206-037-123 ("Parcel 123"). See Deed of Trust re 15845 Wyandotte St. Unit 4, Los Angeles, CA 91406, Attachment to Proof of Claim 15-1, filed by Deutsche Bank.

At the October 27, 2020 hearing on the objection, the evidence filed in support of Tax Collector's proof of claim related to parcel no. 2206-037-130 ("Parcel 130"). On Schedule A, Debtors listed ownership of only one property at 15845 Wyandotte St., Los Angeles, CA 91406. ECF doc. 9. The Wyandotte property, however, is erroneously referred to as APN Parcel no. 2206-037-123 on the Deed of Trust Proof of Claim 15-1. The Court continued the hearing at the request of the parties so that they had an opportunity to find which parcel number is the Wyandotte property.

On December 30, 2020, Tax Collector timely filed its Supplemental Response, in which it explains that its counsel worked closely with the County mapping division to determine that Parcel 123 was a vacant lot that was subdivided and condominiums built. Choi Decl. ISO Supp. Response, ¶ 4, Ex. B. Tax Collector discovered that Parcel 123 was "deleted" from public records since February 2005, and that no tax payments on deleted Parcel 123 have been made since November 23, 2005. Id. at ¶ 5, Ex. B. Tax Collector asserts that the physical address associated with the deleted Parcel 123 is 15835 Wyandotte Street.

Tax Collector goes on to explain that Parcel 130 accurately matches the physical location of the Wyandotte property and the mortgage lender's deed references the wrong APN number. Now that Tax Collector's Claim is supported by sufficient evidence, the burden is now on Debtor to provide evidence to support her position that that Debtor's alleged tax payments to the mortgage company were not tendered on Debtor's behalf to the Tax Collector, or that the payments tendered on Debtor's behalf by the mortgage company were misapplied. The evidence Debtor submitted thus far is not sufficiently probative, as it's nearly illegible. Without more,

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11:00 AM

CONT... Hazel M Renderos

Chapter 13

Debtor's objection will be overruled.

REMOTE APPEARANCE REQUIRED

Party Information

Debtor(s):

Hazel M Renderos

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 26, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

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

Docket 69

*** VACATED *** REASON: Vol. dismissed (doc. 82) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

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 26, 2021

Hearing Room 302

11:00 AM

1:19-12138 Bruno Alain Rosenthal

Chapter 13

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

fr. 4/28/20, 7/21/20, 9/22/20; 11/17/20; 12/15/20

Docket 33

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #65.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruno Alain Rosenthal

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

**#83.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 37

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Berta Zavala

Represented By
Donald E Iwuchuku

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:19-12352 Martin Miguel Centurion and Magalita R Centurion

Chapter 13

#84.00 Trustee's Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20

Docket 33

***** VACATED *** REASON: Ntc. of w/drawal filed 1/14/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Miguel Centurion

Represented By
Kevin T Simon

Joint Debtor(s):

Magalita R Centurion

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 26, 2021

Hearing Room 302

11:00 AM

1:19-12894 Mark Theodore Vedel and Susan Wohl Vedel

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Theodore Vedel

Represented By
Matthew D. Resnik

Joint Debtor(s):

Susan Wohl Vedel

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:19-13004 Galina Tovmasian

Chapter 13

#86.00 Trustee's Motion to Dismiss Chapter 13 Case
Failure to Submit all Tax Refunds

Docket 42

*** VACATED *** REASON: Ntc. of withdrawal filed 12/11/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Galina Tovmasian

Represented By
David S Hagen

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 26, 2021

Hearing Room 302

11:00 AM

1:19-13021 Peter Clayton Purcell

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Clayton Purcell

Represented By
David S Hagen

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 26, 2021

Hearing Room 302

11:00 AM

1:19-13135 Nicole Tanice Shepherd

Chapter 13

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

Docket 66

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

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 26, 2021

Hearing Room 302

11:00 AM

1:20-10037 Andrew Blas Lorenzo

Chapter 13

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

fr. 9/22/20; 11/17/20

Docket 43

***** VACATED *** REASON: Cont'd to 2/23/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew Blas Lorenzo

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 26, 2021

Hearing Room 302

11:00 AM

1:20-10250 Kenneth Larkin

Chapter 13

**#90.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

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
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Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:20-11519 Herman Alberto Zelaya

Chapter 13

#90.01 Motion for Order Determining Value of Collateral

Docket 17

Tentative Ruling:

Service: Proper; no response filed
Collateral Description: 2017 Subaru BRZ
Amount of claim asserted: \$26,488.88
Debtor's asserted FMV: \$14,720 (Debtor Decl. re value; Carfax report; repair estimates)

Disposition: GRANTED
Claim bifurcated: Allowed secured claim = \$14,720; allowed unsecured claim = \$11,768.88

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):

Herman Alberto Zelaya

Represented By
Donald E Iwuchuku

Movant(s):

Herman Alberto Zelaya

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
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Tuesday, January 26, 2021

Hearing Room 302

11:00 AM

1:20-11622 Edith Azucena Pena

Chapter 13

#91.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 2017 Jeep Cherokee

fr. 12/15/20

Docket 18

Tentative Ruling:

Service: Proper

Collateral Description: 2017 Jeep Grand Cherokee

Debtor's asserted FMV: \$15,000 (Debtor Decl. re KBB "good condition" value of \$17,893 minus \$3,298, the cost of repairs required after repossessed collateral was returned by secured creditor)

Secured creditor's asserted FMV: \$19,679.65 (Decl. from Property Damage Appraiser's Inc.)

In her declaration in support of the Motion, Debtor states that, at some point in the past, the collateral was repossessed by Secured Creditor. Decl. of Edith Pena, ISO Motion, ¶ 4. Debtor is not specific about when the collateral was returned to her but she states that, when it was returned, it was "in an awful state" and that "it needed costly repairs." Id. at ¶4 and ¶13. Debtor states that she approved certain of the repairs to be made on or about Oct. 6, 2020. Id. at ¶ 9, Ex. D. Debtor attached to her declaration copies of repair estimates and invoices to support her declaration.

For its part, Secured Creditor submitted a declaration from David Weldin, an appraiser for Property Damage Appraisers, Inc., who inspected the collateral on or about Dec. 21, 2020. Secured Creditor asserts that its asserted appraised value of \$19,679.65 specifically took into account the condition of the Vehicle, following Weldin's physical inspection.

Secured creditor's physical inspection of the collateral took place on Dec. 21, 2020, more than two months after Debtor repaired the collateral, as described

**United States Bankruptcy Court
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11:00 AM

CONT... Edith Azucena Pena

Chapter 13

in Ex. D. Debtor's Decl. ISO. Further, many of the repairs described in ¶ 13 do not appear to have been taken into account in the inspection, in that the inspection seems to be a review of the exterior and interior of the collateral but the exhibit to the Weldin declaration does not appear to include an inspection of the internal mechanics.

Having considered the declarations and exhibits, the Court finds that the value of the collateral is as follows:

Secured creditor's asserted FMV: \$19,679
MINUS cost of 10/6/20 repairs: -\$434
MINUS estimated cost of repairs asserted (adjusted): -\$1,500

FMV of collateral: \$17,745

APPEARANCE REQUIRED

Party Information

Debtor(s):

Edith Azucena Pena

Represented By
Matthew D. Resnik

Movant(s):

Edith Azucena Pena

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 26, 2021

Hearing Room 302

11:00 AM

1:20-11622 Edith Azucena Pena

Chapter 13

#92.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 2017 Jeep Cherokee

fr. 12/15/20

Docket 18

***** VACATED *** REASON: Duplicate of cal. #91 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edith Azucena Pena

Represented By
Matthew D. Resnik

Movant(s):

Edith Azucena Pena

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 26, 2021

Hearing Room 302

11:00 AM

1:19-10784 David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

#93.00 Motion to Dismiss Case for Failure to Make
Plan Payments F Rojas

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Thomas Djolakian

Represented By
Elena Steers

Joint Debtor(s):

Olivia Lucille Djolakian

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, January 27, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Video/audio web address: <https://cacb.zoomgov.com/j/1612547990>
Meeting ID: 161 254 7990
Password: 012721MT**

**Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 254 7990
Password: 37636348**

Docket 0

Tentative Ruling:

1/27/2021 8:15:21 AM

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Chapter

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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9:30 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#1.00 Motion for relief from stay

MIDFIRST BANK

fr. 12/9/20

Docket 71

***** VACATED *** REASON: VACATED PURSUANT TO APO.**

Tentative Ruling:

VACATED PURSUANT TO APO.
NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:30 AM

1:18-12438 Luz Del Carmen Tamariz

Chapter 13

#2.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 12/9/20

Docket 63

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luz Del Carmen Tamariz

Represented By
Kevin T Simon

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kelsey X Luu
Josephine E Salmon
Arnold L Graff
Joseph C Delmotte
Sean C Ferry

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, January 27, 2021

Hearing Room 302

9:30 AM

1:20-10474 Dewayne Anthony Brady

Chapter 13

#3.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 9/9/20, 11/18/20, 1/20/21

Docket 25

Tentative Ruling:

This hearing was continued from 11/18/20 so that a final order on the loan modification could be entered. On 1/19/21, Debtor filed a Motion to Authorize Loan Modification, under the negative notice procedures of LBR 9013-1(o). The period for filing opposition to the Motion runs on or about Feb. 5, 2021. Given the status of the Motion re Loan Modification, the Court finds cause to continue this hearing to February 10, 2020, at 9:30 a.m. If the Order on the Motion re Loan Modification is entered before the continued hearing, it will go off calendar.

NO APPEARANCE REQUIRED ON 1-27-21

PREVIOUS TENTATIVE BELOW

Petition Date: 2/27/2020

Chapter 13 plan confirmed: 6/5/2020

Service: Proper. Opposition filed.

Property: 10317 Steven Pl., Chatsworth, CA 91311

Property Value: \$749,711 (per debtor's schedules)

Amount Owed: \$997,790.35

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$12,370.57 (3 payments of \$4,150.89; less suspense balance of \$82.10)

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))

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CONT... Dewayne Anthony Brady
(3) stay).

Chapter 13

Debtor opposes the Motion, arguing that the Motion should be denied as he has applied for a "Mortgage Assistance Streamline Modification" with Movant and a trial period plan was offered & accepted.

Does Debtor's performance under a trial period plan resolve the issues raised in this Motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Dewayne Anthony Brady

Represented By
Allan S Williams

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-13112 Billy Faye Peters

Chapter 13

#4.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 22

Tentative Ruling:

Petition Date: 12/15/19

Ch 13 plan confirmed: 4/16/20

Service: Proper. No opposition filed.

Property: 2017 Toyota Camry

Property Value: \$12,200 (per debtor's schedules)

Amount Owed: \$16,072

Equity Cushion: n/a

Equity: n/a

Post-Petition Delinquency: \$1,212.18 (2 post-petition payments of \$602.03;
one late charge of \$8.12)

Movant alleges that post-petition payments have not been made & that it has not received proof of insurance regarding the collateral.

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):

Billy Faye Peters

Represented By
Jeffrey J Hagen

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CONT... Billy Faye Peters

Chapter 13

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:20-11538 Jeffrey Arthur Craddock

Chapter 13

#5.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSO

Docket 34

Tentative Ruling:

Petition Date: 8/26/20

Ch: 13

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

Property: 9445 Natick Ave., North Hills, CA 91343

Property Value: \$562,250 (per debtor's schedules)

Amount Owed: \$257,912 (1st DoT)

Equity Cushion: 46%

Equity: \$272,715.63

Post-Petition Delinquency: \$6,665.63 (three payments of \$1,733.88; one late charges of \$225.99; atty fees of \$1,238)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 6 (relief from co-debtor stay); ; and 7 (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received was on or about 10/21/20, in the amount of \$1,719.25.

There appears to be a sufficient equity cushion to protect this claim. Have the parties had an opportunity to discuss whether any post-petition delinquency can be cured under an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

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CONT... Jeffrey Arthur Craddock

Chapter 13

Movant(s):

U.S. Bank Trust National

Represented By

Erica T Loftis Pacheco

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

1:20-12043 Lance Bentley Lyon and Stephanie Rae Hodge

Chapter 7

#6.00 Motion for relief from stay

BABAK MANESH

Docket 10

Tentative Ruling:

Petition Date: 11/13/20

Ch: 7

Service: Proper. No opposition filed.

Movant: Babak Manesh

Property Address: 4309 Willow Glen St., Calabasas, CA 91302

Type of Property: Residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 5/13/20

UD Trial held: 11/16/20

UD Judgment:11/16/20

Movant alleges grounds for annulment of stay under 362(d) because they engaged in trial & obtained judgment against Debtors before they knew the bankruptcy was filed.

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, in compliance with applicable non-bankruptcy law).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

Moratoriums not affected. This order does not terminate any moratorium on

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CONT... Lance Bentley Lyon and Stephanie Rae Hodge Chapter 7
evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.

Party Information

Debtor(s):

Lance Bentley Lyon

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Stephanie Rae Hodge

Represented By
Rabin J Pournazarian

Movant(s):

BABAK MANESH

Represented By
Helen G Long

Trustee(s):

Amy L Goldman (TR)

Pro Se

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10:00 AM

1:20-12138 Anatoliy Chizmar

Chapter 13

#7.00 Motion for relief from stay

VW CREDIT LEASING LTD

Docket 27

Tentative Ruling:

Petition Date: 12/2/20

Ch: 13

Service: Proper. No opposition filed.

Property: 2019 Volkswagen E-Golf

Property Value: \$19,459 (LEASE, per debtor's schedules)

Amount Owed: \$16,072

Equity Cushion: n/a

Equity: n/a

Post-Petition Delinquency: \$1,212.18 (three payments of \$602.03)

Movant alleges that the last payment received was \$602.03 on or about 10/27/20. In addition to post-petition payments not being made, Movant contends that Debtor's failure to list the unexpired leases under Class 7 in the proposed Ch. 13 plan demonstrates that Debtor intends to reject the lease & surrender the property.

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

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Alla Tenina

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CONT... Anatoliy Chizmar

Chapter 13

Movant(s):

VW Credit Leasing, LTD

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-12169 Thelma Elizabeth Iglesias

Chapter 7

#8.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP.

Docket 17

Tentative Ruling:

Petition Date: 12/07/20

Ch: 7

Service: Proper. No opposition filed.

Property: 2017 Nissan Sentra

Property Value: \$13,110 (per debtor's schedules)

Amount Owed: \$19,279

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$3,782.89 (6 payments of \$475.44; 1,180.13 for "misc. fees")

Movant alleges that the last payment was received on or about Sept. 30, 2020.

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):

Thelma Elizabeth Iglesias

Represented By
Jonathan Hidalgo

Trustee(s):

Diane C Weil (TR)

Pro Se

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CONT... Thelma Elizabeth Iglesias

Chapter 7

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1:20-12246 Graciela La Cruz

Chapter 13

#9.00 Motion for relief from stay

VITA BELLA HOMEOWNERS' ASSO

Docket 10

Tentative Ruling:

Petition Date: 12/22/20

Ch: 13

Service: Proper. No opposition filed.

Property: 12050 Guerin St. #401, Studio City, CA 91604

Property Value: not listed on Debtor's schedules; Motion to Extend Deadline to File Schedules

is pending

Amount Owed: \$69,932.37

Equity Cushion: n/a

Equity: n/a

Post-Petition Delinquency:

Movant contends that the all liens on the property total approx. \$1,017,364. Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant contends that Debtor has filed a series of Chapter 7 and Chapter 13 cases on the eve of its scheduled foreclosure sales. The latest filing, prior to this one, was on October 29, 2020, which was the day of Movant's scheduled foreclosure sale. The prior Chapter 13 case was dismissed when Debtor failed to comply with this Court's Order that she prepare and file Bankruptcy Schedules and Statement of Financial Affairs. Debtor has filed multiple bankruptcy cases all of which have been dismissed for this reason, which pattern Movant asserts is a clear abuse of the bankruptcy court process and this Court's Jurisdiction. Movant notes that this Chapter 13 case was filed one week prior to Movant's foreclosure sale which was rescheduled for December 29, 2020 after the previous October 29, 2020 bankruptcy filing.

Movant argues that it faces an imminent foreclosure sale by the first

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CONT... Graciela La Cruz

Chapter 13

lienholder on an obligation that secures payment of an indebtedness that is \$862,500 or more. Movant notes that it is a small HOA, as the building in which the Property is located only has seventeen (17) units. It argues that it does not have the financial wherewithal to either pay off the first lienholder's obligation or reinstate it if the first lienholder would permit the HOA to do so. Movant's position is therefore not adequately protected where the Debtor has gone years without paying any obligations to any lienholder on the Property.

Service proper. No response filed.

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); 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.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

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

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE: ***Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium.***

Party Information

Debtor(s):

Graciela La Cruz

Represented By
Ryan A. Stubbe

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CONT... Graciela La Cruz

Chapter 13

Movant(s):

Vita Bella Homeowners' Association

Represented By
Victor A Sahn

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-12246 Graciela La Cruz

Chapter 13

#9.01 Motion to Extend Deadline to File Schedules
or Provide Required Information, and/or Plan

Docket 16

Tentative Ruling:

Having reviewed Debtor's filing history and Creditor's opposition, the Court is inclined to DENY this Motion.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Graciela La Cruz

Represented By
Ryan A. Stubbe

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-12267 Bernardino B Muniz

Chapter 13

#10.00 Amended Motion to Impose a Stay or
Continue the Automatic Stay as the Court
Deem Appropriate

Docket 15

Tentative Ruling:

On December 28, 2020, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-12289-MT, was a chapter 13 that was filed on August 28, 2017 and dismissed on April 1, 2020 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 his income decreased when his business as an auto body repairman declined, after he'd paid \$19,501.50 into the confirmed plan in the First Filing. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed that his business income has increased, despite the COVID pandemic. Debtor also explains that he is now receiving \$3,000 per month contribution income collectively from his live-in son and his live-in girlfriend. Debtor claims that the property is necessary for a successful reorganization because this is his 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):

Bernardino B Muniz

Represented By
William J Smyth

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CONT... Bernardino B Muniz

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11935 Maria Estela San Vicente

Chapter 11

#11.00 Motion RE: Objection to Claim Number 1 by
Claimant Cavalry SPV I, LLC.

Docket 131

Tentative Ruling:

On or about August 2, 2019, creditor CAVALRY SPV I, LLC AS ASSIGNEE OF CHASE BANK USA, N.A. (WAMU) filed a Proof of Claim #1 in the amount of \$4,634.16. Debtor explains that the claim was purportedly based on a credit card debt previously owed to Chase Bank USA, N.A. (WAMU). In Proof of Claim #1, Creditor admits that the last payment on this debt was received on or about 04/20/2009 and that no payments were made within the four years prior to the filing of the bankruptcy. Proof of Claim #1, p. 4. Debtor contends that this is an admission by Creditor means that, under California Code of Civil Procedure ("CCP") §337(2), the four-year statute of limitations period has elapsed and demand for payment of this alleged debt is prohibited under the controlling Statute of Limitations.

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. 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." FRBP 3001-3007. LR 3007-1. 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].

Per *In re Heath*, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of claim and its documentation. *In re Heath*, 331 B.R. at 435, 437-38. Section

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CONT... Maria Estela San Vicente

Chapter 11

502 deems a claim allowed and directs that the bankruptcy court “shall” allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., *id.*, 331 B.R. at 437-38. “If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it.” *Id.* at 436, citing *In re Shank*, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, “creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection.” *In re Heath*, 331 B.R. at 436. Under *In re Campbell*, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity. *In re Campbell* holds that, “[o]bjections without substance are inadequate to disallow claims, even if those claims lack the documentation required by Rule 3001(c).”

“The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated.” 11 U.S.C. §502(b).

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).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, *Collier on Bankruptcy* § 502.02, at 502–22 (15th ed. 1991).

California Code of Civil Procedure §337(2) provides that there is a four-year

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CONT... Maria Estela San Vicente

Chapter 11

statute of limitations period for the collection of credit accounts that runs from the date of the last transaction on that account. California Code Civil Procedure §337(2). Because Creditor admits no transactions have been made on this account in the four years preceding this bankruptcy filing, pursuant to California Code of Civil Procedure §337(2), the four year statute of limitations period has elapsed and demand for payment of this alleged debt is prohibited under the controlling Statute of Limitations.

Service proper, per address designated on Proof of Claim #1 & CA Sec. of State. No response filed.

Objection SUSTAINED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 1/27/21

Party Information

Debtor(s):

Maria Estela San Vicente

Represented By
Thomas B Ure

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1:20-11077 Alexa Lynn Graham

Chapter 7

#12.00 Trustee's Final Report and Application for
Compensation and Deadline

Trustee:
Nancy Zamora

Docket 34

Tentative Ruling:

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

APPEARANCES WAIVED ON 1-27-2021.

Party Information

Debtor(s):

Alexa Lynn Graham

Represented By
Kian Mottahedeh

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:20-11969 Laura Primiano

Chapter 7

#13.00 Motion to Refund Compensation Pursuant to
11 U.S.C. Sec. 329

Docket 15

Tentative Ruling:

UST moves under § 329 and Rule 2017 for an order requiring Debtor's bankruptcy counsel, Daniel Gamez to disgorge the fees he charged Debtor for legal services related to the filing of the petition and the related documents and representation at the meeting of creditors. As Debtor's counsel, UST argues that Gamez had a fiduciary obligation to comply with the filing requirements set forth in § 521, Rule 1007, and Local Bankruptcy Rules ("LBR") 1002-1, 1007-1(a) and 9011-1.

UST notes that Gamez was well aware of the need to obtain the Debtor's holographic signature on the 72 Hour Documents in order for the case to proceed as he was given notice of the deficiency on November 2, 2020. Cruz Decl. ISO Motion, Exhibit C. Despite having notice, Gamez failed to file the 72 Hour Documents with the Debtor's holographic signature. Id, Ex. A. Therefore, UST argues, Gamez did not properly and adequately perform the contracted services for which he was paid.

Because of Gamez's failure to file the 72 Hour Documents with Debtor's holographic signature resulted in the Debtor's case being dismissed prior to the December 11, 2020 meeting of creditors, representation at the meeting of creditors was another service that the Debtor had contracted for which Gamez failed to perform. Id., Ex. B at 59. As Gamez failed to perform the services for which the Debtor had contracted and paid and Gamez has offered no explanation to UST concerning the reasonableness of the fees he received. Cruz Decl., ¶¶6. As Debtor obtained no bankruptcy relief, and thus any payment by the Debtor to Gamez exceeds the reasonable value of his legal services, UST moves for disgorgement of the \$1,500 fee paid by Debtor.

Service proper. No response filed.

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

Wednesday, January 27, 2021

Hearing Room 302

10:30 AM

CONT... Laura Primiano
MOTION GRANTED.

Chapter 7

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

Party Information

Debtor(s):

Laura Primiano

Represented By
Daniel Gamez

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 27, 2021

Hearing Room 302

10:30 AM

1:20-12030 Arkady Aleksandrovich Buzin

Chapter 11

#14.00 Motion to dismiss or convert case under
11 U.S.C. Sec. 1112(b)

Docket 25

Tentative Ruling:

Service proper. Having reviewed the UST's Motion to Dismiss and finding no response filed, the Court finds grounds to dismiss this case under § 1112(b).

UST TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 1-27-2021.

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, January 27, 2021

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #15.00** Pre-trial 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; 12/11/19, 9/30/20

Docket 1

Tentative Ruling:

Parties should be prepared to discuss setting a deadline for filing a pretrial stipulation and dates for trial.

Please advise whether any conflict with the following dates:

Pretrial stip to be filed by April 2, P/T conf on April 7, Trial on May 6 & 7

APPEARANCE REQUIRED

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

**United States Bankruptcy Court
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CONT... Nazaret Kechejian

Chapter 13

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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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, January 27, 2021

Hearing Room 302

11:00 AM

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

Chapter 11

#16.00 Disclosure Statement Describing Chapter 11
Plan of Reorganization

fr. 11/18/20

Docket 178

Tentative Ruling:

On January 15, 2021, Debtors filed a Stipulation re Chapter 11 Plan Treatment of Suretec Ins. Company's Claim (the "Suretec Stipulation," doc. 182 & 187), in which Debtors explain that they intend to file a Second Amended Disclosure Statement to incorporate the treatment of Suretec's claim. While Debtors have amended their Schedules D, E and F to match the updated preliminary title reports they recently obtained, the Disclosure Statement and Plan must now be revised to comport with the amended Schedules.

The Court's proposed schedule is below. If the proposed schedule is not adopted, Debtors' counsel should be prepared to discuss the date by which they will file an amended disclosure statement and amended plan.

Debtor shall be permitted to file a Second Amended Plan and Disclosure Statement to incorporate terms of the Suretec Stipulation and to provide updated information re amended schedules. Debtor shall file with the Court and serve the Second Amended Disclosure Statement, the Second Amended Plan, and the Second Amended Plan ballots on all required parties no later than February 3, 2021. The Second Amended Disclosure Statement does not need to be approved as an amended disclosure statement and may be filed without further hearing.

February 24, 2021 is fixed as the last day for the filing and serving of any written objections to confirmation of the Plan.

February 24, 2021 is fixed as the last day for creditors and equity security holders to return to Debtor's counsel ballots containing written acceptances or

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CONT... **Ian Ellis Silber and Jane Ellen Silber**
rejections of the Plan.

Chapter 11

Debtor shall file a Plan Ballot Summary tabulating the ballots received from voting classes, a Plan Confirmation Memorandum and Response to any Objections by March 3, 2021.

The hearing will be held regarding confirmation of Debtor's Second Amended Chapter 11 Plan of Reorganization on March 10, 2021 at 10:30 a.m.

APPEARANCE REQUIRED

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
Roksana D. Moradi-Brovia

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11:00 AM

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

Chapter 11

**#17.00 Ch. 11 Scheduling and Case
Management Conference**

fr. 8/27/20, 11/18/20

Docket 1

Tentative Ruling:

See tentative ruling for cal. no. 16.

Status conference continued to 3/10/21 at 10:30 a.m., to be heard with confirmation.

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
Roksana D. Moradi-Brovia

**United States Bankruptcy Court
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Wednesday, January 27, 2021

Hearing Room 302

11:00 AM

1:18-11869 Albert Lee

Chapter 7

Adv#: 1:20-01066 DAVID K. GOTTLIEB, CHAPTER 7 TRUSTEE v. Montgomery et al

#18.00 Status Conference Re: Complaint to
Avoid and Recover Fraudulent Transfers,
for Declaratory Relief, and for Constructive
Trust

fr. 9/2/20; 10/7/20, 11/18/20, 12/2/20, 1/20/21

Docket 1

***** VACATED *** REASON: Dismissed Jan. 19, 2021 (doc. 28) - hm**

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

Albert Lee

Represented By
M Teri Lim

Defendant(s):

Jodi Pais Montgomery

Pro Se

David Berrent

Pro Se

Plaintiff(s):

DAVID K. GOTTLIEB, CHAPTER

Represented By
Jivko Tchakarov

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Howard Camhi
Peter A Davidson
Byron Z Moldo

**United States Bankruptcy Court
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Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avaneessians

#19.00 Status Conference Re: Complaint
to Determine the Dischargeability of Debt,
and to Deny Discharge

fr. 1/20/21

Docket 1

***** VACATED *** REASON: Cont'd to March 3, 2021, at 11 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Pro Se

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, January 27, 2021

Hearing Room 302

1:00 PM

1:18-11965 Ian Jacoby

Chapter 7

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

#20.00 Motion for Summary Judgment and/or Summary
Adjudication

Docket 43

***** VACATED *** REASON: This hearing has been continued to
February 10, 2021 at 1:00 pm. No Appearance Required.**

Tentative Ruling:

VACATED

This hearing has been continued to February 10, 2021 at 1:00 pm. No
Appearance Required.

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Represented By
Andrew Goodman

Plaintiff(s):

Garrett Williams

Represented By
Lazaro E Fernandez

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay
Juliet Y Oh

**United States Bankruptcy Court
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Friday, January 29, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606248516>

Meeting ID: 160 624 8516

Password: 495212

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 624 8516

Password: 495212

Docket 0

Tentative Ruling:

- NONE LISTED -

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

**United States Bankruptcy Court
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Friday, January 29, 2021

Hearing Room 302

10:00 AM

CONT... Hawkeye Entertainment, LLC

Chapter 11

#1.00 Motion of Debtor for Attorney Fees and Costs Re Trial on Contested Motion for an Order
(1) Authorizing the Assumption of Non-Residential Real Property Lease and Sublease;
(2) Determining the Debtor and Sublessor not to be in Breach or Default, thereby deeming them in Compliance with Bankruptcy Code § 365(b)(1)(a) and Excusing the Debtor from any additional Compliance with § 365 (b)(1)(b) and (c) [Docket No. 21]

fr. 12/2/20

Docket 232

Tentative Ruling:

This tentative ruling has been updated slightly before today's argument.

On July 17, 2009, Hawkeye Entertainment, LLC (the "Debtor") entered into a lease agreement ("Lease Agreement") with Pax America Development, LLC ("PAX"). Pursuant to the terms of the Lease, the Debtor was entitled to use the first four floors and the basement of a building located at 618 South Spring Street, Los Angeles, California, more commonly referred to as the Pacific Stock Exchange Building (the "Property").

On September 30, 2013, the Debtor filed its first Chapter 11 petition, 1:13-bk-16307-MT ("Prior Bankruptcy Case"). The Debtor sought to assume the Lease in that case. The landlord at the time was New Vision Horizon, LLC ("New Vision.") The motion to assume the lease was ultimately resolved through a Settlement Agreement.

The Property is now owned by Smart Capital, LLC ("Landlord" or "Smart Capital"). There have been ongoing disputes between Smart Capital and Debtor. This culminated in Smart Capital's service of a Notice of Default on Debtor. The Debtor

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CONT... Hawkeye Entertainment, LLC

Chapter 11

responded by filing this second case under Chapter 11 of the Bankruptcy Code and another motion to assume the Lease Agreement ("Assumption Motion"). The Landlord opposed the Assumption Motion and the Court conducted a trial. The Court found that the Landlord failed in its' burden of proof to show the Debtor was in default of the Lease and granted the Assumption Motion.

Debtor's Counsel now moves for an award of \$813,531.97 in fees and costs against the Landlord. The Landlord opposes this motion. After an initial argument, the Court continued the hearing and allowed parties to submit supplemental briefing.

This motion initially concerns provisions relating to payment of attorney fees in the controlling contracts, followed by a complicated intersection of California state and federal bankruptcy law.

The order granting the debtor's motion to assume the lease was entered on October 27, 2020 (docket # 230.) The motion for fees was then filed on November 6, 2020 (docket #232.) The motion is controlled by Rule 54(d) of the Federal Rules of Civil Procedure, as applied through Federal Rule of Bankruptcy Procedure 7054(a). The parties have submitted numerous exhibits, briefs and declarations and have not requested an evidentiary hearing. The issue will be resolved based on the parties' written submissions and oral argument.

California Civil Code Section 1717:

The general rule is that the prevailing party is not entitled to collect reasonable attorney's fees from the losing party. Travelers Cas. & Sur. Co. of Am. v. PG&E, 549 U.S. 443, 448 (2007). This default rule can be overcome by an applicable statute or enforceable contract. Id. State law controls an action on a contract; thus, a party to an action on a contract is entitled to an award of fees if the contract provides for an award and state law authorizes fee shifting agreements. Heritage Ford v. Baroff (In re Baroff), 105 F.3d 349, 442-3 (9th Cir. 1997).

California Civil Code section 1717 authorizes attorney's fees and costs in any action on a contract, "where the contract specifically provides that attorney's fees and costs, which are incurred to enforce that contract, shall be awarded either to one of the parties or to the prevailing party." Under California law, a tort action for fraud arising out of a contract is not an action on a contract within the meaning of §1717. In re

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

Baroff, 105 F.3d at 443. Section 1717 is narrowly applied. Redwood Theatres, Inc. v. Davison (In re Davison), 289 B.R. 716, 723 (B.A.P. 9th Cir. 2003) (*relying on Santisas v. Goodin*, 17 Cal. 4th 599, 615 (Cal. 1998).) Section 1717 applies only to actions that contain a contract claim. Id. at 724. In In re Davison, the court held that section 1717 was not applicable because the complaint did not contain a breach of contract claim and the only claim asserted was a nondischargeability claim based on fraud. Id.

Three conditions must be met before §1717 applies. In re Penrod, 802 F.3d 1084, 1087 (9th Cir. 2015). First, the action generating the fees must have been an action "on a contract." Id. Second, the contract must provide that attorney's fees incurred to enforce it shall be awarded either to one of the parties or to the prevailing party. Id. And third, the party seeking fees must have prevailed in the underlying action. Id. at 1087-88.

Contract Must Provide for Attorney Fees:

Section 22.11(q) of the 2009 Lease provides:

In the event that, at any time after the date of this Lease, either Landlord or Tenant shall institute **any action or proceeding** against the other **relating to the provisions of this Lease or any default hereunder**, the party not prevailing in such action or proceeding shall reimburse the prevailing party for its actual attorneys' fees, and all fees, costs and expenses incurred in connection with such action or proceeding, including, without limitation, any post-judgment fees, costs or expenses incurred on any appeal or in collection of any judgment. [emphasis added]

Similarly, Section 17 of the Settlement Agreement provides:

Attorneys' Fees. Each Party hereto shall bear its own attorneys' fees and costs incurred in connection with the Bankruptcy Proceeding, the State Court Actions and this Agreement and the exhibits entered into in connection with this Agreement. **In the event that any Party files or prosecutes any action to enforce or interpret the Agreement, or any action arising out of this Agreement**, the prevailing Party in any such action shall be entitled to recover from the non-prevailing Party all reasonable costs and attorneys' fees incurred therein, including, without limitation, the costs and expenses of any

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CONT...

Hawkeye Entertainment, LLC
expert witnesses.[emphasis added]

Chapter 11

The First Amendment entered into in connection with the Settlement Agreement, provides, among other things, as follows:

24. Ratification. Landlord and Tenant hereby ratify and confirm all of the terms and conditions of the [2009] Lease as modified by the First Amendment.

26. Remainder Of Lease Unmodified. Except as set forth in this First Amendment, the parties agree that the [2009] Lease is unmodified and is in full force and effect.

The first issue is whether the contract provides that the attorney's fees incurred to enforce it shall be awarded either to one of the parties or to the prevailing party. The Landlord argues that there is no contractual basis for fees because (1) the settlement agreement is inapplicable and (2) the Lease is not applicable because there is no action or proceeding against the Landlord. The Lease provides in relevant part: "In the event that, . . ., either Landlord or Tenant shall institute any action or proceeding against the other relating to the provisions of this Lease or any default hereunder...". The settlement agreement provides in relevant part:

In the event that any Party files or prosecutes any action to enforce or interpret the Agreement, or any action arising out of this Agreement, the prevailing Party in any such action shall be entitled to recover from the non-prevailing Party all reasonable costs and attorneys' fees incurred therein, including, without limitation, the costs and expenses of any expert witnesses.

The issue in the Assumption Motion really focused on the Lease Agreement and the enforcement of the terms therein. The Settlement Agreement was not directly at issue in the Assumption Motion, but may be relevant to interpreting the intent and meaning of the language the parties used. The key issue is the definition of the phrase **"initiated any action or proceeding against the other relating to the provisions of this Lease..."** as stated in the Lease Agreement.

The debtor argues that the Notice of Default triggered all subsequent proceedings and seeks to shift fees for many, although not all, of the actions in the

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

bankruptcy case to Landlord under the Lease Agreement and applicable California law. The Landlord opposes all fees under both the language of the Lease and applicable law. Alternatively, both argue about what parts of the bankruptcy case would qualify under the fee shifting provisions.

Contract Interpretation:

The basic goal of contract interpretation is to give effect to the parties' mutual intent at the time of contracting. Cal. Civ. Code § 1636; Bank of the West v. Superior Court 2 Cal.4th 1254, 1264 (1992). California recognizes the objective theory of contracts (Berman v. Bromberg 56 Cal.App.4th 936, 948 (1997), under which "[i]t is the objective intent, as evidenced by the words of the contract, rather than the subjective intent of one of the parties, that controls interpretation." Titan Group, Inc. v. Sonoma Valley County Sanitation Dist. 164 Cal. App. 3d 1122, 1127 (1985). The parties' undisclosed intent or understanding is irrelevant to contract law. Berman, 56 Cal.App.4th at p. 948. When a contract is reduced to writing, the parties' intention is determined from the writing alone, if possible. Civ. Code, § 1639. The words of a contract are to be understood in their ordinary and popular sense" unless "used by the parties in a technical sense or a special meaning is given to them by usage"), controls judicial interpretation. Cal. Civ. Code § 1644; see also Lloyd's Underwriters v. Craig & Rush, Inc. 26 Cal.App.4th 1194, 1197–1198 (1994) ("We interpret the intent and scope of the agreement by focusing on the usual and ordinary meaning of the language used and the circumstances under which the agreement was made").

At the same time, California Courts also recognize the "interpretational principle that a contract must be understood with reference to the circumstances under which it was made and the matter to which it relates." (Civ. Code, § 1647)." Xuereb v. Marcus & Millichap, Inc., 3 Cal.App.4th 1338 (1992). Any contract is to be interpreted in view of surrounding circumstances with aim to arrive at intention of parties. Eules v. Westphal, 71 Cal. App. 611 (1925); see also Payne v. Pathe Studios, Inc., 6 Cal. App. 2d 136 (1935).

California Code of Civil Procedure 22 defines 'action' as "an ordinary proceeding in a court of justice by which one party prosecutes another for the declaration, enforcement, or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense." Federal Rules of Bankruptcy

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

Procedure is similar:

**Rule 9002. Meanings of Words in the Federal Rules of Civil Procedure
When Applicable to Cases Under the Code**

(1) "Action" or "civil action" means an adversary proceeding or, when appropriate, a contested petition, or proceedings to vacate an order for relief or to determine any other contested matter.

The meaning of the phrase "proceeding" is broader than action, but there is one limitation that is explicitly enumerated in the terms of the Lease Agreement. The words "any action or proceeding" are followed by the words "against the other." This must mean at least that not every lawsuit or legal proceeding would fall under this section of the agreement, rather, this section of the agreement is only applicable those lawsuits or legal proceedings brought by and against the two parties of the agreement. It also would seem to indicate that it applies only to a clear two-party dispute between these parties and not generally to a greater universe of entities.

To the extent that the meaning of "proceeding" is comparable to a "legal action," this does not render either term superfluous. "Where general words follow specific words in a [contractual provision,] the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words. Where the opposite sequence is found, i.e., specific words following general ones, the doctrine is equally applicable, and restricts application of the general terms to things that are similar to those enumerated." Barrett v. Superior Court 222 Cal.App.3d 1176, 1190 (1990) (*ejusdem generis* doctrine is "an attempt to reconcile an incompatibility between specific and general words" so all words may be "construed together, and no words will be superfluous"); see Nyard, Inc. v. Uusi-Kerttula 159 Cal.App.4th 1027, 1045 (2008) (applying *ejusdem generis* doctrine to interpret contractual provision). The fact that the general word "proceeding" follows the more specific term "action" suggests that this section is applicable to other legal proceedings that would not otherwise be considered a lawsuit but are similar to nature as lawsuits.

The generally accepted definition of "action or proceeding" combined with the California and Federal Rule definition indicate that a tribunal of some sort must be

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involved for an event to rise to the level of an action or proceeding.

Notice of Default:

There are several "actions or proceedings" that are relevant here. The first is the notice of default. Here the Landlord served the Debtor with a notice of default and a three-day notice. This three-day notice is the precursor to an unlawful detainer action. See Code Civ. Proc., § 1161(2) (To prove its cause of action, plaintiff was required to establish defendants defaulted in the payment of rent and failed to comply with the three-day notice stating the amount due.) No unlawful detainer claim was ever commenced because the Debtor filed this bankruptcy case shortly after the three-day notice was served.

California cases interpreting whether a notice of default is an "action" or a "proceeding" conclude that it is not. See e.g. Action Apartment Assn., Inc. v. City of Santa Monica, 41 Cal. 4th 1232, 1250 (a "notice of eviction is a communication regarding prospective litigation, and, as such, it is not necessarily part of a judicial proceeding") (2007); Stegmen v. Bank of America, 156 Cal. App. 843 (The respondent's filing of the notice of default and election to sell is not "an action on the contract" within the meaning of section 1717 which clearly contemplates only court action.); Chase v. Grasso, CV990173244, 2001 Conn. Super. LEXIS 111 (Super. Ct. 2001) (The sending of the notice, however, is not a "judicial, administrative, or other action or proceeding against the debtor.")

"Proceeding" has different meanings in different contexts. Narrowly, proceeding means an action or remedy before a court. Zellerino v. Brown, 235 Cal. App. 3d 1097, 1105 (1991); see e.g., People v. Gutierrez 177 Cal. App. 3d 92, 99-100 (1986) (Cal. Const., art. I, § 14 gives a right to an interpreter during proceedings "held before a judicial tribunal."); Gibson v. County of Sacramento (1918) 37 Cal. App. 523, 526 (1918) ("criminal proceeding" in former Pol. Code, § 4307 "means some authorized step taken before a judicial tribunal against some person" charged with a crime). A broad interpretation of proceeding means "[a]ll the steps or measures adopted in the prosecution or defense of an action." Black's Law Dictionary. What this means is that a proceeding may also refer to a mere procedural step that is part of the larger action or special proceeding." Lister v. Superior Court 98 Cal. App. 3d 64, 70 (1979); See Rooney v. Vermont Investment Corp. (1973) 10 Cal.3d 351, 367 [110

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Cal. Rptr. 353, 515 P.2d 297]; Aldrich v. San Fernando Valley Lumber Co. (1985)
170 Cal. App. 3d 725, 742 (1985).

The notice of default and the three-day notice are required in order to bring an unlawful detainer action. This would likely be considered a proceeding under the broad interpretation; however, the general term follows the specific term. The term "proceeding" in this section of the Lease Agreement must be construed like the specific term "action" – meaning "proceeding" must be similar in nature to a lawsuit. As stated previously, notice of default – without anything more – is not an considered an "action" under the Lease Agreement. . Notice of default without anything being filed with any court seeking to enforce a right also is not enough to constitute a proceeding under the broad definition. The notice of default and three-day notice cannot be considered either an "action or proceeding" according to the terms of the Lease Agreement.

Debtor seeks to characterize the notice of default as the commencement of an action or proceeding because it specifically sought a forfeiture of the lease. Without filing a bankruptcy petition before that forfeiture was in effect, the bankruptcy estate would have had nothing to reorganize. Any ruling from the Superior Court declaring that did not sustain the landlord's position would also have reinstated the lease, just as the motion to assume did. This distinction does not change the characteristic of a notice of default.

Bankruptcy Petition:

The next "action or proceeding" following the notice of default was the Debtor's bankruptcy filing. While a bankruptcy case is undisputedly an "action or a proceeding" it is not necessarily "against the other relating to the provisions of this Lease or any default." The Debtor contends that the notice of default and three-day notice left no other choice but to file bankruptcy in order to protect the Lease Agreement. The Court is unpersuaded by this argument. The Chapter 11 filing was a strategic decision made by the Debtor. The Debtor could have litigated the inevitable unlawful detainer action in the state court or it could have filed bankruptcy – it chose bankruptcy. While there might be benefits provided in the bankruptcy court that are not available in the state court (most notably the automatic stay), a bankruptcy proceeding in itself is not a proceeding or action against anyone – a bankruptcy cases

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CONT... Hawkeye Entertainment, LLC

Chapter 11

primary purpose is to reorganize a debtor (either through a payment plan or by way of liquidation).

A bankruptcy case is different than "an action or proceeding" because of the variety of the parties involved and their differing objectives. In the Debtor's current bankruptcy case, there have been seven proof of claims filed against the estate which total approximately \$2.2 Million. The Landlord has argued previously that these claims were included in the Debtor's first bankruptcy. The Debtor acknowledged that many of these debts are holdover claims from the previous claims but suggest that they were not cured in large part due to litigation that occurred in the first bankruptcy case eating away at what could be paid out to claim holders. An issue in the Debtor's bankruptcy case is how the Debtor is going to resolve these debts once and for all. To the contrary, the Assumption Motion involved the only three parties (W.E.R.M was also implicated on the matter of default; however, its interest in this matter was completely aligned to that of the Debtor). The disputes in the Assumption Motion are more specific and individualized as compared to the more global issues involved in the Debtor's bankruptcy case. These disputes more typically reflect a traditional cause of action whose primary purpose is to resolve claims between parties.

Debtor has listed numerous other creditors and will need to confirm a plan dealing with all creditors, not just Smart Capital. Additionally, the bankruptcy case would not in and of itself be considered "on the contract" as required by Section 1717 because, theoretically, the bankruptcy case could proceed without the Court ever addressing the contents of the Lease Agreement – the Court will address the Assumption Motion here shortly – and confirming a Chapter 11 plan would not necessarily require interpreting the Lease Agreement. For all these reasons, the Court finds that the filing of a bankruptcy petition itself does not satisfy the requirements laid in the Lease Agreement to be entitled attorney fees under the Lease Agreement. Any attorney fees and costs associated with filing and maintain the bankruptcy case are denied.

Assumption Motion:

The final "action or proceeding" relevant here is the motion to assume debt. The motion itself is not a lawsuit so it could not be considered an "action"; however, it still could qualify as a "proceeding." Several of the definitions previously stated

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Chapter 11

support this proposition. See Black's Law Dictionary ("2. Any procedural means for seeking redress from a tribunal or agency... 5. Bankruptcy. A particular dispute or matter arising within a pending case—as opposed to the case as a whole"); Bouvier Law Dictionary ("Any proceeding required to assert or defend an interest created or protected by law. A legal proceeding is any proceeding in which a law requires the proceeding in order to alter or protect a right, interest, duty, status, or obligation of legal significance"); Zellerino v. Brown, 235 Cal. App. 3d 1097, 1105 (1991) ("an action or remedy before a court").

The Assumption Motion is anything but a routine motion. After the Landlord filed an opposition to the Assumption Motion, the Court treated this as a contested matter, allowing parties to conduct extensive discovery, and set a five-day bench trial in which the Court was to decide the Assumption Motion. Additionally, at the heart of this motion are the same substantive issues that would have been addressed at any state court unlawful detainer action – which undisputedly would have been considered an "action or proceeding." The Assumption Motion – as it was structured in this case – must be considered a "proceeding" because it differed only in that the alleged defaults in the lease were litigated in this court rather than in the state court.

In re Relativity Fashion, LLC, 565 B.R. 50 (Bankr. S.D.N.Y. 2017) is instructive on distinguishing between actions on a contract and matters unique to bankruptcy. In Relativity Fashion, a party filed a motion seeking reimbursement of attorney fees and expenses pursuant to a lease agreement (which included similar language as the one here) which they incurred during litigation against a creditor. This litigation took place in the confines of a 11 USC § 1142 motion to enforce a plan. The Court ultimately found that the dispute between the parties was between the parties was "on a contract" for purposes of Section 1717 and granted an award for attorney's fees. As that court explained in its excellent summary of Ninth Circuit and California law on the subject, substance should prevail over form. Just having a proceeding in the bankruptcy court does not eliminate the consideration of whether a proceeding is on a contract. Even if the Court applies the narrow definition of what a "proceeding" is -which the Court applied previously - then this Assumption Motion can still be considered to be a "proceeding."

The remainder of this phrase in the Lease Agreement was satisfied once the Landlord filed its objection to the Assumption Motion. At that point, the Landlord

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

asserted its rights under the Lease, thereby turning this into a proceeding to enforce the terms of the Lease Agreement against the Debtor. At the heart of this Assumption Motion is the same substantive issue which was going to be litigated in an unlawful detainer action – whether the Debtor was in default according to the terms of the Lease Agreement. Accordingly, the Court finds that this motion to assume the lease satisfies the phrase "initiate an action or proceeding against the other"; thereby, providing a contractual basis for an award for attorney fees and costs.

On A Contract:

The next issue is whether an action is "on a contract." The question of whether an action is "on a contract" is liberally construed by the California courts. Turner v. Schultz, 175 Cal. App. 4th 974, 979 (2009). So long as a dispute "involves" a contract, or "arises out of, is based upon, or relates to an agreement by seeking to define or interpret its terms or to determine or enforce a party's rights or duties under the agreement," the dispute is an action "on a contract" for purposes of Section 1717. Douglas E. Barnhart, 211 Cal. App. 4th 230, 241-42, 149 (2012).

The California Supreme Court has explained that "Section 1717 applies only to actions that contain at least one contract claim," and that "[i]f an action asserts both contract and tort or other noncontract claims, section 1717 applies only to attorney fees incurred to litigate the contract claims." Santisas, 17 Cal. 4th at 615. Consistent with Santisas, the Ninth Circuit has previously held that a nondischargeability action is "on a contract" within Section 1717 if "the bankruptcy court needed to determine the enforceability of the . . . agreement to determine dischargeability." In re Baroff, [105 F.3d 439, 442 \(9th Cir. 1997\)](#).

The central case for this Circuit, Penrod v. AmeriCredit Financial Services, Inc., 802 F.3d 1084 (9th Cir. 2015), provides substantial guidance about the Assumption Motion. In Penrod, a creditor argued that a proposed chapter 13 plan was not consistent with the creditor's contractual rights and therefore could not be confirmed. The debtor ultimately prevailed, and then sought reimbursements of attorneys' fees under the parties' contract. The Ninth Circuit held that the underlying litigation was an "action on a contract" because the creditor had sought to enforce a claimed contractual right when it objected to confirmation of the chapter 13 plan. Id. at 1088. Since "[t]he only possible source of [AmeriCredit's] asserted right

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was the contract," and since the only issue in the litigation was whether the relevant contract provision was in fact enforceable under its own terms or was made partially inapplicable in bankruptcy, the debtor had prevailed on a claim "on a contract" for the purposes of § 1717. Id.

While a motion to assume a lease pursuant to 11 USC §365 inevitably involves a valid lease, i.e. a contract, it does not necessarily follow that a motion to assume a lease would inevitably be considered "on a contract" for purposes of Section 1717. There are two questions presented in motions to assume leases: 1) was there a default and 2) if there was a default then does the debtor provide the creditor adequate assurance? Determining whether there is a default pursuant to a lease requires courts to decide matters based on the language in a contract between parties while a determination of whether a debtor provided adequate assurance is based solely on the bankruptcy code and case law interpreting the code. Thus, cases where a debtor is clearly in default and the only real issue litigated in the motion to assume a lease is whether the debtor provided sufficient adequate assurance may not be considered a proceeding "on a contract." That is not the case here.

As in Penrod, the Landlord asserted its rights under the controlling contract at issue, the Lease Agreement,, the only possible source of its rights.The Court addressed only issues arising from Lease Agreement because it did not need to address the issue of adequate assurance. The terms and rights of the parties under the Lease Agreement were central to every aspect of the Assumption Motion. If the Court had been required to address the issue of adequate assurance under §365(b)(1), there might be more room for disagreement that this motion to assume the lease was solely "on a contract." The Bankruptcy Code was simply a vehicle to resolve what can only be described as a contract dispute. Accordingly, this requirement of §1717 is satisfied.

Debtor brought several motions to use the Property under to 11 U.S.C. §363 and a motion to authorize post-petition financing under to 11 U.S.C. §364. There is no question that there was some overlap between these motions and the Assumption Motion; however, there are some important differences. Most notably is the relief being sought in those motions was based solely on bankruptcy law – the Debtor would not have been able to seek or need to seek the relief sought in those motions but for the Bankruptcy Code. Additionally, the issues raised in those motions relied

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

predominantly on bankruptcy law as compared to contract interpretation. While there may have been some tangential contractual issues that arose from those motions, the crux of the motions related primarily to bankruptcy law.

The motions could not be considered a part of the Assumption Motion "proceeding" and would need to qualify as separate proceedings. While the Debtor argues that these motions could qualify as proceedings, the Court does not need to make this determination because even if the motions constituted proceedings on the contract, Debtor is time barred from filing an application for attorney fees. See FRBP 7054(d). For those reasons, attorney fees and expenses associated with filing the motions pursuant to 11 U.S.C. § 363 & 364 are denied.

Prevailing Party:

The final element requires the Debtor to be the prevailing party. The determination of "prevailing party" for the purpose of reciprocal attorney's fees in California is guided by the California Supreme Court's decision in Hsu v. Abbara, 9 Cal. 4th 863, 39 Cal. Rptr. 2d 824, 891 P.2d 804 (Cal. 1995):

. . . we hold that in deciding whether there is a "party prevailing on the contract," the trial court is to compare the relief awarded on the contract claim or claims with the parties' demands on those same claims and their litigation objectives as disclosed by the pleadings, trial briefs, opening statements, and similar sources. The prevailing party determination is to be made only upon final resolution of the contract claims and only by "a comparison of the extent to which each party has succeeded and failed to succeed in its contentions."

"[T]he party prevailing on the contract shall be the party who recovered a greater relief in the action on the contract." Cal. Civ. Code § 1717(b)(2). Under section 1717 a party "prevails" on a contract claim if the party successfully resists an assertion of contract rights, even if the party does so by arguing "the inapplicability, invalidity, unenforceability, or nonexistence of the same contract." N. Associates v. Bell, 184 Cal.App.3d 860, 865, (1986). Prevailing in a dispute over the claimed application of a contract, where such contract contains a fee provision, is

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CONT... **Hawkeye Entertainment, LLC**

Chapter 11

sufficient. This is because the party who unsuccessfully asserted contract rights would have been entitled to fees if it had prevailed in establishing such rights, and under [section 1717](#) that right must be mutual. Santisas v. Goodin, 17 Cal. 4th 599, 611 (1998).

Here the Court found that the Landlord failed to show there was any material default by the Debtor and granted the Debtor's motion to assume the lease. Even though the Court did not enter an order at the time stating the Debtor was the prevailing party, there simply is no other way to categorize the prevailing party other than who prevailed on the question of whether the lease was violated. The Debtor was able to refute each allegation of default under the terms of the Lease Agreement. Accordingly, the Court finds that this element has been satisfied for purposes of the trial court proceeding. The Court's ruling on the Assumption Motion is currently on appeal. There can be no final determination of "prevailing party" until the appeal is resolved.

Conclusion:

For all of the reasons previously stated, the Court finds that the Debtor is entitled to be compensated by the Landlord for attorney fees and costs solely associated with the motion to assume the lease. Attorney fees and costs associated with the filing and maintaining of the bankruptcy case, including the motions brought pursuant to 11 U.S.C. § 363 & 364, are denied. The rates and hours associated with the lease assumption motion are reasonable and the Court will only reduce the fee award by those fees and costs associated with activities that are not a part of the motion to assume the lease.

While there is some basis to defer ruling on this matter until the appeal is finalized, it is not mandatory. See Lasic v. Moreno, 2007 WL 4180655, at *1 (E.D. Cal. 2007) ("The Court may defer its ruling on attorney's fees when an appeal on the merits is pending."); 1993 Advisory Committee notes to [FRCP 54\(d\)](#) ("if an appeal on the merits of the case is taken, the [district] court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under [subdivision \(d\)\(2\)\(B\)](#) a new period for filing after the appeal has been resolved."); Dumas v. New United Motor Mfg., 2007 U.S. Dist. LEXIS 49098 (D. Cal. 2007).

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CONT... Hawkeye Entertainment, LLC Chapter 11

This ruling is final absent any change on appeal. The payment of the fees is stayed until everything is finalized. The parties have been continuing this trial and litigating for over a year. A short additional time to ensure finality makes sense.

Appearance Required.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

1:19-12102 Hawkeye Entertainment, LLC Chapter 11

#1.01 Emergency Motion for a Temporary Retraining Order
against the landlord pursuant frcp, rule 65

Docket 280

Tentative Ruling:

Appearance Required.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

1:19-13009 Edward V. Marquez and Elva Marquez Chapter 13

#2.00 Motion for relief from stay

CITIBANK N.A.

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Friday, January 29, 2021

Hearing Room 302

10:00 AM

CONT... Edward V. Marquez and Elva Marquez

Chapter 13

fr.12/2/20

Docket 55

*** VACATED *** REASON: VACATED PURSANT TO APO,

Tentative Ruling:

VACATED PURSUANT TO APO.
NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Edward V. Marquez

Represented By
Joshua L Sternberg

Joint Debtor(s):

Elva Marquez

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
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Wednesday, February 3, 2021

Hearing Room 302

11:00 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, 10/23/19, 12/2/20

Docket 1

***** VACATED *** REASON: Cont. to 2/10/21 @11am (eg)**

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
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Courtroom 302 Calendar**

Wednesday, February 3, 2021

Hearing Room 302

11:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

Adv#: 1:19-01129 Weil v. The Pyramid Center, Inc.

#2.00 Pretrial Conference re: Amended Complaint to Avoid Fraudulent Transfers

fr. 1/15/20, 2/5/20, 3/4/20; 6/10/20, 12/3/20

Docket 9

***** VACATED *** REASON: Cont'd to 2/10/21 at 11:00 per order #38. If**

Party Information

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Defendant(s):

The Pyramid Center, Inc.

Represented By
Michael H Raichelson

Plaintiff(s):

Diane Weil

Represented By
David Seror
Jorge A Gaitan

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jorge A Gaitan

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, February 3, 2021

Hearing Room 302

11:00 AM

1:19-12434 Walter Ernesto Aleman Olmedo

Chapter 7

Adv#: 1:20-01049 Goldman v. Aleman et al

- #3.00** Status Conference Re: Trustee's First Amended Compliant for:
- 1 - Avoidance of Actual Fraudulent Transfer (11 U.S.C. Sec. 548(a)(1)(A));
 - 2 - Avoidance of Constructive Fraudulent Transfer Sec. 548(a)(1)(B);
 - 3 - Avoidance of Actual Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.04(a)(1) and 3439.07 and 11 USC Sec. 544(b));
 - 4 - Avoidance of Constructive Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.05 and 3439.07 and 11 USC Sec. 544(b));
 - 5 - Recovery of Avoided Transfer (11 USC Sec. 550(a)); and
 - 6 - Preservation of Avoided Transfer (11 USC Sec. 551)

fr. 7/15/20 (stip), 9/9/20, 12/2/20

Docket 15

***** VACATED *** REASON: Cont. to 2/10/21 @11am (eg)**

Party Information

Debtor(s):

Walter Ernesto Aleman Olmedo

Represented By
Navid Kohan

Defendant(s):

Oscar Aleman

Pro Se

Marisol Vega Aleman

Pro Se

Aleman Signs, Inc.

Pro Se

**United States Bankruptcy Court
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San Fernando Valley
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Wednesday, February 3, 2021

Hearing Room 302

11:00 AM

CONT... Walter Ernesto Aleman Olmedo

Chapter 7

Plaintiff(s):

Amy L Goldman

Represented By
Leonard Pena

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**

Friday, February 5, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1611072688>

Meeting ID: 161 107 2688

Password:692977

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 107 2688

Password: 692977

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Friday, February 5, 2021

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#1.00 Emergency Motion for a Temporary Retraining Order
against the landlord pursuant frcp, rule 65

fr. 1/29/21

Docket 280

Tentative Ruling:

Appearance Required.

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**

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616937920>

Meeting ID: 161 693 7920

Video Password: 870330

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 693 7920

Telephone Password: 870330

Docket 0

Matter Notes:

- NONE LISTED -

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc. et al

#1.00 Motion to Dismiss Adversary Proceeding First Amended Counter-Claim

Docket 193

***** VACATED *** REASON: Stip. cont. to 3/10/21 @10am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Aaron Cue	Pro Se
Highbury Asia Inc.	Pro Se
Metro Aerospares	Pro Se
Amplespares Corp.	Pro Se
Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Highbury Asia Inc.	Pro Se
Metro Aerospares	Pro Se

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

CONT... Majestic Air, Inc.

Chapter 11

Amplespares Corp.	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Lufthansa Technik Philippines, Inc.	Represented By Dawn M Coulson Scott D Cunningham Andrew C Johnson
Mariz Cue	Pro Se

Movant(s):

Highbury Asia Inc.	Pro Se
Mercy Ministry	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Metro Aerospace	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger
Majestic Air, Inc.	Pro Se
Majestic Air, Inc.	Pro Se
Hiongbo Cue Cue	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger Stella A Havkin

**United States Bankruptcy Court
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Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

CONT... Majestic Air, Inc.

Chapter 11

Hiongbo Cue Cue

Pro Se

Majestic Air, Inc.

Represented By
Stella A Havkin

AMC Industries, LLC

Pro Se

Plaintiff(s):

Tessie Cue

Represented By
Stella A Havkin

Majestic Air, Inc.

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#2.00 Status Conference Re: Third Amended Complaint
Objecting to Proof of Claim No. 3; and
for Contractual Indemnification

fr. 3/5/19; 6/11/19; 7/16/19; 8/20/19; 9/24/19,
12/17/19, 12/23/19; 2/11/20; 4/7/20; 6/23/20,
7/7/20, 7/21/20; 9/15/20, 10/27/20

Docket 159

***** VACATED *** REASON: Stip. cont. to 3/10/21 @10am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The third amended complaint was filed on 8/25/20. On 9/29/10 LTP filed an answer and countclaim against Hiongbo Cue and Majestic Air. On 10/23, LTP filed an amended counterclaim against Majestic Air. No status report has been filed as of 10/24. Where do we go from here?

Prior tentative ruling (7/21/20)

This is just to find out if there is any possibility of settlement. The estate has very few assets and most of those will go to LTP or perhaps be eaten up in attorney fees. While LTP apparently has substantial assets, the Plaintiffs would have to win a large judgment in order to collect on those, given the amount of the judgments against them. This will also be a hard-fought and expensive case. Because Ms. Havkin is counsel for the estate, I requested that she appear as any settlement would have to be on behalf of the estate as well as the Tessie Cue probate.

So please update me on the settlement possibility. Meanwhile, I am working on the motion to dismiss. That hearing is set for 9/15/20 at 10:00 a.m.

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Tuesday, February 9, 2021

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10:00 AM

CONT... **Majestic Air, Inc.**

Chapter 11

Prior tentative ruling (7/7/20)

The adversary is proceeding very slowly. Please note that there is less than \$100,000 in the estate and the Court cannot tell the chances of an actual reorganization. Is this still an operating company? Will it be operating in the future? It seems from the last report that it has less than \$50,000 worth of inventory for resale.

What is the amount available from the Tessie Cue Estate?

There are very few claims in this case - and it appears that the LTP and Tessie Cue claims are the only unsecured ones.

Looking at this there is a serious question of whether you should settle this without further expenditure.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Pro Se

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

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, February 9, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#3.00 Status Conference re: Counterclaim by
Lufthansa Technik Philippines, Inc.

fr. 12/22/20

Docket 163

***** VACATED *** REASON: Stip. cont. to 3/10/21 @10am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Continued to Judge Tighe's calendar on February 9, 2021 at 10:00 a.m.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Represented By
Dawn M Coulson
Scott D Cunningham
Andrew C Johnson

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

CONT... Majestic Air, Inc.

Chapter 11

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

Tuesday, February 9, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

#4.00 Status and Case Management Conference

fr. 8/4/16(xfr from Judge Tighe's calendar); 8/30/16,
9/27/16; 10/25/16; 11/15/16, 2/21/17, 5/16/17; 6/27/17,
8/29/17, 1/23/18; 6/19/18, 9/18/18; 12/4/18; 2/12/19; 5/7/19
6/11/19; 7/16/19; 8/20/19; 9/24/19, 12/17/19; 12/23/2019;
2/11/20, 4/7/20; 6/23/20; 7/7/20, 7/21/20, 9/15/20, 10/27/20,
12/22/20 (cont'd from GM calendar)

Docket 1

***** VACATED *** REASON: Stip. cont. to 3/10/21 @10am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This will trail the adversary proceeding. No status reports are needed. No appearances are needed. Please check the future tentative rulings to see whether and appearance and/or status report will be required.

Prior Tentative Ruling (7/7/20)

This will trail the adversary proceeding. No appearance is needed on July 7 and no further status report is needed until you are notified by the Court that one is necessary.

Party Information

Debtor(s):

Majestic Air, Inc.

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, February 9, 2021

Hearing Room 302

1:00 PM

1:20-11245 Carlos R Moyano and Rosa E. Moyano

Chapter 13

#5.00 Evid. Hearing re Motion to Avoid Lien Junior Lien with
Indymac Bank, FSB/CIT Bank, N.A

fr. 8/25/20, 9/22/20, 10/27/20, 11/17/20; 12/15/20

Docket 12

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Appearance required

Party Information

Debtor(s):

Carlos R Moyano

Represented By
Nathan A Berneman

Joint Debtor(s):

Rosa E. Moyano

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, February 9, 2021

Hearing Room 302

1:00 PM

1:20-11245 Carlos R Moyano and Rosa E. Moyano

Chapter 13

#6.00 Order Establishing Procedures for Evidentiary Hearing by
Videoconference

Docket 0

***** VACATED *** REASON: Duplicate of cal. #6 - hm**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos R Moyano

Represented By
Nathan A Berneman

Joint Debtor(s):

Rosa E. Moyano

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**

Wednesday, February 10, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1604103080>

Meeting ID: 160 410 3080

Password: 44867477

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 410 3080

Password: 44867477

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, February 10, 2021

Hearing Room 302

9:30 AM

1:19-10781 Daniel Correa

Chapter 13

#1.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 6/24/20; 7/22/20, 8/27/20; 10/7/20, 12/2/20

Docket 36

Tentative Ruling:

This hearing was continued from 10/07/20, and 12/2/20, so that the parties could finalize an APO to resolve this matter. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

6-24-20 TENTATIVE BELOW

Ch. 13 Petition Date: 04/02/2019

Plan confirmed 07/22/2019

Service: Proper. Opposition filed 6/11/2020

Property: 8101 Etiwanda Ave, Reseda, CA 91335

Property Value: \$490,000 (per debtor's schedules)

Amount Owed: \$369,282.52

Equity Cushion: 24.6%

Equity: \$120,717.48

Post-Petition Delinquency: \$7,167.74 (3 payments of \$1,922.58 plus \$1,400 post-petition advances)

Movant alleges that the last partial payment received was on or about 10/15/2019. Movant requests relief under 11 U.S.C. 362(d)(1) with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3(a) (Movant permitted to engage in loss mitigation activities); and 7 (relief from 4001(a)(3) relief from stay).

Debtor opposes the motion because the property is necessary for effective reorganization. Debtor wishes to enter an APO to catch up on post-petition arrears. Is Movant amenable to an APO?

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

Wednesday, February 10, 2021

Hearing Room 302

9:30 AM

CONT... Daniel Correa

Chapter 13

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**

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

1:16-12373 Candice Hedrick

Chapter 13

#2.00 Motion for relief from stay

COMMUNITY LOAN SERVICING, LLC, fka
BAYVIEW LOAN SERVICING, LLC

Docket 35

Tentative Ruling:

Petition Date: 8/15/2016
Ch. 13 plan confirmed: 11/107/2016
Service: Proper. Opposition filed.
Property: 12128 Salem Dr., Granada Hills, CA 91344
Property Value: \$656,000 (per debtor's schedules)
Amount Owed: \$65,307.90
Equity Cushion: 82.1%
Equity: \$590,692.10
Post-Petition Delinquency: \$9,255.97 (7 payments of \$1,115.18; post-petition advances of \$700; attorney fees of \$1,238; less suspense balance of \$788.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment of \$739.83 was received on 12/31/2020.

Debtor opposes the Motion, arguing that she has been making the required payments under a trial loan modification and does not believe that she is delinquent. Debtor requests that creditor finalize the loan modification to bring her 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, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Candice Hedrick

Chapter 13

Debtor(s):

Candice Hedrick

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 10, 2021

Hearing Room 302

10:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

#3.00 Motion for relief from stay

HSBC BANK USA

fr. 12/16/20

Docket 141

Tentative Ruling:

This hearing was continued from 12-16-20 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

12-16-20 TENTATIVE BELOW

Petition Date: 12/27/2016

Chapter 13 plan confirmed: 6/14/2017

Service: Proper. Opposition filed.

Property: 5908 Dovetail Drive, Agoura Hills CA 91301

Property Value: \$570,000.00 (per debtor's schedules)

Amount Owed: \$546,149.77 (per Movant's papers)

Equity Cushion: 4.2%

Equity: \$23,850.23

Post-Petition Delinquency: \$ 11,913.16 (3 payments of \$4,036.60 less suspense account \$196.64)

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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment received on 7/31/2020.

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Maria G. Alonso

Chapter 13

Debtor fell behind with the mortgage payments due to financial hardship but believes that the Property is necessary for an effective reorganization. Debtor would like to enter into an APO.

Are parties open to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Maria G. Alonso

Represented By
Kevin T Simon

Movant(s):

HSBC Bank USA, N.A.

Represented By
Keith Labell
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

1:18-10083 Abdul K. Patel

Chapter 13

#4.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 60

***** VACATED *** REASON: Resolved per APO (doc. 67) - hm**

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**

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

1:19-10108 Wilfredo Castillo and Carmen Rosa Castillo

Chapter 13

#5.00 Motion for relief from stay

NATIONS DIRECT MORTGAGE

Docket 64

Tentative Ruling:

Petition Date: 1-16-2019
Ch 13 Plan confirmed: 4/9/2019
Service: Proper. Opposition filed.
Property: 8121 Capistrano Dr., West Hills, CA 91304
Property Value: \$739,333 (per debtor's opposition)
Amount Owed: \$520,344
Equity Cushion: 30.10%
Equity: \$281,988.
Post-Petition Delinquency: \$44,281.11 (8 payments of \$3,185.24; 6 payments of \$3,210.86; attorney's fees of \$1,238; less suspense balance of \$1,703.97)

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); and 7 (waiver of the 4001(a) (3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment of \$3,211 was received on 12/10/2020.

Debtors fell behind with the mortgage payments due to financial hardship caused by COVID-19. Due to Wilfredo's worsening health conditions, Carmen cut down her work hours to care for him, and their tenant promises to start paying rent again but he continues to have COVID related financial hardship. Debtor is unable to evict him, however, because of the moratoriums. Debtors argue that the income of their daughter, a co-borrower and plan contributor, will increase within the next 6 months when she obtains her professional license and Carmen has returned to working full time now that Wilfredo is feeling better. Debtor would like to modify her plan to include these delinquent payments, or to allow them to add it to the end of the loan as

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Wilfredo Castillo and Carmen Rosa Castillo
a balloon payment.

Chapter 13

There appears to be sufficient equity to protect creditor's claim. Have the parties had an opportunity to discuss consensual resolutions to this Motion?

Appearance Required.

Party Information

Debtor(s):

Wilfredo Castillo

Represented By
Donald E Iwuchuku

Joint Debtor(s):

Carmen Rosa Castillo

Represented By
Donald E Iwuchuku

Movant(s):

Nations Direct Mortgage, LLC

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, February 10, 2021

Hearing Room 302

10:00 AM

1:19-12684 Claudia A. Rivas Gil

Chapter 13

#6.00 Motion for relief from stay

WELLS FARGO BANK, N.A., DBA
WELLS FARGO AUTO

Docket 35

Tentative Ruling:

Petition Date: 10/23/2019

Ch 13 plan confirmed: 11/13/2019

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

Property: 2013 Honda Civic

Property Value: not listed debtor's schedules

Amount Owed: \$6,605.76

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$2,257.72 (11 payments of \$232.52)

Movant alleges that the last payment received for this vehicle was on or about 1/16/2020.

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):

Claudia A. Rivas Gil

Represented By
Laleh Ensafi

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Claudia A. Rivas Gil

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 10, 2021

Hearing Room 302

10:00 AM

1:20-10037 Andrew Blas Lorenzo

Chapter 13

#7.00 Motion for relief from stay

U.S. BANK NATIONAL ASSO

fr. 5/13/20; 6/24/20, 11/18/20, 1/13/21

Docket 35

Tentative Ruling:

This hearing was continued from 11/18/20 so that the parties could negotiate an APO and so that Debtor could file a Motion to Modify Chapter 13 Plan. On 2/8/21, an Order Granting Debtor's Motion to Modify was entered, ECF doc. 76. Nothing was filed re the relief from stay motion. What is the status of this Motion?

APPEARANCE REQUIRED

11-18-20 TENTATIVE RULING BELOW

This hearing was continued from 6/24/20 so the parties could work on an APO to resolve this matter. Debtor requested for mortgage forbearance due to COVID-19 for 180 days (Dkt. No. 40). Movant agrees to forbearance agreement (Dkt. No. 41).

The Court found cause to continue the hearing to November 18, 2020. Payments were set to resume on November 1, 2020.

APPEARANCE REQUIRED.

Continued from 5/13/20

This hearing was continued from 5/13/20 so that the parties could work on an APO to resolve this matter. Debtor requested for mortgage forbearance due to the COVID-19 pandemic for 180 days (doc 40). Movant agrees to forbearance agreement (doc.41).

Due to the forbearance agreement, the Court finds cause to continue the hearing to September 10, at 10:00 AM.

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Andrew Blas Lorenzo

Chapter 13

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Andrew Blas Lorenzo

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 10, 2021

Hearing Room 302

10:00 AM

1:20-11538 Jeffrey Arthur Craddock

Chapter 13

#8.00 Motion for relief from stay

MEB LOAN TRUST III

Docket 37

Tentative Ruling:

Petition Date: 8/26/20

Ch: 13

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

Property: 9445 Natick Ave., North Hills, CA 91343

Property Value: \$562,250 (per debtor's schedules)

Amount Owed: \$61,622.37 (2nd DoT)

Equity Cushion: 35.2%

Equity: \$242,715.63

Post-Petition Delinquency: \$1,756.60 (three payments ranging in value between \$610.76 and \$617.06; less suspense balance of \$1,756.60)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received was on or about 10/23/2020, in the amount of \$700.00

There appears to be a sufficient equity cushion to protect this claim. Have the parties had an opportunity to discuss whether any post-petition delinquency can be cured under an APO?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Jeffrey Arthur Craddock

Chapter 13

Movant(s):

MEB Loan Trust III, as serviced by

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, February 10, 2021

Hearing Room 302

10:00 AM

1:20-11823 Louis Michael Lookofsky

Chapter 7

#8.01 Motion for relief from stay

MICHAEL A. GIETTER, TRUSTEE
OF THE EVELYN F. GIETTER
DATED 1/20/09

Docket 25

Tentative Ruling:

Petition Date: 10/23/2020

Ch: 7

Service: Proper. No opposition filed.

Movant: Michael A. Gietter, Trustee of the Evelyn Gietter Trust

Property Address: 19666 Crystal Hills Dr., Northridge, CA 91367

Type of Property: residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 12/11/2019

UD Judgment: n/a

Movant alleges that the lease was terminated on or about November 21, 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). 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 HEARING HELD ON SHORTENED TIME

RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

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

Wednesday, February 10, 2021

Hearing Room 302

10:00 AM

CONT... Louis Michael Lookofsky

Chapter 7

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

Party Information

Debtor(s):

Louis Michael Lookofsky

Represented By
Benjamin Nachimson

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 10, 2021

Hearing Room 302

10:30 AM

1:19-11935 Maria Estela San Vicente

Chapter 11

**#9.00 Application for Compensation Application
For Payment Of: Final Fees And/Or Expenses**

Fee: \$29,980.00, Expenses: \$1,407.10.

Docket 139

Tentative Ruling:

Service proper. No objections filed. Having reviewed the First & 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 2/10/21.

Party Information

Debtor(s):

Maria Estela San Vicente

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, February 10, 2021

Hearing Room 302

10:30 AM

1:16-12811 JF Landscape, Inc

Chapter 7

#10.00 Trustee's Final Report and Applications for Compensation

Docket 122

Tentative Ruling:

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

APPEARANCES WAIVED ON 2/10/2021.

Party Information

Debtor(s):

JF Landscape, Inc

Represented By
Dheeraj K Singhal

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov
Talin Keshishian

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

Wednesday, February 10, 2021

Hearing Room 302

11:00 AM

1:09-20447 Law Offices of Masry & Vititoe

Chapter 11

#11.00 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, 10/23/19, 12/2/20; 2/3/21

Docket 1

Tentative Ruling:

To address unsecured creditor concerns, CAL should state at the hearing what its plans will be if the case is closed, keeping in mind quarterly fees. Both sides should state what the most cost-effective approach would be to any necessary litigation to recover estate funds.

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, February 10, 2021

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

#12.00 JPMorgan Chase Bank N.A.'s Motion to
Dismiss Second Amended Complaint

fr. 12/9/20

Docket 120

***** VACATED *** REASON: Stip. cont to 3/10/21 @11am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By
Joseph E Addiego

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph E Addiego
Monder Khoury

Plaintiff(s):

David B. Rosen

Represented By

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

Wednesday, February 10, 2021

Hearing Room 302

11:00 AM

CONT...

David B. Rosen

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, February 10, 2021

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

#13.00 Status Conference RE: Second Amended
Complaint For: 1. Declaratory Relief (As To Chase);
2. Contempt For Violation Of Court Order
(As To Chase; 3. Violation Of The Respa
(As To Nationstar); 4. Negligence In The
Handling And Management Of Debtors
Account (As To Nationstar);
5. Attorney Fees And Costs
(As To All Defendants)

fr. 12/9/20

Docket 117

***** VACATED *** REASON: Stip. cont to 3/10/21 @11am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By
Joseph E Addiego

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CONT...

David B. Rosen

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph E Addiego
Monder Khoury

Chapter 11

Plaintiff(s):

David B. Rosen

Represented By
Louis J Esbin

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1:18-11538 Momentum Development LLC

Chapter 7

Adv#: 1:19-01129 Weil v. The Pyramid Center, Inc.

#14.00 Pretrial Conference re: Amended Complaint to Avoid Fraudulent Transfers

fr. 1/15/20, 2/5/20, 3/4/20; 6/10/20, 12/2/20, 2/3/20

Docket 9

***** VACATED *** REASON: Stip. cont. to 4/14/21 @ 11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Defendant(s):

The Pyramid Center, Inc.

Represented By
Michael H Raichelson

Plaintiff(s):

Diane Weil

Represented By
David Seror
Jorge A Gaitan

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jorge A Gaitan

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1:19-12434 Walter Ernesto Aleman Olmedo

Chapter 7

Adv#: 1:20-01049 Goldman v. Aleman et al

- #15.00** Status Conference Re: Trustee's First Amended Compliant for:
- 1 - Avoidance of Actual Fraudulent Transfer (11 U.S.C. Sec. 548(a)(1)(A));
 - 2 - Avoidance of Constructive Fraudulent Transfer Sec. 548(a)(1)(B);
 - 3 - Avoidance of Actual Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.04(a)(1) and 3439.07 and 11 USC Sec. 544(b));
 - 4 - Avoidance of Constructive Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.05 and 3439.07 and 11 USC Sec. 544(b));
 - 5 - Recovery of Avoided Transfer (11 USC Sec. 550(a)); and
 - 6 - Preservation of Avoided Transfer (11 USC Sec. 551)

fr. 7/15/20 (stip), 9/9/20, 12/2/20; 2/3/21

Docket 15

Tentative Ruling:

Defendants had their default vacated and then did not file an answer by the new deadline.
What is trustee's position?
Appearance required.

Party Information

Debtor(s):

Walter Ernesto Aleman Olmedo

Represented By
Navid Kohan

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CONT... Walter Ernesto Aleman Olmedo

Chapter 7

Defendant(s):

Oscar Aleman	Pro Se
Marisol Vega Aleman	Pro Se
Aleman Signs, Inc.	Pro Se

Plaintiff(s):

Amy L Goldman	Represented By Leonard Pena
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Trustee(s):

Amy L Goldman (TR)	Represented By Leonard Pena
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1:20-11063 Joby John Harte

Chapter 7

Adv#: 1:20-01081 Garcia, Jr v. Harte

#16.00 Status Conference Re: Complaint
Objecting to Dischargeability of Debt
Pursuant to Section 523(a)(6) of the
Bankruptcy Code

fr. 12/2/20

Docket 1

Tentative Ruling:

Plaintiff does not need leave of court to request an entry of default. There has been no answer filed. What is plaintiff doing?
Appearance required.

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

Defendant(s):

Joby John Harte

Pro Se

Plaintiff(s):

Ricardo Rene Garcia Jr

Represented By
Ben J Meiselas

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:18-11965 Ian Jacoby

Chapter 7

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

#17.00 Motion for Summary Judgment and/or Summary
Adjudication

fr. 1/27/21

Docket 43

Tentative Ruling:

Background:

Ian Jacoby ("Defendant") is the sole shareholder, director and officer of iPermit Eraters, Inc. ("iE, Inc."), a California corporation. iE is in the business of testing and permitting heating, ventilation, and air conditioning units and systems. ("HVAC systems".) Plaintiff was an employee of iE. During his employment, Garret Williams' ("Plaintiff") principal task was to perform onsite testing of HVAC systems, including but not limited to testing under the California Home Energy Rating System as set forth under applicable laws and regulations including California Code of Regulations Title 20, Chapter 4, Article 8 Sections 1670-1765, also known by the acronym "HERS".

During his employment with iE, when Plaintiff finished testing an HVAC system, he would generate a rating pursuant to the requirements under HERS, stating (among other things) whether the system had passed or failed the test. Plaintiff would then report the results to iE. Shortly before his termination (which occurred on or about September 28, 2017), Plaintiff discovered that in iE's records, various test results he obtained had been altered, subsequent to his having reported them to iE, from "Fail" to "Pass". Plaintiff confirmed that this change could not have occurred as the result of a test made subsequent to his own - i.e., that the HERS ratings obtained through his testing had in fact been altered and that iE had changed those results from "Fail" to "Pass," without a successful "Pass" test result having actually been obtained. Plaintiff asserts that Defendant participated in the alteration of the HERS rating provided by Plaintiff and that Plaintiff was terminated after he

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complained about iE's improper alteration of the HVAC test results that he had obtained (from fail to pass) and that his termination was in retaliation for his complaint about this activity.

In addition, during Plaintiff's employment with iE, Defendant asked Plaintiff to, in addition to his responsibilities, train new or less-experienced employees in the testing of HVAC systems. As compensation for this training, Defendant promised (on behalf of iE) that iE would pay Plaintiff ten percent (10%) of the revenues for testing performed in the area encompassing the Southern California office of iE and that Defendant has failed to pay Defendant the full 10% promised.

On June 5, 2018, Plaintiff filed a complaint in the Ventura County Superior Court against iE for (1) Wrongful Discharge In Violation Of Public Policy; (2) Violation of Business And Professions Code § 17200 (Falsification of HVAC Test Results); (3) Breach of Oral And Implied Contract; (4) Accounting; (5) Conversion; (6) Failure to Pay Wages (Labor Code § 558); (7) Failure To Pay Overtime (Labor Code §§ 510, 558 and 1194); (8) Failure To Provide Compliant Wage Statements (Labor Code §§ 26 and 226.2); (9) Failure To Provide Rest Periods (Labor Code § 226.7); (10) Failure To Provide Meal Periods (Labor Code §§ 226.7 and 512); (11) Failure To Pay Wages Due Upon Termination (Waiting Time Penalties) (Labor Code §§ 201-203); and (12) Violations Of Business and Professions Code § 17200 (Violations Of The Labor Code And Wage Orders) (the "State Court Complaint").

On July 20, 2018, iE filed a voluntary petition under Chapter 11 (Case No. 9:18-bk-11181-DS). On August 3, 2018, Defendant filed his voluntary petition under Chapter 7 (Case No. 1-18-bk-11965-MT). On November 6, 2018, Plaintiff filed this complaint to determine nondischargeability debt against iE, asserting claims pursuant to 11 U.S.C. § 523(a)(6). Due to iE filing for bankruptcy, the State Court action was stayed by the Ventura County Superior Court.

On May 17, 2019, Plaintiff timely filed a Proof of Claim in Defendant's Chapter 7 Case. The plaintiff supported the proof of claim by attaching a copy of the State Court Complaint. The Proof of Claim seeks payment of \$600,000.00

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based on California employment law violations and conversion. There is no other documentation attached to the Proof of Claim providing any basis or breakdown of the \$600,000.00 claim.

The Defendant filed a motion for summary judgment. The Plaintiff filed an opposition.

Summary Judgment Standard:

Summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. FRCP 56(c) (incorporated by FRBP 7056).

The moving party has the burden of establishing the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). 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). The nonmoving party must show more than "the mere existence of some alleged factual dispute ... the requirement is that there be no genuine issue of material fact." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986). 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).

The Plaintiff's complaint is vague on the bases for why it is entitled to relief under § 523; however, the complaint appears to stem from the same operative facts as enumerated in the State Court Complaint. The Defendant asserts four bases for granting summary judgment: 1). Defendant has no personal liability

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for wrongful discharge, 2). Defendant has no personal liability for violation of Business and Professions Code § 17200 (falsification of HVAC test results) or for Dischargeability Complaint, 3) Defendant cannot be held liable for breach of oral and implied contract and/or iE's withholding of funds relating to Plaintiff's training of iE's Employees, and 4) Defendant is not liable to Plaintiff pursuant to 11 U.S.C. § 523(a)(6). Plaintiff opposes this motion and asserts that the Defendant is personally liable for intentional torts committed in the course of his employment with iE for three reasons: 1) Defendant intentionally interfered with Plaintiff's contractual relations with iE by falsifying HERS Test Results Attributed to Plaintiff, 2) defendant defrauded Plaintiff by concealing his falsification of the HERS test results from Plaintiff, 3) Defendant defrauded Plaintiff by intentionally misrepresenting that iE intended to compensate Plaintiff for training iE employees. The Court will address these issues in turn.

523(a)(6) Standard:

A debt is nondischargeable under § 523(a)(6) if it results from debtor's willful and malicious injury to another or to the property of another. There are three elements in order to succeed in an Section 523(a)(6) action:(1) willfulness; (2) maliciousness and (3) injury. Smith v. Entepreneur Media, Inc. (In re Smith) 2009 Bankr. LEXIS 4582, *20 (9th Cir. BAP 2009). The Supreme Court in Kawaauhau v. Geiger (In re Geiger), 523 U.S. 57, 118 S.Ct. 974, 140 L. Ed. 2d 90 (1998), made clear that for section 523(a)(6) to apply, the actor must intend the consequences of the act, not simply the act itself." Ormsby v. First American Title Co. of Nevada (In re Ormsby), 591 F. 3d 1199, 1206 (9th Cir. 2010). Both willfulness and maliciousness must be proven to prevent discharge of the debt. Id. But, reckless or negligent acts are not sufficient to establish that a resulting injury falls within the category of willful and malicious injuries under § 523(a)(6). Kawaauhau v. Geiger, 523 U.S. at 64.

Willfulness means intent to cause injury. Kawaauhau v. Geiger, 523 U.S. at 61. "The injury must be deliberate or intentional, 'not merely a deliberate or intentional act that leads to injury.'" In re Plyam, 530 B.R. 456, 463 (9th Cir. BAP 2015) (quoting Kawaauhau v. Geiger, 523 U.S. at 61) The court may consider circumstantial evidence that may establish what the debtor actually knew when conducting the injury creating action and not just what the debtor admitted to

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knowing. In re Ormsby, 591 F. 3d at 1206. Recklessly inflicted injuries, covering injuries from all degrees of recklessness, do not meet the willfulness requirement of § 523(a)(6). In re Plyam, 530 B.R. at 464. Reckless conduct requires an intent to act instead of an intent to cause injury. Id. Therefore, the willful injury requirement "... is met only when the debtor has a subjective motive to inflict injury or when the debtor believes that injury is substantially certain to result from his own conduct." Carillo v. Su (In re Su), 290 F.3d 1140, 1142 (9th Cir. 2002).

The "malicious" injury requirement under 11 U.S.C. §523(a)(6) is separate from the "willful" requirement, and both must be present for a claim under § 523(a)(6). Carillo v. Su (In re Su), 290 F.3d 1146 (9th Cir. 2002). A malicious injury is one that involves; "(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." Petralia v. Jercich (In re Jercich), 238 F.3d 1202, 1209 (9th Cir. 2001). "Malice may be inferred based on the nature of the wrongful act," but to make such an inference, willfulness must be established first. Ormsby v. First Am. Title Co. (In re Ormsby), 591 F.3d 1199, 1207 (9th Cir. 2010). When analyzing the plain meaning of "malice," "it is the wrongful act that must be committed intentionally rather than the injury itself." Jett v. Sicroff (In re Sicroff), 401 F.3d 1101, 1106 (9th Cir. 2005).

From a fair reading of the complaint, there appears to be four causes of action that could be considered willful and malicious:

- 1). Defendant willfully and maliciously manipulated the test results for the purpose of causing harm and injury to the Plaintiff, or with substantial certainty that harm or injury would result.
- 2). Defendant willfully and maliciously iE's office staff to report false results under Plaintiff's name.
- 3) Defendant intentionally caused iE to withhold from Plaintiff the ten percent (10%) of revenues for testing performed by employees trained by Plaintiff, which was willful and malicious and done for the purpose of causing injury to the Plaintiff, or with substantial certainty that harm or injury would result to the Plaintiff.
- 4). Debtor willfully and maliciously caused Plaintiff's employment to be terminated.

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These four issues closely mirror the Plaintiff's claims in the State Court Complaint. The Court will address each issue.

California Unfair Competition Law (§ 17200 et seq.):

California's unfair competition law (UCL) (§ 17200 et seq.) defines "unfair competition" to mean and include "any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by [the false advertising law (§ 17500 et seq.).]" Bus. & Prof. Code § 17200. The UCL's purpose is to protect both consumers and competitors by promoting fair competition in commercial markets for goods and services. Barquis v. Merchants Collection Assn., 7 Cal. 3d 94, 110 (1972). The UCL's scope is broad. By defining unfair competition to include any "unlawful ... business act or practice" (§ 17200), the UCL permits violations of other laws to be treated as unfair competition that is independently actionable. Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co., 20 Cal. 4th 163, 180 (1999).

A UCL action "is not an all-purpose substitute for a tort or contract action. Instead, the act provides an equitable means through which both public prosecutors and private individuals can bring suit to prevent unfair business practices and restore money or property to victims of these practices. ... [T]he 'overarching legislative concern [was] to provide a streamlined procedure for prevention of ongoing or threatened acts of unfair competition.'" Korea Supply Co. v. Lockheed Martin Corp., 29 Cal. 4th 1134, 1150 (2003). As a result, the remedies available to private individuals for violation of the UCL are limited to restitution and injunctive relief; damages cannot be recovered. Korea Supply Co., at pp. 1144, 1150; § 17203. "Because the statute is written in the disjunctive, it establishes three varieties of unfair competition—acts or practices which are unlawful, or unfair, or fraudulent." Graham v. Bank of America, NA, 226 Cal. App. 4th 594, 210 (2014).

"By proscribing 'any unlawful' business act or practice, the UCL borrows rules set out in other laws and makes violations of those rules independently actionable." Zhang v. Superior Court, *supra*, 57 Cal. 4th 364, 370 (2013). A "violation of another law is a predicate for stating a cause of action under the

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UCL's unlawful prong." Berryman v. Merit Property Management, Inc. (2007) 1522 Cal.App.4th 1544, 1554 (2007).

The standard for determining what business acts or practices are "unfair" under the UCL for consumer actions remains unsettled. Zhang v. Superior Court, 57 Cal.4th at p. 380, fn. 9. In Cel-Tech, the California Supreme Court addressed the term "unfair" in the context of actions between competitors alleging anticompetitive practices, but it broadly criticized previous attempts to define "unfair" as "too amorphous" to provide guidance. Cel-Tech, 20 Cal. 4th at pp. 184–185. Previously, courts defined "unfair" as a practice that offends public policy or is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers or required courts to weigh the utility of the defendant's conduct against the gravity of the harm to the alleged victim. Id. at p. 184.

The Cel-Tech court concluded it must "require that any finding of unfairness to competitors under section 17200 be tethered to some legislatively declared policy or proof of some actual or threatened impact on competition" and, in actions challenging a direct competitor's unfair act, defined the term as "conduct 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." Cel-Tech, 20 Cal. 4th at pp. 186–187.

The fraud prong of the UCL may be shown if members of the public are "'likely to be deceived.'" Buller v. Sutter Health 160 Cal.App.4th 981, 986 (2008). However, "[a]bsent a duty to disclose, the failure to do so does not support a claim under the fraudulent prong of the UCL." Id. at p. 987. Additionally, the UCL "imposes an actual reliance requirement on plaintiffs prosecuting a private enforcement actions under the UCL's fraud prong." In re Tobacco II Cases, 46 Cal. 4th 298, 326 (2009). In other words, the plaintiff "must allege he or she was motivated to act or refrain from action based on the truth or falsity of a defendant's statement, not merely on the fact it was made." Kwikset Corp. v. Superior Court 51 Cal. 4th 310, 327, fn. 10 (2011).

The Plaintiff asserts that the Defendant falsified HVAC records and instructed iE staff to falsify records under the Plaintiff's name – acts that which would appear to fall under California's UCL as alleged in the State Court Complaint. First the Plaintiff's complaint is devoid of any particular reason why

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the Plaintiff is entitled to relief under §523(a)(6). The Plaintiff made allegations, that were not supported by affidavits or exhibits, and asks the Court to figure out how relief is appropriate. In order to prevail under a UCL claim, the Plaintiff must allege an action under one of the three categories stated above. The complaint has allegations that perhaps could fall under one of these three categories; however, the Plaintiff only ever mentions one of these categories in his opposition to this motion for summary judgment. The Plaintiff raised possible tort claims involving fraud (this by the way was the first time the Plaintiff raised the issue of fraud). The Court will address the issue of fraud in more detail later; however, the Court notes that Plaintiff does not assert that he actually relied on the alleged misconduct at iE. The lack of allegations that go to either "unlawful, unfair or fraudulent" in order to sustain a UCL claim is troublesome to say the least.

Additionally, nothing from the complaint suggest that the Plaintiff is seeking restitution damages or seeking an injunction, it appears that the Plaintiff is seeking civil damages here which are not allowed. From the Complaint it is uncertain whether the Plaintiff would even be entitled to restitution damages. The most detrimental issue with these claims is that the Plaintiff merely suggests that the Defendant falsified the HVAC records in the complaint and is not supported by evidence. This case has been going on for over two years now and all the Plaintiff has to support its cause of action against the Defendant is allegations. At the summary judgment phase, the nonmoving party must show that there is a material dispute as to genuine material facts, allegations are insufficient. Accordingly, the Court finds that there is no genuine issue of material fact as to this issue and the Court grants summary judgment in favor of the defendant as to this cause of action.

Conversion and Breach of Contract:

Conversion is the wrongful exercise of dominion over the property of another. The elements of a conversion claim are: (1) the plaintiff's ownership or right to possession of the property; (2) the defendant's conversion by a wrongful act or disposition of property rights; and (3) damages. Conversion is a strict liability tort. The foundation of the action rests neither in the knowledge nor the intent of the defendant. Instead, the tort consists in the breach of an absolute duty; the act of conversion itself is tortious. Therefore, questions of the defendant's

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good faith, lack of knowledge, and motive are ordinarily immaterial. Moore v. Regents of University of California 51 Cal. 3d 120, 144 (1990), and fn. 38; Oakdale Village Group v. Fong (1996) 43 Cal. App. 4th 539, 543-544 [50 Cal. Rptr. 2d 810].)

A cause of action for conversion of money can be stated only where a defendant interferes with the plaintiff's possessory interest in a specific, identifiable sum; "the simple failure to pay money owed does not constitute conversion." Kim v. Westmoore Partners, Inc. 201 Cal. App. 4th 267, 284 (2011). Were it otherwise, the tort of conversion would swallow the significant category of contract claims that are based on the failure to satisfy "mere contractual right[s] of payment." Sanowicz v. Bacal, 234 Cal. App. 4th 1027, 1041 (2015).

Under California law, "[a] contract is either express or implied." Retired Emps. Ass'n of Orange Cnty., Inc. v. Cnty. of Orange, 52 Cal.4th 1171, 1178 (2011) (citing Cal. Civ.Code § 1619). The elements of stating a claim for breach of an express or implied contract are the same. See Gomez v. Lincare, Inc., 173 Cal.App.4th 508, 525 (2009). Both causes of action require the plaintiff to allege facts sufficient to plausibly establish: (1) the existence of contract; (2) performance by the plaintiff or excuse for nonperformance; (3) breach by the defendant; and (4) damages. First Commercial Mortg. Co. v. Reece, 89 Cal.App.4th 731, 745, 108 Cal.Rptr.2d 23 (2001). The difference is that "[t]he existence and terms of an express contract are stated in words[.]" whereas "[t]he existence and terms of an implied contract are manifested by conduct. *Id.* (citing Cal. Civ.Code §§ 1620, 1621). A contract implied in fact "consists of obligations arising from a mutual agreement and intent to promise where the agreement and promise have not been expressed in words." *Id.* In other words, there is no cause of action for implied contract "where there exists between the parties a valid express contract covering the same subject matter." Rutherford Holdings, LLC v. Plaza Del Rey, 223 Cal.App.4th 221,231, 166 Cal.Rptr.3d 864 (2014). The elements of a breach of oral contract claim are the same as those for a breach of written contract: a contract; its performance or excuse for nonperformance; breach; and damages. Careau & Co. v. Security Pacific Business Credit, Inc. 222 Cal.App.3d 1371, 1388 (1990).

The Plaintiff asserts that he is owed ten percent (10%) of revenue for

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testing performed by employees trained by the Plaintiff. This type of payment appears to have arisen out of a contract – the Plaintiff failed to provide evidence of the contract - thus, Plaintiff cannot succeed in a conversion action. Even though there appears to have been a contract, the Defendant was not a party to this agreement. In the Plaintiff's opposition, the Plaintiff acknowledges that the contract was between him and iE. Nothing has been shown to suggest the Defendant would be obligated to comply with the terms of the agreement between the Plaintiff and iE. There is no genuine dispute as to material facts as to this argument and the Court grants summary judgment in favor of the Defendant as to this issue.

Wrongful Termination:

If an employer terminates an employment relationship for a reason that contravenes some fundamental public policy, then the employer breaches a general duty imposed by law upon all employers and the employee's remedy therefore sounds in tort. Tameny v. Atlantic Richfield Co., 27 Cal.3d 167, 176 (1980). The Court in Weinbaum v. Goldfarb, Whitman & Cohen, 46 Cal. App. 4th (1996) stated:

[T]he tort of wrongful discharge in violation of public policy ... arises when an employer conditions employment upon required participation in unlawful conduct by the employee. But the fact that an employee discharged in violation of public policy has a tort remedy wholly independent of his express or implied contractual relationship with his employer does not mean there exists a tort of 'wrongful termination in violation of public policy' independent of the duty arising from the employment relationship. To the contrary, the duty on which the tort is based is a creature of the employer-employee relationship, and the breach of that duty is the employer's improper discharge of an employee otherwise terminable at the will or whim of the employer. **There is nothing in ... any ... case we have found to suggest that this tort imposes a duty of any kind on anyone other than the employer.** Certainly, there is no law we know of to support the notion that anyone other than the

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employer can discharge an employee."

The Defendant is an officer of the Plaintiff's employer and not the employer itself. Nothing supports the proposition that the Plaintiff can prevail in a wrongful discharge suit against anyone but iE. Accordingly, the Court grants summary judgment in favor of the Defendant as to this issue.

Director or Officer Liability:

"Directors or officers of a corporation do not incur personal liability for torts of the corporation merely by reason of their official position, unless they participate in the wrong or authorize or direct that it be done They may be liable, under the rules of tort and agency, for tortious acts committed on behalf of the corporation." United States Liability Ins. Co. v. Haidinger-Hayes, Inc., 1 Cal. 3d 586, 595 (1970). "In other words, a corporate director is liable if he or she is *personally* negligent or commits an intentional tort. Director status neither immunizes a person from individual liability nor subjects him or her to vicarious liability." Frances T. v. Village Green Owners Assn., 42 Cal. 3d 490, 514 (1986). In Haidinger-Hayes, the Court restated the traditional rule that directors are not personally liable to third persons for negligence amounting merely to a breach of duty the officer owes to the corporation alone. "[The] act must also constitute a breach of duty owed to the third person. . . . More must be shown than breach of the officer's duty to his corporation to impose personal liability to a third person upon him." United States Liability Ins. Co. v. Haidinger-Hayes, Inc., at 595. In other words, a distinction must be made between the director's fiduciary duty to the corporation (and its beneficiaries) and the director's ordinary duty to take care not to injure third parties. "An officer or director will not be liable for torts in which he does not personally participate, of which he has no knowledge, or to which he has not consented. . . . While the corporation itself may be liable for such acts, the individual officer or director will be immune unless he authorizes, directs, or in some meaningful sense actively participates in the wrongful conduct." Frances T. v. Village Green Owners Assn., 42 Cal. 3d 490, 503-504 (1986)

To maintain a tort claim against a director in his or her personal

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capacity, a plaintiff must first show that the director specifically authorized, directed or participated in the allegedly tortious conduct (Id.); or that although they specifically knew or reasonably should have known that some hazardous condition or activity under their control could injure plaintiff, they negligently failed to take or order appropriate action to avoid the harm. Dwyer v. Lanan & Snow Lumber Co., supra, 141 Cal.App.2d 838 (1956). The Court in Haidinger-Hayes, Inc. stated that "[l]iability imposed upon agents for active participation in tortious acts of the principal have been mostly restricted to cases involving physical injury and not pecuniary harm." United States Liability Ins. Co. v. Haidinger-Hayes, Inc., at 595.

Here, the Defendant is the sole shareholder and operator of iE and the claims by the Plaintiff all appear to be intentional torts. These intentional torts were raised not in the Plaintiff's complaint; rather, they were first raised in the Plaintiff's objection to the motion for summary judgment. The injuries are pecuniary in nature and not based on personal injury. While California courts are more likely to find liability exists as to a director in their individual capacity when the torts are based on personal injuries, it does not automatically preclude recovery based on pecuniary injuries. The Plaintiff asserts three intentional torts that the Defendant should be held liable for: 1) intentional interference with contract, 2) fraudulent concealment, and 3) intentional misrepresentation.

Intentional Interference with Contract:

The elements of a cause of action for interference with contractual relations are: (1) the existence of a valid contract between the plaintiff and a third party; (2) the defendant's knowledge of this contract; (3) the defendant's intentional acts designed to induce a breach or disruption of the contractual relationship; (4) actual breach or disruption of the contractual relationship; and (5) resulting damages. PMC, Inc. v. Saban Entertainment, Inc. 45 Cal.App.4th 579, 595 (1996). Proof that the interfering conduct was wrongful, independent from the interference itself, is not required to recover for interference with contractual relations. LiMandri v. Judkins, 52 Cal.App.4th 326, 343 (1997).

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The Court does not divulge into an in-depth analysis on this claim because it is "well established that corporate agents and employees acting for and on behalf of a corporation cannot be held liable for inducing a breach of the corporation's contract." Shoemaker v. Myers, 52 Cal. 3d 1, 24, 276 Cal. Rptr. 303, 801 P.2d 1054 (1990); Applied Equip. Corp. v. Litton Saudi Arabia Ltd., 7 Cal. 4th 503, 512 n.4, 28 Cal. Rptr. 2d 475, 869 P.2d 454 (1994). The Defendant was an agent of iE and was acting on behalf of the iE; thus, any claim that the Defendant interfered with contractual relations between iE and the Plaintiff are not valid under the law. Again, there is no factual support for supporting an intentional interference with contract claim; rather, the Plaintiff is only provided the Court with allegations. The Court finds summary judgment is appropriate for the Defendant as to this issue.

Fraudulent Concealment & Intentional Misrepresentation

The elements of a claim for fraudulent concealment require the plaintiff to show that: "(1) the defendant ... concealed or suppressed a material fact, (2) the defendant [was] under a duty to disclose the fact to the plaintiff, (3) the defendant ... intentionally concealed or suppressed the fact with the intent to defraud the plaintiff, (4) the plaintiff [was] unaware of the fact and would not have acted as he did if he had known of the concealed or suppressed fact, and (5) as a result of the concealment or suppression of the fact, the plaintiff must have sustained damage." Marketing West, Inc. v. Sanyo Fisher (USA) Corp., 6 Cal.App.4th 603 (1992), 612–613 [7 Cal. Rptr. 2d 859].) The duty to disclose may be established where there is a confidential relationship between the parties, defendant has made a representation which was likely to mislead due to the nondisclosure, there is active concealment of undisclosed matters, or one party has sole knowledge of or access to material facts and knows such facts are not known to or discoverable by the other party. Goodman v. Kennedy, 18 Cal.3d 335, 346–347 (1976).

Similarly, the elements of a cause of action for fraud or intentional misrepresentation are (1) a knowingly false representation by the defendant; (2) an intent to deceive or induce reliance; (3) justifiable reliance by the plaintiff; and (4) resulting damages." Service by Medallion, Inc. v. Clorox Co. 44 Cal.App.4th 1807, 1816 (1996).

It is established law, in this circuit and elsewhere, that [Rule 9\(b\)](#)'s

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particularity requirement applies to state-law causes of action. "While a federal court will examine state law to determine whether the elements of fraud have been pled sufficiently to state a cause of action, the [Rule 9\(b\)](#) requirement that the circumstances of the fraud must be stated with particularity is a federally imposed rule." Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1103 (9th Cir. 2003); see also Jenkins v. Commonwealth Land Title Ins. Co., 95 F.3d 791, 796 (9th Cir. 1996) (applying Rule 9(b) to pleading of state-law cause of action. The Ninth Circuit has emphasized that Rule 9(b) requires that plaintiffs plead with particularity the circumstances constituting fraud, especially the time, place, and content of an alleged misrepresentation. Decker v. GlenFed, Inc., 42 F.3d 1541, 1548 (9th Cir. 1994). But these circumstances are not enough to establish that any representations made were false, a necessary ingredient of fraud. Id. Plaintiff must also state with specificity what made any of the representations false. Id.; See also Janda v. T-Mobile, USA, Inc., 2009 U.S. Dist. LEXIS 24395, 2009 WL 667206, at *5 (N.D. Cal. Mar. 13, 2009).

The Plaintiff argues that the Complaint alleges facts, that if proven true, establish that the Defendant committed fraudulent concealment and intentional misrepresentation. The Court disagrees. Claims for fraud must be plead with particularity, the Plaintiff missed this standard entirely – so much so that the word "fraud" never appears in the complaint. The first time that fraud is mentioned is in the Plaintiff's opposition to summary judgment. Further, allegations of fraud should have been brought under § 523(a)(2) or (4); the Plaintiff seeks relief that under § 523(a)(6). There was simply no way the Defendant could have known that the Plaintiff would be asserting fraud claims against him. In addition to the complaint falling far below the pleading requirements for fraud, the statements that the Plaintiff refers to into the complaint are merely statements of belief that are not supported by further evidence. There are no affidavits, no declarations, no exhibits that show an even an indicia of fraud. The Court finds that there are no genuine disputes as to material facts showing any fraud. Since fraud is a critical element for torts of fraudulent concealment and intentional misrepresentation, there is no basis to hold the Defendant liable under these theories.

Conclusion:

As articulated previously, in order to prevail in a §523(a)(6) action the Plaintiff needed to show that the injury was both willful and malicious. For the

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reasons stated, the Court finds that even when viewing the facts in favor of the Plaintiff that he would not be able to prevail. This adversary proceeding has been active for over two years. During this time, the Plaintiff has not attached any exhibit, any affidavit, or any other possible evidence that can be used to substantiate any of his allegations against the Defendant. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986) ("The nonmoving party must show more than "the mere existence of some alleged factual dispute ... the requirement is that there be no genuine issue of material fact."). At the summary judgment stage, the Plaintiff "can no longer rest on ... mere allegations, but must set forth by affidavit or other evidence specific facts, which for the purposes of [a] summary judgment motion will be taken to be true." Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). The Plaintiff has failed to do so.

The Court GRANTS summary judgment in favor of the Defendant.

Party Information

Debtor(s):

Ian Jacoby

Represented By
Andrew Goodman
Vincent V Frounjian

Defendant(s):

Ian Jacoby

Represented By
Andrew Goodman

Plaintiff(s):

Garrett Williams

Represented By
Lazaro E Fernandez

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CONT... Ian Jacoby

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Represented By
Carmela Pagay
Juliet Y Oh

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8:30 AM

1:20-11469 Barry C. Irick

Chapter 7

**#1.00 Pro se Reaffirmation Agreement with
Kinecta Federal Credit Union**

fr. 12/15/20, 1/19/21

Docket 11

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from Dec. 15, 2020, and again from Jan. 19, 2021, to allow Debtor the opportunity research whether the reaffirmed loans for the 2014 Ford Explorer & the 2012 Ford Escape were cross-collateralized with this "overdraft" line of credit, and whether the agreement could be amended to include a provision providing for Kinecta to report timely payments to credit reporting bureaus.

If Debtor chooses not to appear, the reaffirmation may be denied but Debtor was informed by volunteer counsel and the Court that he was free to voluntarily make payments on this overdraft line of credit to maintain his good standing with Kinecta.

APPEARANCE REQUIRED or reaffirmation to be denied.

12/15/20 TENTATIVE BELOW

Petition date: 8/17/2020

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: "LINE OF CREDIT"

Debtor's valuation of property (Sch. B): not listed on Sch. B

Amount to be reaffirmed: \$5,000.00 (balance due -\$2,608.62) Reaffirmation Agreem't, Part I, para. B & G

APR: 9.990%

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CONT... Barry C. Irick

Chapter 7

Contract terms: \$112.00 per month for indeterminate term Id., Part I, para. G

Monthly Income (Schedule I): \$6,848.50

Monthly expenses: (Schedule J): \$6,827

Disposable income: \$21.50

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 explains that because the bankruptcy has alleviated his debt, he will be better able to manage his monthly budget and continue this payment

Debtor has a right to rescind agreement anytime prior to discharge, or until January 11, 2021, whichever is later.

Party Information

Debtor(s):

Barry C. Irick

Represented By
Nathan A Berneman

Trustee(s):

Amy L Goldman (TR)

Pro Se

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8:30 AM

1:20-11892 Hector Gerardo Martinez-Guzman and Izamar Rivera-

Chapter 7

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

Docket 12

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition date: 10/21/2020

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

Discharge?: No

Property: 2014 Honda Accord

Debtors' valuation of property (Sch. B): \$10,887

Amount to be reaffirmed: \$6,690.37

APR: 5.35% (fixed)

Contract terms: \$354.66 per month for 20 months

Monthly Income (Schedule I): \$1,551

Monthly expenses: (Schedule J): \$1,550

Disposable income: \$1.00

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

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CONT... Hector Gerardo Martinez-Guzman and Izzamar Rivera- Chapter 7

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

Debtors did not provide an explanation as to how they will make this payment. This payment is listed on Sch. J.

Debtors have a right to rescind agreement anytime prior to discharge, or until March 6, 2021, whichever is later.

Party Information

Debtor(s):

Hector Gerardo Martinez-Guzman

Represented By
Daniel F Jimenez

Joint Debtor(s):

Izzamar Rivera-Olmedo

Represented By
Daniel F Jimenez

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:20-12033 Jarred Thomas Coppola

Chapter 7

#3.00 Pro se Reaffirmation Agreement with
Americredit Financial Services, Inc.
Dba GM Financial

Docket 12

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition date: 11/13/2020

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 Ford Focus

Debtor's valuation of property (Sch. B): \$3,500

Amount to be reaffirmed: \$5,687.36

APR: 21.0% (fixed)

Contract terms: \$198.47 per month for 40 months

Monthly Income (Schedule I): \$4,227

Monthly expenses: (Schedule J): \$4,525

Disposable income: <\$298.00>

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

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CONT... Jarred Thomas Coppola

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?

Debtor states that he and his family have decreased expenses in other areas, as this vehicle is necessary for Debtor's employment as the only family member that works outside the home. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 3, 2021, whichever is later.

Party Information

Debtor(s):

Jarred Thomas Coppola	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Pro Se
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1:20-12176 Kelly Contreras and Robert Alfonso Garcia, Jr.

Chapter 7

**#4.00 Pro se Reaffirmation Agreement with
Santander Consumer USA Inc.**

Docket 12

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition date: 12/9/2020

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 Nissan Frontier

Debtor's valuation of property (Sch. B): \$0.00

Creditor's valuation of property (Reaffirmation): \$23,975

Amount to be reaffirmed: \$20,543.96

APR: 18.18% (fixed)

Contract terms: \$489.43 per month for 57 months

Monthly Income (Schedule I): \$2,492.50

Monthly expenses: (Schedule J): \$3,491.54

Disposable income: <\$994.04>

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

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CONT... Kelly Contreras and Robert Alfonso Garcia, Jr.

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?

Debtor states that his employment is dependent on his having a vehicle. He states that his income will be used to make his payments. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 6, 2021, whichever is later.

Party Information

Debtor(s):

Kelly Contreras

Represented By
Nathan A Berneman

Joint Debtor(s):

Robert Alfonso Garcia Jr.

Represented By
Nathan A Berneman

Trustee(s):

Diane C Weil (TR)

Pro Se

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9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609973691>

Meeting ID: 160 997 3691

Password: 11694192

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 997 3691

Password: 11694192

Docket 0

Tentative Ruling:

- NONE LISTED -

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10:00 AM

1:20-11148 **Fayyaz Aly Dammanwalla and Meena Fayyaz**

Chapter 7

#1.00 Motion for relief from stay

MERCEDES-BENZ FINANCIAL SERVICES
USA LLC

Docket 83

Tentative Ruling:

Petition Date: 6/30/20

Ch: 7

Service: Proper. No opposition filed.

Property: 2010 Mercedes-Benz GLC300W; VIN # WDC0G8DB9LF695984

Property Value: \$45,000 (per debtor's schedules)

Amount Owed: \$49,654.94

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,776.54 (2 post-petition payments of \$888.27).

Movant seeks moves under 11 U.S.C. 362(d)(1) and (d)(2) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay). Movant argues cause exists because there is no adequate equity cushion and that the Debtor has missed post-petition payments. Movant alleges that the last payment was received on or about January 12, 2021. Additionally, Debtor has failed to provide proof of insurance.

With the Debtor not making post-petition payments, no adequate equity cushion, and lack of proof of insurance, the Court finds cause of exists for lifting the stay.

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).

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CONT... **Fayyaz Aly Dammanwalla and Meena Fayyaz**

Chapter 7

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

Party Information

Debtor(s):

Fayyaz Aly Dammanwalla

Represented By
Raj T Wadhvani

Joint Debtor(s):

Meena Fayyaz Dammanwalla

Represented By
Raj T Wadhvani

Movant(s):

Mercedes-Benz Financial Services

Represented By
Sheryl K Ith

Trustee(s):

Nancy J Zamora (TR)

Represented By
Toan B Chung

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10:00 AM

1:20-12043 Lance Bentley Lyon and Stephanie Rae Hodge

Chapter 7

#2.00 Motion for relief from stay

CARVANA, LLC

Docket 20

Tentative Ruling:

Petition Date: 11/13/2020

Ch: 7

Service: Proper. No opposition filed.

Property: 2017 Ford Edge AWD 4C; VIN #2FMPK4K92HBB69423

Property Value: \$20,000.00 (per debtor's schedules)

Amount Owed: \$21,001.00

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,164.00 (3 post-petition payments of \$388.00).

Movant seeks moves under 11 U.S.C. 362(d)(1) and (d)(2) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law); 5 (Co-debtor stay); and 6 (waiver of 4001(a)(3) stay). Movant argues cause exists because the Debtor has missed post-petition payments. Further, the Movant filed a statement of intention to surrender the Property and Movant has gained petition of the Property.

With the Debtor not making post-petition payments, no adequate equity cushion, and intent to surrender the Property, the Court finds cause of exists for lifting the stay.

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) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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CONT... Lance Bentley Lyon and Stephanie Rae Hodge

Chapter 7

Party Information

Debtor(s):

Lance Bentley Lyon

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Stephanie Rae Hodge

Represented By
Rabin J Pournazarian

Trustee(s):

Amy L Goldman (TR)

Pro Se

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10:30 AM

1:19-10501 Capital Gold Group Inc.

Chapter 7

#3.00 Motion For Order Approving Sale of Bullion Coins and Bars Free and Clear of Liens and Interests and Approving Procedure for Such Sale; Memorandum of Points and Authorities;

Docket 30

Tentative Ruling:

Chapter 7 Trustee moves for entry of an order approving sale of Bullion Coins and Bars free and clear of liens and interests and approving procedure for such sale pursuant to 11 U.S.C. § 363(b) and (f); Fed. R. Bankr. P. 6004; and L.B.R. 2002 and 6004-1. The property of the estate includes precious metals, referred hereinafter as "Bullion Coins and Bars," currently located at the Delaware Depository Service Company at 3601 North Market St., in Wilmington, Delaware 19802

The Trustee further proposes to employ FideITrade as her agent to effectuate the sale of the Bullion Coins and Bars pursuant to the terms of the FideITrade Incorporated Precious Metals Account Agreement ("Account Agreement"). The proposed buyer(s) of the Bullion Coins and Bars cannot be determined at this time as the assets will be sold on the open market at a predetermined time.

The Trustee proposes to employ FideITrade as her agent to facilitate the sale of the Bullion Coins and Bars on the open market. FideITrade is a full-service precious metals investment company located in Wilmington, Delaware. FideITrade provides bullion sales, administration and reporting services to individual investors, private wealth management firms and banks and brokerage firms. FideITrade is an Authorized Purchaser of the United States Mint. FideITrade is a disinterested party and the employment of FideITrade, pursuant to the terms of the Account Agreement, will result in an arm's-length sale of the Bullion Coins and Bars at fair market value that is tied to the London PM Fix Price for Gold, Silver and Platinum.

Once the proposed sale and the employment of FideITrade to facilitate such sale is approved by this Court, the Trustee will instruct FideITrade to sell the

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CONT... **Capital Gold Group Inc.**

Chapter 7

Bullion Coins and Bars at a benchmark time and date within 14 days of date of entry of an order approving this Motion.

Once the proposed sale and the employment of FidelityTrade to facilitate such sale is approved by this Court, the Trustee will instruct FidelityTrade to sell the Bullion Coins and Bars at a benchmark time and date within 14 days of date of entry of an order approving this Motion.

The Trustee believes that the proposed sale employing FidelityTrade as her agent is fair and serves the best interest of the Estate and its creditors based on the following: (a) through the sale of the Bullions Coins and Bars, the Trustee anticipates generating funds that may allow for payment of a distribution to unsecured creditors; (b) based on her investigation, the Trustee believes that she would not receive a greater net sale value from any other sale procedure; and (c) the sale of the assets on the open market ensures a fair and arm's-length transaction.

No Opposition has been filed.

The Court finds that the sale of Bullion Coins and Bars is in the best interest of the estate.

Motion GRANTED. NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITH COURT WITHIN 7 DAYS.

Party Information

Debtor(s):

Capital Gold Group Inc.

Represented By
Sevan Gorginian

Trustee(s):

Diane C Weil (TR)

Represented By
Kathy Bazoian Phelps

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1:20-12142 Khachatur Manucharyan

Chapter 7

#4.00 Motion to vacate dismissal

Docket 15

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). No party filed an opposition.

This bankruptcy case was filed on 12/03/2020. The case was dismissed on 12/8/2020 because the petition was missing a holographic signature of the Debtor. There appears to have been an oversight issue with Debtor's Counsel.

DISPOSITION: GRANT Debtor's Motion to Vacate Dismissal. MOVANT TO LODGE ORDER WITHIN 7 DAYS. NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Khachatur Manucharyan

Represented By
Anita Khachikyan

Trustee(s):

David Seror (TR)

Pro Se

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11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

#5.00 Order to Show Cause why Adversary
Complaint should not be Dismissed for
Failure to Prosecute

Docket 161

Tentative Ruling:

On January 6, 2021, a status conference on the complaint. Plaintiff's counsel did not file a status report and explained at the status conference that he was unable to get direction from his client, Plaintiff, as to how it may wish to proceed with this Adversary Proceeding.

The Court Issued this OSC for why the Adversary Proceeding should not be dismissed for failure to prosecute. As of this date the Plaintiff has still not filed a status report.

APPERANCE 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

Levene Neale Bender Yoo & Brill LLP

Defendant(s):

Process America, Inc.

Represented By

Mitchell C Shapiro

Craig Rickard

Pro Se

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CONT... Process America, Inc.

Chapter 11

KEITH PHILLIPS

Represented By
J. Bennett Friedman

Gwendolyn Phillips

Represented By
J. Bennett Friedman

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

Kim Ricketts

Represented By
Blake J Lindemann

Plaintiff(s):

Tigrent Group Inc.

Represented By
Thomas F Koegel
Nathanial J Wood
Robert A Shull
Nicole F Bergstrom

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

Wednesday, February 17, 2021

Hearing Room 302

11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

#6.00 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, 10/28/20
9/21/18, 10/31/18; 12/12/18, 2/27/19; 3/13/19; 12/11/19, 1/29/20
2/26/20; 3/25/20; 5/20/20, 6/2/20, 1/6/21

Docket 1

Tentative Ruling:

There has not been anything filed since the last hearing. The Court issued an OSC for why the case should not be dismissed for failure to prosecute. What is the status of the case?

Appearance Required.

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 17, 2021

Hearing Room 302

11:00 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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U.S. 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 17, 2021

Hearing Room 302

11:00 AM

1:20-11099 Arthur Martiryan

Chapter 7

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

#7.00 Status Conference Re: Complaint for
Determination of Dischargeability of Debt
Under 11 U.S.C. Sec. 523

Docket 1

Tentative Ruling:

On December 14, 2020, Plaintiff commenced this case seeking relief under 11 U.S.C. § 523(a)(2), (4) & (6). Defendant did not file an answer and Plaintiff requested the Clerk to Enter Default. Plaintiff will be filing a motion for default judgment in the coming days and does not anticipate a trial will be necessary.

The Court will continue the status conference to March 31, 2021 to allow Plaintiff opportunity to file motion for default judgment.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Arthur Martiryan Pro Se

Defendant(s):

Arthur Martiryan Pro Se

Plaintiff(s):

JPMORGAN CHASE BANK, N.A. Represented By
Jillian A Benbow

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 17, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci

Chapter 13

Adv#: 1:20-01120 Hensarling et al v. Crooks

#8.00 Status Conference Re: Complaint to
Determine Non-Dischargeability of Debt
and for Entry of Judgment for Money

Docket 1

Tentative Ruling:

Plaintiff commenced this case on December 14, 2020. The underlying cause of action to determine the nondishargeability of certain debts Defendant filed an answer on January 13, 2021.

Parties filed a joint status report. Both parties consent to this Court adjudicating this matter and both parties want this matter sent to mediation.

Discovery cut-off (all discovery to be completed*):_ September 30, 2021____

Expert witness designation deadline (if necessary):_____ N/A_____

Case dispositive motion filing deadline (MSJ; 12(c)):_ October 8, 2021

Pretrial conference:____ October 20 11 , 2021 11 am

Deadline for filing pretrial stipulation (14 days before pretrial conference) :
____ October 13, 2021_____

No Appearance Required. Plaintiff to lodge order with court within 7 days.

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

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

Wednesday, February 17, 2021

Hearing Room 302

11:00 AM

CONT... Andrea Ricci

Chapter 13

Defendant(s):

Tonya Crooks

Pro Se

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

Plaintiff(s):

Ashely Hensarling

Represented By
Alberto J Campain

Browgal, LLC (in its derivative

Represented By
Alberto J Campain

Sandra Hensarling

Represented By
Alberto J Campain

Trustee(s):

Elizabeth (SV) F 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 17, 2021

Hearing Room 302

11:00 AM

1:20-11669 Alex Ashod Dadourian

Chapter 13

Adv#: 1:20-01119 Quicken Loans, LLC FKA Quicken Loans Inc. v. DADOURIAN

#9.00 Status Conference Re: Complaint to
Determine NonDischargeability of
Certain Debts

Docket 1

Tentative Ruling:

Plaintiff brought commenced this case on December 12, 2020. The underlying cause of action to determine the nondishargeability of certain debts pursuant to 11 U.S.C. § 523(a)(2) & (6). Defendant filed an answer on January 11, 2021.

Parties filed a joint status report. Both parties consent to this Court adjudicating this matter. Defendant would like this to be sent to mediation but Plaintiff does not.

Discovery cut-off (all discovery to be completed*):_ June 18, 2021_____

Expert witness designation deadline (if necessary):_____N/A_____

Case dispositive motion filing deadline (MSJ; 12(c)):_ July 1, 2021

Pretrial conference:_____July 28, 2021_____

Deadline for filing pretrial stipulation (14 days before pretrial conference) :
_____July 14, 2021_____

No Appearance Required. Plaintiff to lodge order with court 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 17, 2021

Hearing Room 302

11:00 AM

CONT... Alex Ashod Dadourian

Chapter 13

Debtor(s):

Alex Ashod Dadourian

Represented By
Kevin T Simon

Defendant(s):

ALEX ASHOD DADOURIAN

Pro Se

Plaintiff(s):

Quicken Loans, LLC FKA Quicken

Represented By
Christopher O Rivas

Trustee(s):

Elizabeth (SV) 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, February 18, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1604889790>

Meeting ID: 160 488 9790

Password: 5261507

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 488 9790

Password: 5261507

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

1:19-12727 Tacarra Sheana Carthan

Chapter 7

Adv#: 1:19-01135 Barton et al v. Carthan

#1.00 Motion to compel Discovery/Production
of Documents

fr. 9/30/20, 10/8/20; 10/21/20, 11/18/20

Docket 15

Tentative Ruling:

Appearance required.

Background:

On October 29, 2019, Tacarra Sheana Carthan (the "Defendant") filed a chapter 7 bankruptcy petition. The Defendant's schedules were amended on November 12, 2019, and again on January 6, 2020. Docket No. 13 & 19. These amendments showed significant changes made to the Defendant's income, expenses, and assets.

On November 14, 2019, Carmen Barton and Anthony Carthan (the "Plaintiffs") commenced an adversary proceeding against the Defendant for a determination of dischargability and objection to the Defendant's discharge pursuant to sections 11 U.S.C. § 523(a)(5); §523(a)(6) and § 727(a)(3). Discovery is currently underway, and the Plaintiffs seek the following documents from the Defendant:

1). 6 months of Official certified bank statements from July 2019 through December 2019 for a JP Morgan Chase checking account;

2). 6 months of Official certified bank statements from July 2019 through December 2019 for two Bank of America checking accounts;

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

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

CONT...

Tacarra Sheana Carthan

Chapter 7

- 3). 6 months of Transaction History statements from July 2019 through December 2019 for CashApp;

- 4). 6 months of Transaction History statements from July 2019 through December 2019 for Wix payment processing;

- 5). All 2019 1099 miscellaneous income tax forms;

- 6). All documents and communications with Gersh Agency regarding performance rider and pay;

- 7). All documents, contracts and communication regarding pay for performances with Chelsea Handler;

- 8). All documents, contracts and communication with NBC regarding compensation and residual payments for NBC "Bring the Funny";

- 9) All documents, contracts and communication with Just for Laughs Montreal Comedy Festival regarding compensation and residual for 2018 and 2019 performances;

- 10). Permit the Plaintiffs to inspect the Defendant's 2010 Toyota Highlander odometer and general condition of the vehicle.

The Plaintiffs attempted to contact the Defendant's counsel in order to obtain these discovery requests but have been unsuccessful. *See* Plaintiffs' Exhibits 2-5. The

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

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

CONT... Tacarra Sheana Carthan

Chapter 7

Plaintiffs even subpoenaed the Defendant to produce these documents but again has not been successful. Docket No. 10; Plaintiffs' Exhibit 1.

On February 27, 2020, the Plaintiffs filed a motion to compel the discovery and production of documents pursuant to Federal Rule of Civil Procedure 37 (a)(3). No opposition has been filed.

Standard:

The instant motion arises under Federal Rule of Civil Procedure 37(a), made applicable to bankruptcy proceedings through Federal Rule Bankruptcy Proceeding 7037(a), which authorizes a party to apply for an order to compel disclosure or discovery. If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions. Fed. R. Civ. P. 37(a)(2) (A); see also Soto v. City of Concord, 162 F.R.D. 603, 609 (N.D. Cal 1995). FRCP 26, made applicable to bankruptcy proceeding through FRBP 7026, provides that a party has a general duty to disclose, without awaiting a discovery request, names and contact information of individuals with discoverable information, a copy of all documents that control or may be used to support claims or defenses, computation of damages, and any applicable insurance agreement. Fed. R. Civ. P. 26(a); Fed. R. Bankr. P. 7026(a).

A party 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[.]" Fed. R. Civ. P. 26(b)(1). Factors to consider include "the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Id. Information need not be admissible in evidence to be discoverable. Id. However, a court "must limit the frequency or extent of discovery otherwise allowed by [the Federal] rules" if "(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1)." Fed. R. Civ. P. 26(b)(2)(C).

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

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

CONT... Tacarra Sheana Carthan

Chapter 7

Analysis:

The Plaintiffs attached to their motion a declaration of noncooperation and exhibits supporting their position that they have in good faith tried to resolve the discovery disputes and have either briefly spoken with the Defendant's counsel or have never received a reply to phone messages, emails, or to the subpoena. The Court is satisfied that this satisfies the formal requirements as articulated in FRBP 7037 and Local Bankruptcy Rule 7026-1(c).

Here the Plaintiffs are seeking to compel predominately financial documents relating to the Defendant's prepetition and postpetition financial status. The Plaintiffs' complaint alleges that the Defendant has falsified financial information and omitted various sources of income in her schedules. The complaint identifies several revenue streams that the Defendant has failed to adequately report in her schedules, and these allegations form the basis for relief under 11 U.S.C. § 727(a)(3). These financial documents will be necessary to prove whether the Defendant had other revenue streams that were not reported or under reported and the Plaintiffs assert that discovery may lead to admissible evidence. The Court is satisfied that the financial documents being sought are relevant to this adversary proceeding and there does not appear to be any defenses that could be raised as to why these documents are privileged.

The only concern the Court has is with regards to having the Plaintiffs' check the odometer on the 2010 Toyota Highlander and to inspect its condition. At first glance this appears to be irrelevant information; however, the vehicle was only listed on the Defendant's second amended schedules. While it is common for a debtor to file a barebones bankruptcy petition on an emergent basis and fill in the details later, the Defendant filed amended schedules and failed to list this vehicle until the second amended schedules were filed. Considering the relief sought under 11 U.S.C. § 727(a)(3), this car has some relevance but the concern the Court has is whether there is any relevant information left that can be gathered by having the Plaintiffs inspect the vehicle or whether it is overly burdensome on the Defendant. The issue here is whether the Defendant made false statements with regards to her assets. The Plaintiffs can almost certainly use the Defendant's schedules to show that she may have made false statements, but it is not clear what an inspection of the vehicle will produce that is relevant to the underlying issue. Even if the Plaintiffs can assert some level of

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

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

CONT... Tacarra Sheana Carthan Chapter 7

relevancy to the underlying case, the burden of having the Defendant submit the vehicle for an inspection greatly outweighs any relevancy argument advanced by the Plaintiffs.

Disposition:

Grant the Plaintiffs' motion to compel all requested financial documents.

Deny the Plaintiffs' request to inspect the condition of the Defendant's vehicle and to view the odometer.

Zoom.gov appearance required.

Party Information

Debtor(s):

Tacarra Sheana Carthan

Represented By
Daniel King

Defendant(s):

Tacarra Sheana Carthan

Represented By
Daniel King

Plaintiff(s):

Carmen Barton

Pro Se

Anthony Carthan

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**

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

1:19-12727 Tacarra Sheana Carthan

Chapter 7

Adv#: 1:19-01135 Barton et al v. Carthan

#2.00 Status Conference re: Complaint for determination
of dischargeability and objection to debtors discharge

fr. 1/15/20, 5/6/20, 9/30/20, 10/8/20, 11/18/20

Docket 1

Tentative Ruling:

Appearance Required

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**

Thursday, February 18, 2021

Hearing Room 302

10:00 AM

CONT... Tacarra Sheana Carthan

Chapter 7

Discovery Motion Practice:

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

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

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

Zoom.gov appearance required.

Party Information

Debtor(s):

Tacarra Sheana Carthan	Pro Se
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Defendant(s):

Tacarra Sheana Carthan	Pro Se
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Plaintiff(s):

Carmen Barton	Pro Se
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Anthony Carthan	Pro Se
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Trustee(s):

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

Thursday, February 18, 2021

Hearing Room 302

11:00 AM

1:19-12485 Alisa Khachatryan

Chapter 7

Adv#: 1:20-01064 United States Trustee (SV) v. Khachatryan

#3.00 Pre-Trial Conference re: Complaint objecting to discharge

fr. 8/27/20; 1/20/21

Docket 1

***** VACATED *** REASON: Judgment per Stipulation entered 11/16/20
(doc. 14) - hm**

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): **November 23, 2020**

Expert witness designation deadline (if necessary): **to be decided later**

Case dispositive motion filing deadline (MSJ; 12(c)): File before pretrial stipulation is due

Pretrial conference: **January 13, 2021, at 11:00 a.m.**

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : **December 30, 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:

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

Thursday, February 18, 2021

Hearing Room 302

11:00 AM

CONT... **Alisa Khachatryan**

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):

Alisa Khachatryan

Represented By
Aidan Butler

Defendant(s):

Alisa Khachatryan

Pro Se

Plaintiff(s):

United States Trustee (SV)

Represented By
Katherine Bunker

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 18, 2021

Hearing Room 302

11:00 AM

1:17-13196 Isaac Nessim Azoulay

Chapter 13

#4.00 Show Cause Hearing Re: Civil Contempt
and for an Order Holding Elenor Goldring in
Civil Contempt

fr. 1/21/21

Docket 81

***** VACATED *** REASON: Resolved per Settlement (doc. 90) - hm**

Tentative Ruling:

- NONE LISTED -

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**

Friday, February 19, 2021

Hearing Room 302

2:30 PM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1617485795>

Meeting ID: 161 748 5795

Password: 181456

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 748 5795

Password: 181456

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

Friday, February 19, 2021

Hearing Room 302

2:30 PM

CONT...

Chapter

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Friday, February 19, 2021

Hearing Room 302

3:00 PM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC v. CALPAC MANAGEMENT, INC., a California corporation

#1.00 Motion for Temporary Restraining Order
and Order to Show Cause Why a Preliminary
Injunction Should Not Issue.

Docket 5

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a

Pro Se

MED EQUITY LLC, a California

Pro Se

JOSHUA RAYMOND KUKINI, an

Pro Se

RYAN JUSTIN YOUNG, an

Pro Se

FCI Lender Services, Inc., a

Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Tuesday, February 23, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616052026>

Meeting ID: 161 605 2026

Password: 46605038

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 605 2026

Password: 46605038

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:14-12567 Terry Byrd Pitt

Chapter 13

#16.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19, 2/25/20, 4/28/20; 8/25/20,
10/27/20

Docket 34

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:15-10398 Jose Luis Banuelos and Maria L. Tejada

Chapter 13

#17.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19, 12/17/19, 2/25/20; 3/31/20; 6/23/20;
8/25/20, 10/27/20; 11/17/20, 1/26/21

Docket 63

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #75. If**

Tentative Ruling:

Party Information

Debtor(s):

Jose Luis Banuelos

Represented By
Leonard Pena

Joint Debtor(s):

Maria L. Tejada

Represented By
Leonard Pena

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 23, 2021

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

fr. 6/23/20, 9/22/20; 12/15/20

Docket 163

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00 tk**

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, February 23, 2021

Hearing Room 302

11:00 AM

1:15-12045 Raul P Pavia

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

fr. 10/27/20; 12/15/20

Docket 64

***** VACATED *** REASON: Cont'd to 4/27/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul P Pavia

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, February 23, 2021

Hearing Room 302

11:00 AM

1:15-13123 Buenaventura Marquez

Chapter 13

#20.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Refunds

fr. 10/22/19, 12/17/19; 1/28/20; 3/31/20; 5/19/20; 8/25/20;
12/22/20, 1/26/21

Docket 26

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #36. If**

Tentative Ruling:

Party Information

Debtor(s):

Buenaventura Marquez

Represented By
Stella A Havkin

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 23, 2021

Hearing Room 302

11:00 AM

1:16-10093 Robert Bentley Armani

Chapter 13

#21.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Returns

Docket 43

***** VACATED *** REASON: Ntc. of w/drawal 1/27/21 Doc. #45**

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, February 23, 2021

Hearing Room 302

11:00 AM

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#21.01 Trustee's Motion to Dismiss Case Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

Docket 64

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:16-11945 Misak Sionovich Melikyan and Ruzanna Boyadshyan

Chapter 13

#22.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan Failure to Submit all Tax Refunds

fr. 12/15/20

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misak Sionovich Melikyan

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Ruzanna Boyadshyan Melikyan

Represented By
Sanaz Sarah 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, February 23, 2021

Hearing Room 302

11:00 AM

1:16-12201 Andrea Beckham

Chapter 13

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

fr. 10/22/19, 12/17/19; 1/28/20; 3/30/20; 5/19/20;
6/23/20; 8/25/20, 10/27/20; 12/15/20; 1/26/21

Docket 42

***** VACATED *** REASON: Trustee filed a withdrawal on 2/17/21 - Doc.
#71. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Beckham

Represented By
Michael Jay Berger

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 23, 2021

Hearing Room 302

11:00 AM

1:16-12648 Fernando Benitez

Chapter 13

#24.00 Motion RE: Objection to Claim Number 4 by Claimant
North American Savings Bank, F.S.B..

fr. 4/28/20, 5/19/20; 6/23/20, 7/21/20, 9/22/20,
10/27/20, 11/17/20; 12/15/20

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Benitez

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 23, 2021

Hearing Room 302

11:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#25.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Returns

Docket 79

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #81. 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, February 23, 2021

Hearing Room 302

11:00 AM

1:16-13236 Francisco Montes and Elizabeth F Montes

Chapter 13

**#26.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 100

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, February 23, 2021

Hearing Room 302

11:00 AM

1:16-13415 Victoria B. Amador

Chapter 13

#27.00 Motion for Hardship Discharge

Docket 39

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):

Victoria B. Amador

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 303 Calendar**

Tuesday, February 23, 2021

Hearing Room 303

11:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

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

fr. 1/26/21

Docket 144

***** VACATED *** REASON: Trustee filed a withdrawal - doc. 150**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria G. Alonso

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, February 23, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

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

fr. 1/26/21

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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 23, 2021

Hearing Room 302

11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

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

Docket 125

***** VACATED *** REASON: Trustee filed a withdrawal - doc. 132. If**

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, February 23, 2021

Hearing Room 302

11:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#31.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of Plan:
Failure to Submit all Tax Refunds

Docket 58

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**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

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

fr.9/22/20; 11/17/20; 1/26/21

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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 23, 2021

Hearing Room 302

11:00 AM

1:17-10883 Martin Rios

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Rios

Represented By
William G Cort

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 23, 2021

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

**#33.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 100

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, February 23, 2021

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

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

fr. 11/19/19; 1/28/20; 3/31/20, 4/28/20; 6/23/20,
7/21/20; 8/25/20, 9/22/20, 10/27/20; 12/15/20; 1/26/21

Docket 58

***** VACATED *** REASON: Trustee filed a withdrawal on 2/17/21 - Doc.
#72. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo N Trillo Jr.

Represented By
Elena Steers

Joint Debtor(s):

Maritess Biglangawa Trillo

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:17-13199 Sonia Pantoja

Chapter 13

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

Docket 51

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonia Pantoja

Represented By
Lauren M Foley

Trustee(s):

Elizabeth (SV) F 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 23, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 11/19/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20

Docket 85

Tentative Ruling:

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, February 23, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 12/17/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20

Docket 89

Tentative Ruling:

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, February 23, 2021

Hearing Room 302

11:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

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

fr. 1/26/21

Docket 55

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #64. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriela Kinney Puentes

Represented By
Hector Vega

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 23, 2021

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

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

fr. 11/17/20; 1/26/21

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Gevorkian

Represented By
Robert T Chen

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 23, 2021

Hearing Room 302

11:00 AM

1:18-10979 Irina G Dzhalalyants

Chapter 13

**#40.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 10/27/20; 12/15/20

Docket 45

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:18-11112 Mario Mauricio Gil and Edelina Chavez Cuayzon

Chapter 13

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

fr. 12/15/20

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Mauricio Gil

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Edelina Chavez Cuayzon

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, February 23, 2021

Hearing Room 302

11:00 AM

1:18-12231 Manouchehr Kouchakali

Chapter 13

#42.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

Docket 85

***** VACATED *** REASON: VACATED: Cont'd to 4/27/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

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 23, 2021

Hearing Room 302

11:00 AM

1:18-12231 Manouchehr Kouchakali

Chapter 13

#43.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

Docket 85

***** VACATED *** REASON: Duplicated of cal. 42**

Tentative Ruling:

- NONE LISTED -

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 23, 2021

Hearing Room 302

11:00 AM

1:18-12453 Mark Anthony Rivera

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21

Docket 41

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #55. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Anthony Rivera

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:18-12473 Stephen Anthony Cook

Chapter 13

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

fr. 1/28/20; 3/31/20; 6/23/20, 9/22/20; 11/17/20; 1/26/21

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Anthony Cook

Represented By
Lauren Rode

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 23, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

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

Docket 82

*** VACATED *** REASON: Trustee filed a withdrawal - doc. 86. If

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

**#46.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rolando Drilon Quimson

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:18-12909 Jennifer Martin

Chapter 13

#47.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Martin

Represented By
Phillip Myer - SUSPENDED -

Trustee(s):

Elizabeth (SV) F 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 23, 2021

Hearing Room 302

11:00 AM

1:18-12909 Jennifer Martin

Chapter 13

#48.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Returns

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Martin

Represented By
Phillip Myer - SUSPENDED -

Trustee(s):

Elizabeth (SV) F 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 23, 2021

Hearing Room 302

11:00 AM

1:18-12941 Christie F Omnes

Chapter 13

#49.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of Plan:
Failure to Submit all Tax Returns

Docket 42

***** VACATED *** REASON: Ntc. of w/drawal filed 1/19/21 (eg)**

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:18-12941 Christie F Omnes

Chapter 13

#49.01 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

Docket 40

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10003 Edwin E. Vidanez

Chapter 13

#50.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Returns

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin E. Vidanez

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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10108 Wilfredo Castillo and Carmen Rosa Castillo

Chapter 13

**#51.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 67

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10322 Louis Vargas

Chapter 13

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

fr. 8/25/20, 10/27/20; 12/15/20; 1/26/21

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Vargas

Represented By
Michael Jay Berger

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 23, 2021

Hearing Room 302

11:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20

Docket 82

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10637 Elizabeth Fabia Sanchez

Chapter 13

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

fr. 10/27/20; 12/15/20

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Fabia 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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#56.00 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; 12/17/19, 2/25/20, 4/28/20; 6/23/20; ,8/25/20, 10/27/20; 1/26/21

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bridget G Moran Smith

Represented By
Kevin T Simon

Movant(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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-10781 Daniel Correa

Chapter 13

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

fr. 3/31/20, 4/28/20; 6/23/20, 9/22/20; 11/17/20; 1/26/21

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Correa

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11045 John S. Singler

Chapter 13

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

fr. 1/26/21

Docket 43

***** VACATED *** REASON: Trustee filed a withdrawal on 2/17/21 - Doc.
#50. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11272 Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

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

fr. 12/15/20; 1/26/21

Docket 38

***** VACATED *** REASON: Trustee filed a withdrawal - doc. 42. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Araos Pasag

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Nellie Garingan Pasag

Represented By
Hasmik Jasmine Papian

Movant(s):

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11281 Mary Helen Robertson

Chapter 13

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

fr. 8/25/20; 11/17/20

Docket 36

***** VACATED *** REASON: VACATED: Cont'd to 5/25/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Helen Robertson

Represented By
Randolph L Neel

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#61.00 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);

Docket 112

Tentative Ruling:

Service proper. Having reviewed the Application for Allowance of Fees and Reimbursement of Costs and Trustee's comment thereon, 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 2-22-21.

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11617 Daysi Mildreen Ibanez

Chapter 13

**#61.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daysi Mildreen Ibanez

Represented By
Daniel King

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11709 Omar Manzano

Chapter 13

#62.00 Motion RE: Objection to Claim Number 4 by
Claimant Nations Direct Mortgage, LLC.

Docket 54

*** VACATED *** REASON: Debtor's atty filed a withdrawal - Doc. #58.
If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Omar Manzano

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
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Courtroom 302 Calendar**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11753 Oleg Meerovich

Chapter 13

#63.00 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)

Docket 63

Tentative Ruling:

Service proper. Having reviewed the Application for Additional Fees and Related Expenses in a Pending Chapter 13 Case, Trustee's comment thereon, and Debtor's Reply, the Court is satisfied with Debtor's explanations regarding the problem with the date on Debtor's declaration and reasons for altering the optional form. As Debtor's counsel sought fees under the "no look" provisions, the Court finds that the fees and costs were necessary and presumptively reasonable, and are approved as requested.

APPLICANT TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 2-23-21.

Party Information

Debtor(s):

Oleg Meerovich

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

**#64.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 10/27/20; 11/17/20

Docket 66

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11838 James Alan Ritter and Debra Michelle Ritter

Chapter 13

#65.00 Motion Under 11 U.S.C. Sec. 1328(i) for an Order Granting an Immediate Discharge of Dischargeable Debts

Docket 74

Tentative Ruling:

On July 21, 2019, the Debtors filed a petition under Chapter 13 and commenced this case. The Court takes judicial notice of the court records, pleadings, and documents filed in this case under Fed. R. Evidf. 201. Debtors' Schedules I and J reflect a gross income of \$138,600 and a surplus income of \$535.00. ECF doc. 11.

On October 18, 2019, the Order Confirming Debtors' First Amended Chapter 13 plan (the "Amended Plan") was entered. ECF doc. 22. The Amended Plan provides for 63% to unsecured creditors at \$856.42 per months 1 through 2; \$1,080.00 per months 3 through 15; \$1,620.00 per months 16 through 27; \$1,870.00 per months 28 through 60. Trustee notes that there were no liquidation issues at the time of confirmation. The applicable commitment period is 60 months totaling \$96,902.84 (the plan base amount), plus tax refunds. The Amended Plan also provided for the curing of defaults and maintenance of payments on residential mortgages owed to Fay Servicing, LLC and Bank of America.

On June 22, 2020, Specialized Loan Servicing, LLC filed a "Notice of Temporary Forbearance" stating that Debtors' loan was in forbearance status for 3 months effective April 1, 2020. ECF doc. 38. The Notice of Temporary Forbearance included the following language:

SPECIALIZED LOAN SERVICING, LLC ("SERVICER") hereby provides notice that due to a recent financial hardship resulting directly or indirectly from the COVID-19 pandemic, the Debtor has requested, and SERVICER has provided a temporary suspension of mortgage payments. This short-term relief would be consistent with the COVID-19 relief available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

On September 9, 2020, the Chapter 13 Trustee filed a "Stipulation to Suspend Plan

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11:00 AM

CONT... James Alan Ritter and Debra Michelle Ritter

Chapter 13

Payments Pursuant to 11 U.S.C. §1329 and L.B.R. 3015-1(x)(3)" (the "COVID Stipulation"), ECF doc. 40. The COVID Stipulation states:

Debtor(s) has experienced a decrease in income related to the COVID-19 pandemic. Based on the evidence provided by Debtor(s) to the Chapter 13 Trustee (hereinafter 'Trustee'), the Trustee agrees that the reduction in income merits the suspension of 3 plan payments.

On September 14, 2020, this Court entered an order approving the COVID Stipulation with the Trustee. ECF doc. 41.

On January 27, 2021, this court entered an order approving a Motion to Enter into a Loan Modification, filed by Metropolitan Life Insurance Company by and through its Servicer Fay Servicing, LLC. ECF doc. 73.

Debtors have not completed payments under the confirmed plan. There are 45 payments remaining in the plan term. Trustee Opposition, Ex. H. Debtor James' paystub shows a year-to-date income for the 2019 year of \$183,298. Id., Ex. I. Debtors now move for an order granting an immediate discharge of all dischargeable debts under newly added Section 1328(i) of the Bankruptcy Code.

STANDARD

(b) DISCHARGE.—

(1) IN GENERAL.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

(i) Subject to subsection (d), after notice and a hearing, the court may grant a discharge of debts dischargeable under subsection (a) to a debtor who has not completed payments to the trustee or a creditor holding a security interest in the principal residence of the debtor if—

(1) the debtor defaults on not more than 3 monthly payments due on a residential mortgage under section 1322(b)(5) on or after March 13, 2020, to the trustee or creditor caused by a material

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CONT...

James Alan Ritter and Debra Michelle Ritter

Chapter 13

financial hardship due, directly or indirectly, by the coronavirus disease 2019 (COVID-19) pandemic; or

(2)(A) the plan provides for the curing of a default and maintenance of payments on a residential mortgage under section 1322(b)(5); and

(B) the debtor has entered into a forbearance agreement or loan modification agreement with the holder or servicer (as defined in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)) of the mortgage described in sub-paragraph (A)."

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 1328 of title 11, United States Code, is amended by striking subsection (i).

11 U.S.C. § 1328(i)

Debtors argue that they have met all of the statutory requirements under 1328(i)(2) because the Amended Plan provided for the curing of defaults and maintenance of payments on residential mortgages and they have entered into a forbearance or loan modification agreement. Debtors counter that Trustee's position that all provisions of § 1328(a) of the Bankruptcy Code apply here would impose additional requirements upon this relief that are not provided for in the statute. The authority cited by Debtors to support their position describes modification of plans under 1328(d), not discharges under 1328(i). Trustee does not argue that Debtors are not eligible to modify their plan. It is whether Debtors have met the requirements for a discharge under 1328(i) that is challenged.

In response to Trustee's arguments, Debtors argue that "there is nothing in 1328(i) that requires the Debtors to show a current financial inability to maintain plan or mortgage payments caused by COVID-19." Reply, 4:15-17 (emphasis in original). A bankruptcy court in the District of New Jersey found modifications under 1328(d) must still conform to the requirements of §§ 1322(a), 1322(b), 1323(c), and 1325(a) of the Bankruptcy Code. In re Winnegrad, 2021 WL 219519 (Bankr. D.N.J. Jan. 21, 2021). The bankruptcy court in Winnegrad found that the debtor's proposed modification of a zero-dollar plan payment for

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CONT... James Alan Ritter and Debra Michelle Ritter Chapter 13

two years was essentially requesting an impermissible moratorium on their chapter 13 plan. In re Winnegrad, 2021 WL 219519, at *3 (Bankr. D.N.J. Jan. 21, 2021). The strategy proposed by the debtors in Winnegrad left "[the] Court to believe that the Modified Plan was brought in bad faith." Id.

The facts of In re Winnegrad, D.N.J., are more analogous to those in this case, where Debtors seeking a discharge under 1328(i) 18 months into a 60 month plan, although income the 2019 paystub indicates gross income of \$183,298 with no evidence of material financial hardship that incurred because of the COVID-19 pandemic.

APPEARANCE REQUIRED

Party Information

Debtor(s):

James Alan Ritter

Represented By
Glenn Ward Calsada

Joint Debtor(s):

Debra Michelle Ritter

Represented By
Glenn Ward Calsada

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11885 Joanne Sherry Block and Paul Henry Block

Chapter 13

**#66.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Sherry Block

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Paul Henry Block

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11930 Vicente M Aguilar

Chapter 13

**#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 10/27/20; 12/15/20; 1/26/21

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente M Aguilar

Represented By
David Samuel Shevitz

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20

Docket 41

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20

Docket 32

Tentative Ruling:

- NONE LISTED -

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

**#70.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21

Docket 37

***** VACATED *** REASON: VACATED: Cont'd to 3/16/21 at 11:00**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Berta Zavala

Represented By
Donald E Iwuchuku

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12311 Manuel Medina

Chapter 13

**#71.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 47

***** VACATED *** REASON: VACATED: Cont'd to 4/27/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Medina

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12424 Hamila Salehi Tabaie

Chapter 13

**#72.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 51

***** VACATED *** REASON: VACATED: Cont'd to 3/16/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hamila Salehi Tabaie

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12586 Digna Soriano Gallagher

Chapter 13

**#73.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 12/15/20

Docket 30

***** VACATED *** REASON: Cont'd to 4/27/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Digna Soriano Gallagher

Represented By
Peter M Lively

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12717 Laura Pena

Chapter 13

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

fr. 10/27/20; 11/17/20; 12/15/20, 1/26/21

Docket 43

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #57. If**

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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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#75.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

Docket 43

***** VACATED *** REASON: VACATED: Cont'd to 3/16/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

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

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#76.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

Docket 43

***** VACATED *** REASON: Duplicate entry**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

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 23, 2021

Hearing Room 302

11:00 AM

1:19-13061 Madeleine De Bois

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20

Docket 24

***** VACATED *** REASON: VACATED: Cont'd to 3/16/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Madeleine De Bois

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
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Courtroom 302 Calendar**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:20-10037 Andrew Blas Lorenzo

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21

Docket 43

***** VACATED *** REASON: Cont'd to 3/16/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew Blas Lorenzo

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
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:20-10040 Giovanni Garofoli

Chapter 13

**#78.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 51

***** VACATED *** REASON: VACATED: Cont'd to 5/25/21 at 11:00 tk**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Garofoli

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, February 23, 2021

Hearing Room 302

11:00 AM

1:20-10645 Jennifer T Bolhayon

Chapter 13

**#78.02 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer T Bolhayon

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:20-12048 Maria Trinidad Armenta Sanchez

Chapter 13

**#79.00 Chapter 13 Trustee's Notice of Objection and
Objection to Debtor's Homestead Exemption.**

Docket 29

Tentative Ruling:

Trustee opposes Debtor's attempt to exempt \$173,637 of equity in real property at 13088 Ottoman St., Arleta, CA 91331 under C.C.P. 704.730 because Debtor has not provided evidence that they are entitled to the exemption. C.C.P. 704.730 provides for an exemption of up to \$175,000 if the debtor is 65 years or older, physically or mentally disabled or 55 years or older with a gross annual income of not more than \$35,000. Trustee notes that Debtor receives income of \$46,776 and she and her partner are 63 and 55 years old, and have not provided evidence that they are disabled. Trustee argues that this exemption should be limited to \$100,000.

Trustee also opposes Debtor's attempt to exempt \$30,000 of equity in a worker's compensation settlement and \$50,000 for an auto accident under C.C.P. 704.140 because Debtor has not provided evidence that the claims for relief pertaining to these actions are exempt under § 704.140.

In response, Debtor filed an amended Schedule C, showing that the exemption under 704.730 was amended to claim \$100,000, but the claims for personal injury exemptions under §704.140 were unchanged. Has Debtor provided evidence to Trustee sufficient for her to determine if the actions are exempt under § 704.140?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Maria Trinidad Armenta Sanchez

Represented By
Matthew D. Resnik

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Hearing Room 302

11:00 AM

CONT... Maria Trinidad Armenta 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**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:20-12051 Bruce W. Coats

Chapter 13

#79.01 Objection to Homestead Exemption

Docket 16

***** VACATED *** REASON: Ntc. of w/drawal filed 2/10/21 Doc. #19**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce W. Coats

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, February 23, 2021

Hearing Room 302

11:00 AM

1:20-12080 Clive Lerrick Brooks

Chapter 13

#79.02 Objection to Homestead Exemption

Docket 18

Tentative Ruling:

Trustee opposes Debtor's attempt to exempt \$175,0 of equity in real property at 9162 1/2 Burnett St., North Hills, CA 91343 under C.C.P. 704.730 because Debtor has not provided evidence that he is entitled to the exemption. C.C.P. 704.730 provides for an exemption of up to \$175,000 if the debtor is 65 years or older, physically or mentally disabled or 55 years or older with a gross annual income of not more than \$35,000. Trustee notes that Debtor receives income of \$28,080 annually and he has not provided evidence that he is over 65 years old or that he is disabled. Trustee argues that this exemption should be limited to \$75,000.

Service proper. No response filed.
Objection SUSTAINED. Trustee to lodge order within 7 days.
APPEARANCE WAIVED ON 2-23-21

Party Information

Debtor(s):

Clive Lerrick Brooks

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 23, 2021

Hearing Room 302

11:00 AM

1:20-12138 Anatoliy Chizmar

Chapter 13

#79.03 Motion Objecting to Debtors' Exemptions;
Memorandum of Points and Authorities in
Support Thereof with proof of service

Docket 50

Tentative Ruling:

Creditor Irakli Gogiberidze (Creditor) objects to Debtor's claims of exemptions in nine different bank accounts (the "Accounts") under §§ 704.070 and 704.225. Motion, 3:8-18. Creditor contends that the claimed exemptions under § 704.070(a)(2) are not proper because "paid earnings" must be paid to the employee during the 30-day period ending on the date the earnings were subject to levy or execution. Debtor does not receive "paid earnings" as defined within the Cal. Civ. Proc. Code because he was either unemployed or self-employed during the sixty days preceding the petition date. Id., Ex. B (Sch. I and Certification of Employment Income).

Creditor also objects to Debtor's claims of exemptions under § 704.225 because Debtor has not provided evidence that the funds in the Accounts are "reasonably necessary" for his and/or his dependents' support. In re Tallerico, 532 B.R. 774, 780 (Bankr. E.D. Cal. 2015)(the general burden regarding California exemptions is: 'the exemption claimant has the burden of proof.' CCP § 703--580(b)).

Service proper. No response filed.

Motion granted. Objection SUSTAINED.
Movant to lodge order within 7 days

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Alla Tenina

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

CONT... Anatoliy Chizmar

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, February 23, 2021

Hearing Room 302

11:00 AM

1:20-12284 Leonard Mendoza

Chapter 13

#80.00 Amended Motion to Dismiss Case Pursuant to 11 U.S.C. § 1307(c) With a Two-Year Bar From Refiling Pursuant to 11 U.S.C. §§ 349(a) and 105(a)

Docket 11

Tentative Ruling:

The U.S. Trustee seeks dismissal of this case for bad faith. U.S. Trustee provides evidence that this bankruptcy represents the 10th bankruptcy filed in the debtor's name since 2003, including two filed in 2020, and two filed in 2019. In all but one of the bankruptcy filings, U.S. Trustee notes that Debtor filed a bankruptcy petition pro se and failed to file schedules and statement of financial affairs. See Motion, 3:16-4:10. Given the debtor's history, U.S. Trustee argues that dismissal of this case for bad faith under 11 U.S.C. § 1307(c) with a two-year bar to refiling pursuant to 11 U.S.C. §§ 349(a) and 105(a) is warranted.

U.S. Trustee argues that the debtor's serial filings represent a bad faith manipulation of the Bankruptcy Code, "causing unreasonable delay by the debtor that is prejudicial to creditors." In addition, under the totality of the circumstances, U.S. Trustee contends that there is ample evidence for the court to make a finding of bad faith to dismiss the Debtor's case pursuant to § 1307(c).

The evidence is abundant to demonstrate that the Debtor has not utilized bankruptcy protection for any legitimate purposes, and that absent some type of limitation on refiling, likely will return as soon as this case is dismissed. This pattern of repeated bad faith filings supports this Court issuing an order prohibiting the debtor from being a debtor in any chapter, absent prior permission of this Court, for a period of two years. See, e.g., *Leavitt v. Soto* (In re Leavitt), 171 F.3d 1219, 1223-24 (9th Cir. 1999) (affirming dismissal of chapter 13 with prejudice upon finding of bad faith, where debtor failed to disclose information).

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

CONT... Leonard Mendoza

Chapter 13

Service proper. No response filed.

Motion GRANTED. U.S. Trustee to lodge order within 7 days.

APPEARANCE WAIVED ON 2-23-21

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**

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

1:21-10184 Martha Delatorre

Chapter 13

#81.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 12421 Henzie Place, Granada Hills

Docket 15

Tentative Ruling:

On February 3, 2021, Debtor filed this chapter 13 case. Debtor had two previous bankruptcy cases that was dismissed within the previous year. The First Filing, 20-10666, was a chapter 13 that was filed on 3/20/20 and dismissed on 8/21/20 for on Debtor's request for a voluntary dismissal because her income was disrupted by COVID-19. The Second Filing, 20-11579, was a chapter 7 that was filed on 8/31/20 and chapter 7 discharge was entered on 12/14/20.

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 because she is no longer on disability and proposes to submit a 100% plan for repayment of arrears. Debtor claims that there has been a substantial change in her financial affairs because she has returned to full time work and her unsecured debt was discharged in her previous chapter 7. 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):

Martha Delatorre

Represented By
Kenneth H J Henjum

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

Tuesday, February 23, 2021

Hearing Room 302

11:00 AM

CONT... Martha Delatorre

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, February 23, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#82.00 Motion RE: Objection to Claim Number 3
by Claimant Los Angeles County Treasurer and Tax Collector

fr. 3/31/20, 9/22/20, 10/27/20; 1/26/21

Docket 0

***** VACATED *** REASON: Cont'd to 3/16/21 per order #87. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

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 24, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1604317302>

Meeting ID: 160 431 7302

Password: 1992626

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 431 7302

Password: 1992626

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, February 24, 2021

Hearing Room 302

9:30 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#1.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20

Docket 51

Tentative Ruling:

This Matter was continued from December 16, 2020. Parties were waiting for the County to correct a tax bill which should straighten out the bank escrow. There has not been anything filed since the last hearing. What is the status of this case?

Appearance Required.

Petition Date: 03/11/2019

Chapter 13 plan confirmed: 7/22/19

Service: Proper. Opposition filed.

Property: 11052 Reseda Blvd., Northridge, CA 91326

Property Value: 582,000.00 (per debtor's schedules) (Property is owned in Tenancy in Common... Debtor's portion is \$145,000.00).

Amount Owed: \$358,890.82 (per Movant's papers)

Equity Cushion: 38.33%

Equity: \$223,109.18

Post-Petition Delinquency: \$ 6,419.86 (3 payments of \$2,323.05 less suspense \$549.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts there are grounds for relief from the stay because the Debtor has failed to

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

Wednesday, February 24, 2021

Hearing Room 302

9:30 AM

CONT... Pamela M. Sorenson

Chapter 13

make postpetition payments. Movant alleges that the Debtor has only made partial payments for the months of August, September and October 2020.

The Debtor opposes this motion because the Debtor believes that the property was wrongfully reassessed by the LA County Assessor's Office. Debtor claims that there is \$390,000.00 in equity in the property.

Whether the Court applies the numbers provided by the Debtor's schedules and movant's papers or the Debtor's adjusted figures, there appears to be a substantial amount of equity in the property. Have the parties discussed entering into an APO?

Party Information

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Movant(s):

Wilmington Trust, National

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, February 24, 2021

Hearing Room 302

10:00 AM

1:19-13112 Billy Faye Peters

Chapter 13

#2.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

fr. 1/27/21

Docket 22

*** VACATED *** REASON: VACATED PURSUANT TO APO

Tentative Ruling:

VACATED PURSUANT TO APO.
NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Billy Faye Peters

Represented By
Jeffrey J Hagen

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F 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 24, 2021

Hearing Room 302

10:00 AM

1:20-11538 Jeffrey Arthur Craddock

Chapter 13

#3.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSO

fr. 1/27/21

Docket 34

*** VACATED *** REASON: VACATED PURSUANT TO APO,

Tentative Ruling:

VACATED PURSUANT TO APO.
NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

Movant(s):

U.S. Bank Trust National

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, February 24, 2021

Hearing Room 302

10:00 AM

1:20-12138 Anatoliy Chizmar

Chapter 13

#4.00 Motion for relief from stay

VW CREDIT LEASING LTD

fr. 1/27/21

Docket 27

Tentative Ruling:

This case was dismissed at confirmation on 2/23/21, 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):

Anatoliy Chizmar

Represented By
Alla Tenina

Movant(s):

VW Credit Leasing, LTD

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F 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 24, 2021

Hearing Room 302

10:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

#4.01 Motion for relief from stay

CARDENAS THREE, LLC

Docket 6

***** VACATED *** REASON: Amendment filed on 2/22/21 - doc. #20. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Svetlana Buzina

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 24, 2021

Hearing Room 302

10:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

#4.02 Amended motion for relief from stay

CARDENAS TREE, LLC.

Docket 20

Tentative Ruling:

Petition Date: 2-18-21

Ch: 13

Service: Proper, per Order Shortening Time (ECF doc. 10); co-debtor served on Amended Motion, ECF doc. 20.

Property: 15237 Charles St., Tarzana, CA 91356

Property Value: no schedules filed

Amount Owed: \$2,065,028

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: N/A; Movant contends that the loan came due on 6/1/2018

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant provides evidence that this is at least the third bankruptcy that has affected this Property, and the second case filed on the eve of this Creditor's foreclosure sale. During these periods in which this property was affected by these various bankruptcies, Creditor argues that Debtor and his family have been living without paying rent for approximately 3.5 years. Decl. of Long ISO RFS Motion, ¶ 17(d); Decl. of Greinke ISO RFS Motion, ¶ 11.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 6 (relief from the co-debtor stay); 6 (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 under FRBP 7001(7).

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

Wednesday, February 24, 2021

Hearing Room 302

10:00 AM

CONT... Svetlana Buzina

Chapter 13

APPEARANCE REQUIRED DUE TO SHORTENED TIME

RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:
"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

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):

Svetlana Buzina

Pro Se

Movant(s):

CARDENAS THREE LLC, its

Represented By
Timothy J Silverman

Trustee(s):

Elizabeth (SV) F 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 24, 2021

Hearing Room 302

10:30 AM

1:19-12916 **Melvin Vladimir Pleitez and Normy Margarita Pleitez**

Chapter 7

#5.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
D. Gottlieb & Associates LLC

Docket 46

Tentative Ruling:

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

No Appearance Required. Movant to submit an order to the Court within 7 days.

Party Information

Debtor(s):

Melvin Vladimir Pleitez

Represented By
Ameet Gandhi

Joint Debtor(s):

Normy Margarita Pleitez

Represented By
Ameet Gandhi

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 24, 2021

Hearing Room 302

11:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

- #6.00** 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, 12/11/19, 4/1/20, 6/24/20; 10/7/20; 12/9/20

Docket 47

Tentative Ruling:

Having considered the Status Report, filed 2/12/2021, the Court finds cause to continue this status conference to April 28, 2021 at 11:00 a.m. so that parties can finalize a settlement agreement.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 2/24/21.

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Defendant(s):

WELLS FARGO BANK

Represented By
Bernard J Kornberg

DIAMOND TRADING COMPANY

Represented By

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

Wednesday, February 24, 2021

Hearing Room 302

11:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

	Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
CALIFORNIA DIAMONDS	Represented By Daniel J McCarthy
ROMANO'S JEWELERS	Represented By Daniel J McCarthy
BRANDEN & COMPANY, INC	Represented By Daniel J McCarthy
OPEN BANK	Represented By John H Choi Tony K Kim
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
MBNM FINANCIAL, INC	Represented By Daniel J McCarthy

Plaintiff(s):

David Seror

Represented By
Rosendo Gonzalez

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

Wednesday, February 24, 2021

Hearing Room 302

11:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

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, February 24, 2021

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#7.00 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, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20

Docket 210

Tentative Ruling:

Having considered the Ch. 11 Status Report, filed 2/10/2021, the Court finds cause to continue this status conference to June 16, 2021, at 11:00 a.m.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 2/24/21.

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 24, 2021

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#8.00 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, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20

Docket 1

Tentative Ruling:

Having considered the Ch. 11 Status Report, filed 2/10/2021, the Court finds cause to continue this status conference to June 16, 2021, at 11:00 a.m.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 2/24/21

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 24, 2021

Hearing Room 302

11:00 AM

1:20-11148 Fayyaz Aly Dammanwalla

Chapter 7

Adv#: 1:20-01112 Edwards Federal Credit Union v. Dammanwalla

#9.00 Status Conference re: Complaint to determine non-dischargeability of debt and for entry of judgment for money

fr. 1/13/21

Docket 1

Tentative Ruling:

Appereance Required.

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

Expert witness designation deadline (if necessary): _____

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

Pretrial conference: _____

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

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

Meet and Confer

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

Discovery Motion Practice:

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

Wednesday, February 24, 2021

Hearing Room 302

11:00 AM

CONT... **Fayyaz Aly Dammanwalla**

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):

Fayyaz Aly Dammanwalla

Represented By
Raj T Wadhvani

Defendant(s):

Fayyaz Aly Dammanwalla

Pro Se

Joint Debtor(s):

Meena Fayyaz Dammanwalla

Represented By
Raj T Wadhvani

Plaintiff(s):

Edwards Federal Credit Union

Represented By
Barry W Ferns

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, February 24, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci

Chapter 13

Adv#: 1:20-01120 Hensarling et al v. Crooks

#10.00 Status Conference Re: Complaint to
Determine Non-Dischargeability of Debt
and for Entry of Judgment for Money

fr. 2/17/21

Docket 1

Tentative Ruling:

This matter was continued because Plaintiff's counsel's appearance was waived at the status conference that was held on 2/17/21 per the tentative ruling . The Court will discuss the state court case.

Appearance Required.

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Defendant(s):

Tonya Crooks

Pro Se

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

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

Wednesday, February 24, 2021

Hearing Room 302

11:00 AM

CONT... Andrea Ricci

Chapter 13

Plaintiff(s):

Sandra Hensarling

Represented By
Alberto J Campaign

Ashely Hensarling

Represented By
Alberto J Campaign

Browgal, LLC (in its derivative

Represented By
Alberto J Campaign

Trustee(s):

Elizabeth (SV) F 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 3, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616484576>

Meeting ID: 161 648 4576

Password: 1768527

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 648 4576

Password: 1768527

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, March 3, 2021

Hearing Room 302

10:00 AM

1:20-10069 Shawn Sharon Melamed and Jenous Tootian

Chapter 7

#1.00 Motion for relief from stay

SHAWN DARDASHTI

Docket 47

Tentative Ruling:

Petition Date: 1/10/2020

Chapter: 7

Service: Proper. Opposition filed.

Movant: Shawn Dardashti

Property Address: 4360 Estrondo, Encino, CA

Type of Property: residential

Occupancy: holdover after lease.

Lease End Date: 3/10/2020 or 3/10/2021 (Movant uses both dates in the moving papers) (month to month)

UD case filed: It does not appear that an unlawful detainer action has been filed.

UD Judgment: N/A

Movant requests relief under 11 U.S.C. 362(d)(2), with the specific relief as requested in paragraphs 2 (proceed under non-bankruptcy law); 6 (waiver of 4001(a)(3) stay); and 7 (designate law enforcement officer to evict Debtor). The Movant argues cause exists for lifting the stay to pursue an unlawful detainer action because the Debtor has not been making regular payments. According to an oral agreement the monthly rate is \$8,000. Prior to the Bankruptcy, the Debtor was in arrears \$90,390. Post-petition arrears is \$62,700.

Debtor opposes the motion asserting that the Movant has not accounted for all of the rent payments she has made. Movant replied asserting that the Debtor has not supported this allegation with documentation.

Disposition: If the Debtor is able to make a colorable claim that the Movant's accounting does not accurately reflect the payments Debtor has made, then

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

Wednesday, March 3, 2021

Hearing Room 302

10:00 AM

CONT... Shawn Sharon Melamed and Jenous Tootian Chapter 7

the Court is likely going to continue this hearing. If the Debtor cannot support this claim with some credibility, then the Court is likely going to grant Movant's motion.

Appearance Required.

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Giovanni Orantes

Joint Debtor(s):

Jenous Tootian

Represented By
Giovanni Orantes

Movant(s):

Shawn Dardashti

Represented By
Michael H Weiss

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

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

Wednesday, March 3, 2021

Hearing Room 302

10:00 AM

1:20-12190 Henry Jose Martinez and Yolanda Leticia Martinez

Chapter 7

#2.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

Docket 15

Tentative Ruling:

Petition Date: 12/12/2020

Ch 7

Service: Proper. No opposition filed.

Property:

2018 Nissan Rogue Sport, VIN: JN1BJ1CP8JW180544

Property Value: \$15,569.00 (per debtor's schedules)

Amount Owed: \$27,799.39

Equity Cushion: n/a

Equity: n/a

Delinquency: \$455.72 (Debtor has missed a total of \$2,734.07 in post and prepetition payments.)

Movant seeks relief under 11 U.S.C. 362(d) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay). Movant alleges that post-petition payments have not been made, that Debtor filed a statement that it is their intention to turnover the Property, and the Property was turned over prepetition

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, March 3, 2021

Hearing Room 302

10:00 AM

CONT... Henry Jose Martinez and Yolanda Leticia Martinez

Chapter 7

Debtor(s):

Henry Jose Martinez

Represented By
Eric A Jimenez

Joint Debtor(s):

Yolanda Leticia Martinez

Represented By
Eric A Jimenez

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

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 3, 2021

Hearing Room 302

10:00 AM

1:20-12208 Jerralyn Nonol Rapsing

Chapter 7

#3.00 Motion for relief from stay

YAMAHA MOTOR FINANCE CORP

Docket 10

Tentative Ruling:

Petition Date: 12/16/2020

Ch 7

Service: Proper. No opposition filed.

Property: 2020 Raptor 700, VIN: 5Y4AM7435LA103314

Property Value: \$5,000.00 (per debtor's schedules)

Amount Owed: \$16,447.68

Equity Cushion: n/a

Equity: n/a

Delinquency: \$306.00 (Monthly Payments: \$306.00. Debtor has missed a total of \$4,511.00 in post and prepetition payments.)

Movant seeks relief under 11 U.S.C. 362(d) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay). Movant alleges that post-petition payments have not been made and the fair market value of the property is declining. Movant has not received a payment from the Debtor.

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):

Jerralyn Nonol Rapsing

Represented By

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

Wednesday, March 3, 2021

Hearing Room 302

10:00 AM

CONT... Jerralyn Nonol Rapsing

Chapter 7

Navid Kohan

Movant(s):

Yamaha Motor Finance Corp.

Represented By
Karel G Rocha

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 3, 2021

Hearing Room 302

10:30 AM

1:19-11422 Joe Kearney

Chapter 11

#4.00 First interim Fee Application for approval of professional compensation for legal services rendered and reimbursement of expenses incurred by Special Litigation Counsel Bryan S. Doss

Period: 7/1/2020 to 12/31/2020,
Fee: \$22864.10, Expenses: \$0.00.

Docket 187

Tentative Ruling:

Service proper. No objections filed. Having reviewed the First Interim Application for Approval of Professional Compensation for Legal Services Rendered and Reimbursement of expenses, the Court finds that the fees and costs were necessary and reasonable, and are approved as requested.

APPLICANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

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

Wednesday, March 3, 2021

Hearing Room 302

10:30 AM

1:19-11422 Joe Kearney

Chapter 11

#4.01 Pretrial Status Conference

Docket 37

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

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

Wednesday, March 3, 2021

Hearing Room 302

10:30 AM

1:20-12033 Jarred Thomas Coppola

Chapter 7

#5.00 Motion for fine and/or disgorgement of fees against
bankruptcy petition preparer American Bankruptcy
Company

Docket 15

Tentative Ruling:

The U.S. Trustee seeks disgorgement of fees and fines against bankruptcy petition preparer American Bankruptcy Company ("ABC"). In October 2020, the Debtor signed up with ABC to assist him with completing his bankruptcy documents. Debtor Decl. ISO Motion, at ¶ 3. The ABC Website stated that ABC was offering a "special" in the amount of \$199, which the ABC Website stated was normally priced at \$250.00. Id. Debtor paid ABC \$199 using his debit card, with the understanding that ABC's service did not provide legal advice and that lawyers would not be reviewing his documents or providing legal advice. Id.

ABC required that Debtor complete a questionnaire, and based upon Debtor's responses, the bankruptcy forms would self-populate. Id. at ¶ 4. The questions included whether Debtor owned a vehicle or a house. Id. In addition, Debtor did not know what an exemption was, however, the ABC Website explained the exemptions and provided a list of the California exemptions. Id. After completing the questionnaire, Debtor was required to submit a "work order" on the ABC Website and it provided a link to download the completed bankruptcy forms, so that Debtor could print and file the bankruptcy documents at the court. Id. Debtor did not have any communications with anyone at ABC but instead, all the communications with ABC was through its website and email. Id. The ABC Website advised the Debtor that he was not required to disclose in his bankruptcy documents that ABC provided any type of assistance. Id. at ¶ 5.

Prior to filing his petition and schedules, Debtor noticed that he had not listed the Bank of America lawsuit he was a party to on the Statement of Financial Affairs. He contacted ABC about this and the need to include the lawsuit. ABC suggested that he make the change himself or pay an additional \$49 fee

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

Wednesday, March 3, 2021

Hearing Room 302

10:30 AM

CONT... **Jarred Thomas Coppola**

Chapter 7

to have them type an amended Statement of Financial Affairs. Because he wanted everything typed, he paid ABD the additional \$49 to correct the error.

On November 13, 2020, Debtor filed his chapter 7 petition and schedules at the bankruptcy court window. Id. Debtor did not believe ABC needed to be listed as a bankruptcy petition preparer ("BPP") and so he checked the "no" box and failed to attach the Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119) ("BPP Declaration") and Disclosure of Compensation of Bankruptcy Petition Preparer ("BPP Disclosure"), as required by § 110 of the Bankruptcy Code. Id.

At the § 341 meeting of creditors, the Debtor informed the chapter 7 trustee, Nancy Zamora, that ABC assisted him with the bankruptcy documents. Id. at ¶ 6. The chapter 7 trustee requested the Debtor to amend certain forms and suggested that he conduct an online search of bankruptcy forms that the Debtor could download at no cost. Id. Based on the chapter 7 trustee's suggestion, Debtor signed up for electronic filing and after receiving a username and password from the Court, he completed and filed an addendum to the petition, an amended summary of assets and liabilities for individuals, an amended Schedule A/B Individual, amended Schedule C, and an amended Statement of Financial Affairs for Individual Filing for Bankruptcy. Id. Debtor filed these additional documents and amendments at the bankruptcy court window on December 23, 2020 and on December 27, 2020. Marquez Decl. ISO Motion, Exhibit A.

UST argues that ABC is a BPP under § 110(a)(1) but notes that a BPP Declaration and BPP Disclosure has not been filed with the Court that discloses ABC's involvement and the compensation it received for the bankruptcy preparation services and legal advice provided. Id. at ¶ 8. Further, UST demonstrates that ABC failed to sign the Debtor's documents, print its name and address, and place an identifying number on the Debtor's documents. Under § 110, each failure by the BPP to sign a document in a bankruptcy case which requires his or her signature and identifying number constitutes a separate violation of § 110(b)(1) and (c)(1), warrants a separate fine.

UST also contends that ABC provided unauthorized legal advice to Debtor.

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

Wednesday, March 3, 2021

Hearing Room 302

10:30 AM

CONT... **Jarred Thomas Coppola**

Chapter 7

Section § 110(e)(2) prevents a BPP from offering a debtor any legal advice including advice “concerning how to characterize the nature of the debtor’s interests in property or the debtor’s debts[.]” UST argues that ABC provided Debtor with legal advice about his exemptions and chose what information should be populated on the different schedules and statements based on the questionnaire ABC had created and required Debtor to complete. In addition, UST argues that ABC improperly advised Debtor that he did not have to disclose ABC’s involvement on the petition, or any other related document filed with the bankruptcy court that required disclosure of ABC’s involvement. Thus, it is UST’s position that ABC also violated § 110(e).

Section 110(h) requires that a BPP file a declaration under penalty of perjury disclosing any fee received from or on behalf of a debtor within twelve months immediately prior to the filing of the petition, and any unpaid fee charged to the debtor. 11 U.S.C. § 110(h)(2). Under normal circumstances, UST maintains that charges of more than \$200 will be excessive for the preparation services rendered, under the BPP Guidelines issued in the Central District. UST provides evidence that ABC never filed a BPP Disclosure concerning the fees it received to prepare Debtor’s bankruptcy documents and the amended Statement of Financial Affairs. Rather, ABC charged Debtor \$248 to prepare his bankruptcy documents and the amendment, and then prepared Debtor’s documents so the box was either checked “no” or the information was left blank anywhere on his bankruptcy documents that required Debtor to state whether he had paid a BPP to prepare his documents, or even that a BPP had assisted him. Thus, ABC charged excessive fees, and then violated §110(h)(2) by failing to disclose those fees.

Service proper. No response filed. UST notes that ABC has been the subject of one other motion brought in this Central District of California pursuant to § 110 by the United States Trustee, In re Christopher Guarino et. al., Case No. 9:20-bk-10429-MB. Marquez Decl. at ¶ 9. Having considered the evidence and declarations filed in support of the Motion, the Court finds that ABC violated the following requirements of § 110 and shall be fined for each violation in the amount indicated below:

11 U.S.C. § 110(b): \$1,000 fine for failing to sign BPP Declaration and BPP

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

Wednesday, March 3, 2021

Hearing Room 302

10:30 AM

CONT... Jarred Thomas Coppola
Disclosure;

Chapter 7

11 U.S.C. § 110(c): \$1,000 for failing to include its Social Security number on the BPP Declaration and BPP Disclosure;

11 U.S.C. § 110(e): \$500 fine for giving legal advice; and

1 U.S.C. § 110(h)(2): \$500 fine for failing to file the BPP Disclosure disclosing its fee.

ABC is ordered to (A) disgorge \$248 received from Debtor, (B) pay to the Debtor \$2,000 for fraudulent, unfair, or deceptive conduct in accordance with § 110(i)(1)(B). In addition, the Court shall order fines against the BPP under § 110(l)(1) as the Court finds that the BPP “prepared a document for filing in a manner that failed to disclose the identity of the [BPP].” Based on these violations and ABC’s failure to disclose its identity, under § 110(l) the Court orders ABC to pay \$9,000, triple the above-listed fines.

Motion GRANTED IN FULL.
U.S. Trustee to lodge order within 7 days.
APPEARANCE WAIVED ON 3-3-21

Party Information

Debtor(s):

Jarred Thomas Coppola	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, March 3, 2021

Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avaneessians

#6.00 Status Conference Re: Complaint
to Determine the Dischargeability of Debt,
and to Deny Discharge

fr. 1/20/21,1/27/21

Docket 1

***** VACATED *** REASON: Continued to 3/10/21 at 11 a.m., to be heard
with related matters - hm**

Tentative Ruling:

VACATED: Continued to 3/10/21 at 11:00am. No appearance required on
3/3/21.

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Pro Se

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

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 3, 2021

Hearing Room 302

11:00 AM

1:20-12138 Anatoliy Chizmar

Chapter 13

Adv#: 1:21-01001 Gogiberidze v. Chizmar

#7.00 Status Conference re: Complaint

Docket 1

***** VACATED *** REASON: Bankruptcy case dismissed at confirmation
on 2/23/21 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Alla Tenina

Defendant(s):

Anatoliy Chizmar

Pro Se

Plaintiff(s):

Irakli Gogiberidze

Represented By
Aleksandr Gruzman

Trustee(s):

Elizabeth (SV) F 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 3, 2021

Hearing Room 302

11:00 AM

1:21-10082 Claudia Cadena

Chapter 7

#8.00 Motion to Dismiss Involuntary Petition of Luigi Interlandi; Request for Evidentiary Hearing on Bad Faith and for Imposition of Monetary Sanctions and other relief

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):

Claudia Cadena

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, March 3, 2021

Hearing Room 302

11:00 AM

1:21-10082 Claudia Cadena

Chapter 7

#9.00 Status Conference re: Involuntary Petition for Claudia Cadena

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):

Claudia Cadena

Pro Se

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

Thursday, March 4, 2021

Hearing Room 302

9:30 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC et al v. CALPAC MANAGEMENT, INC., a California

#1.00 Show Cause Why a Preliminary Injunction
Should not Issue.

Docket 1

***** VACATED *** REASON: Continued to 5/3/21 at 9:30am.**

Tentative Ruling:

VACATED Pursuant to stipulation. The Court has reviewed the stipulation filed on 3/3/21 and directs the parties to lodge a proposed order with the Court. No appearance on 3/4/21 required. Hearing Continued to 5/3/21 at 9:30am.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a

Pro Se

MED EQUITY LLC, a California

Pro Se

JOSHUA RAYMOND KUKINI, an

Pro Se

RYAN JUSTIN YOUNG, an

Pro Se

FCI Lender Services, Inc., a

Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Thursday, March 4, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609411193>

Meeting ID: 160 941 1193

Password: 045803

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 941 1193

Password: 045803

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, March 10, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607710229>
Meeting ID: 160 771 0229
Password: 5580635

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 771 0229
Password: 5580635

Docket 0

Courtroom Deputy:

- NONE LISTED -

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

Wednesday, March 10, 2021

Hearing Room 302

9:30 AM

1:17-12226 Stephen Haskell Powers

Chapter 13

#1.00 Motion for relief from stay
CITIBANK N.A.

fr. 10/14/20; 12/9/20

Docket 57

Courtroom Deputy:

CONT'D to May 5 at 9:30am

Party Information

Debtor(s):

Stephen Haskell Powers

Represented By
Raj T Wadhvani

Movant(s):

Citibank, N.A., as Trustee

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, March 10, 2021

Hearing Room 302

9:30 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#2.00 Motion for relief from stay

METROPOLITAN LIFE INSURANCE CO.

fr. 10/28/20; 12/9/20

Docket 44

Courtroom Deputy:

CONT'D to 5/19at 9:30 am

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By
Steven Abraham Wolvek

Movant(s):

Metropolitan Life Insurance

Represented By
Daniel K Fujimoto
Christopher Giacinto
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 10, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

#3.00 Status and Case Management Conference

fr. 8/4/16(xfr from Judge Tighe's calendar); 8/30/16,
9/27/16; 10/25/16; 11/15/16, 2/21/17, 5/16/17; 6/27/17,
8/29/17, 1/23/18; 6/19/18, 9/18/18; 12/4/18; 2/12/19; 5/7/19
6/11/19; 7/16/19; 8/20/19; 9/24/19, 12/17/19; 12/23/2019;
2/11/20, 4/7/20; 6/23/20; 7/7/20, 7/21/20, 9/15/20, 10/27/20,
12/22/20 (cont'd from GM calendar); 2/9/21

Docket 1

***** VACATED *** REASON: Cont'd to 4/7/21 at 1:00 p.m. per order #376.
If**

Courtroom Deputy:

Continued to 4/7/21 at 1:00Pm

Party Information

Debtor(s):

Majestic Air, Inc.

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 10, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc. et al

#4.00 Motion to Dismiss Adversary Proceeding First Amended Counter-Claim

fr. 2/9/21

Docket 193

***** VACATED *** REASON: Cont'd to 4/7/21 at 1:00 p.m. per Ord. #217.
If**

Courtroom Deputy:

Continued to 4/7/21 at 1:00Pm

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Aaron Cue

Pro Se

Highbury Asia Inc.

Pro Se

Metro Aerospace

Pro Se

Amplespares Corp.

Pro Se

Mercy Ministry

Pro Se

Joy Air LLC

Pro Se

AMC Industries, LLC

Pro Se

DOES 1 through 10

Pro Se

Aaron Cue

Pro Se

Mariz Cue

Pro Se

Highbury Asia Inc.

Pro Se

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

Wednesday, March 10, 2021

Hearing Room 302

10:00 AM

CONT... Majestic Air, Inc. Chapter 11

Metro Aerospares	Pro Se
Amplespares Corp.	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Lufthansa Technik Philippines, Inc.	Represented By Dawn M Coulson Scott D Cunningham Andrew C Johnson
Mariz Cue	Pro Se

Movant(s):

Highbury Asia Inc.	Pro Se
Mercy Ministry	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Metro Aerospares	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger
Majestic Air, Inc.	Pro Se
Majestic Air, Inc.	Pro Se
Hiongbo Cue Cue	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger

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

Wednesday, March 10, 2021

Hearing Room 302

10:00 AM

CONT... Majestic Air, Inc.

Chapter 11

Stella A Havkin

Hiongbo Cue Cue

Pro Se

Majestic Air, Inc.

Represented By
Stella A Havkin

AMC Industries, LLC

Pro Se

Plaintiff(s):

Tessie Cue

Represented By
Stella A Havkin

Majestic Air, Inc.

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Wednesday, March 10, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#5.00 Status Conference re: Counterclaim by
Lufthansa Technik Philippines, Inc.

fr. 12/22/20; 2/9/21

Docket 163

***** VACATED *** REASON: Cont'd to 4/7/21 at 1:00 p.m. per Ord. #217.
If**

Courtroom Deputy:

Continued to 4/7/21 at 1:00Pm

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Represented By
Dawn M Coulson
Scott D Cunningham
Andrew C Johnson

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Wednesday, March 10, 2021

Hearing Room 302

10:00 AM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#6.00 Status Conference Re: Third Amended Complaint
Objecting to Proof of Claim No. 3; and
for Contractual Indemnification

fr. 3/5/19; 6/11/19; 7/16/19; 8/20/19; 9/24/19,
12/17/19, 12/23/19; 2/11/20; 4/7/20; 6/23/20,
7/7/20, 7/21/20; 9/15/20, 10/27/20; 2/9/21

Docket 159

*** VACATED *** REASON: Cont'd to 4/7/21 at 1:00 p.m. per Ord. #217.
If

Courtroom Deputy:

Continued to 4/7/21 at 1:00Pm

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Pro Se

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

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 10, 2021

Hearing Room 302

10:00 AM

1:20-10127 James Anthony Torres and Miriam Araceli Torres

Chapter 13

#7.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 41

*** VACATED *** REASON: VACATED PURSUANT TO AN APO.

Courtroom Deputy:

Settled by stipulation

Party Information

Debtor(s):

James Anthony Torres

Represented By
Raj T Wadhvani

Joint Debtor(s):

Miriam Araceli Torres

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, March 10, 2021

Hearing Room 302

10:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. et al v. Avaneessians

#7.01 Motion To Stay Pending Appeal

Docket 31

***** VACATED *** REASON: Moved to 11 a.m. to be heard with
adversary status conference - hm**

Courtroom Deputy:

Vacated.

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Plaintiff(s):

ATS, Inc.

Represented By
Craig G Margulies
Montserrat Morales

David Sagherian

Represented By
Craig G Margulies
Montserrat Morales

Michael Trunnell

Represented By
Craig G Margulies
Montserrat Morales

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 10, 2021

Hearing Room 302

10:00 AM

1:20-11512 McClay Design & Development LLC

Chapter 7

#8.00 Motion for relief from stay

U.S. BANK, NATIONAL ASSOCIATION

Docket 6

Courtroom Deputy:

GRANTED

Party Information

Debtor(s):

McClay Design & Development

Pro Se

Movant(s):

U.S. BANK, NATIONAL

Represented By
Kristin A Zilberstein

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

Wednesday, March 10, 2021

Hearing Room 302

10:00 AM

1:21-10023 Richard Kuehne

Chapter 13

#9.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) .

Docket 21

Courtroom Deputy:

GRANTED

Party Information

Debtor(s):

Richard Kuehne	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, March 10, 2021

Hearing Room 302

10:00 AM

1:21-10084 Cecilia Benavides de Cuellar

Chapter 7

#10.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORP.

Docket 7

Courtroom Deputy:

GRANTED

Party Information

Debtor(s):

Cecilia Benavides de Cuellar

Represented By
Anil Bhartia

Movant(s):

Nissan Motor Acceptance

Represented By
Kirsten Martinez

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 10, 2021

Hearing Room 302

10:30 AM

1:20-11063 Joby John Harte

Chapter 7

#11.00 Motion for Order Authorizing Trustee to Sell
Real Property Free and Clear of Liens and
Interests, Subject to Overbid;

Docket 69

Courtroom Deputy:

GRANTED

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

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 10, 2021

Hearing Room 302

11:00 AM

1:10-15822 David B. Rosen

Chapter 11

#12.00 Case Management Conference

Docket 0

***** VACATED *** REASON: Moot - No Chapter 11 Status conference per chambers. If**

Courtroom Deputy:

VACATED

Party Information

Debtor(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, March 10, 2021

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

#13.00 JPMorgan Chase Bank N.A.'s Motion to
Dismiss Second Amended Complaint

fr. 12/9/20; 2/10/21

Docket 120

Courtroom Deputy:

CONT'D to 5/5/21 at 11

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By
Joseph E Addiego

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph E Addiego
Monder Khoury

Plaintiff(s):

David B. Rosen

Represented By

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

CONT...

David B. Rosen

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, March 10, 2021

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

#14.00 Status Conference RE: Second Amended
Complaint For: 1. Declaratory Relief (As To Chase);
2. Contempt For Violation Of Court Order
(As To Chase; 3. Violation Of The Respa
(As To Nationstar); 4. Negligence In The
Handling And Management Of Debtors
Account (As To Nationstar);
5. Attorney Fees And Costs
(As To All Defendants)

fr. 12/9/20; 2/10/21

Docket 117

Courtroom Deputy:

CONT'D to 5/5/21 at 11

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By
Joseph E Addiego

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

CONT... David B. Rosen

Chapter 11

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph E Addiego
Monder Khoury

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, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01088 Zamora, Chapter 7 Trustee v. URIBE

#15.00 Status Conference Re: Complaint to Avoid
and Recover Preferential Transfers

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

JUAN URIBE Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01091 Zamora, Chapter 7 Trustee v. Gonzalez

#16.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Carlos Gonzalez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01093 Zamora, Chapter 7 Trustee v. Santamaria

#17.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Jony Santamaria Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01095 Zamora, Chapter 7 Trustee v. Rodriguez

#18.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b),
550(a), and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Manuel Rodriguez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01098 Zamora, Chapter 7 Trustee v. Hernandez

#19.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Rony Hernandez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01099 Zamora, Chapter 7 Trustee v. Uribe

#20.00 Status Conference Re: Complaint to Avoid
and Recovery Preferential Transfers

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Sebastian Uribe Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01100 Zamora, Chapter 7 Trustee v. Aviva Home Improvement

#21.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Aviva Home Improvement Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01101 Zamora, Chapter 7 Trustee v. Global Marketing Consultants, L.L.C.

#22.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Global Marketing Consultants, Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01102 Zamora, Chapter 7 Trustee v. JJC General Construction Corp.

#23.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers.

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

JJC General Construction Corp. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01103 Zamora, Chapter 7 Trustee v. Palacios Builders LLC

#24.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfers

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Palacios Builders LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01104 Zamora, Chapter 7 Trustee v. Red Vision Construction, Inc.

#25.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Red Vision Construction, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee
Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)
Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01105 Zamora, Chapter 7 Trustee v. Regal Global Services LLC

#26.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Regal Global Services LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01106 Zamora, Chapter 7 Trustee v. Estrada

#27.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

William A Estrada Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01107 Zamora, Chapter 7 Trustee v. An Lac Mission

#28.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Section 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

An Lac Mission Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01108 Zamora, Chapter 7 Trustee v. Miller Miller Gerber LLP

#29.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]; and (2) Objection to Claims
[11 U.S.C. Section 502(d)]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Miller Miller Gerber LLP Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01109 Zamora, Chapter 7 Trustee v. Genesis Innovators, Inc.

#30.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Genesis Innovators, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

Adv#: 1:20-01024 Infinity Capital Funding, LLC v. Vizcarra

#31.00 Status Conference Re: Complaint to Determine
Dischargeability of a Debt under 11 U.S.C.
Sec. 523(a)(2) and 523(a)(6)

fr. 4/15/20; 7/22/20; 10/28/20, 1/6/21

Docket 1

Courtroom Deputy:

CONT'D to June 9, 2021 at 11:00am

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Defendant(s):

Reynaldo Rene Vizcarra

Pro Se

Plaintiff(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, March 10, 2021

Hearing Room 302

11:00 AM

1:20-10443 Gilbert J Gonzaga

Chapter 7

Adv#: 1:20-01048 Hagen-Olson v. Gonzaga et al

#32.00 Status Conference re: Complaint to determine dischargeability

fr. 7/1/20, 9/30/20; 12/9/20

Docket 1

Courtroom Deputy:

TRIAL ON APRIL 16 & 20 AT 9:30

Party Information

Debtor(s):

Gilbert J Gonzaga

Represented By
Kevin T Simon

Defendant(s):

Gilbert J Gonzaga

Pro Se

Chona Sangco Chua Gonzaga

Pro Se

GCNJ Global Enterprises, Inc.

Pro Se

GCNJ Enterprises, Inc.

Pro Se

Fantastic Sams Newbury LLP

Pro Se

Joint Debtor(s):

Chona Sangco Chua Gonzaga

Represented By
Kevin T Simon

Plaintiff(s):

Leah Kathleen Hagen-Olson

Represented By
Bret G Anderson

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

Wednesday, March 10, 2021

Hearing Room 302

11:00 AM

CONT... Gilbert J Gonzaga

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, March 10, 2021

Hearing Room 302

11:00 AM

1:20-11063 Joby John Harte

Chapter 7

Adv#: 1:20-01081 Garcia, Jr v. Harte

#33.00 Status Conference Re: Complaint
Objecting to Dischargeability of Debt
Pursuant to Section 523(a)(6) of the
Bankruptcy Code

fr. 12/2/20, 2/10/21

Docket 1

Courtroom Deputy:

Chambers to Set OSC.

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

Defendant(s):

Joby John Harte

Pro Se

Plaintiff(s):

Ricardo Rene Garcia Jr

Represented By
Ben J Meiselas

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 10, 2021

Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. et al v. Avaneessians

#33.01 Motion To Stay Pending Appeal

Docket 31

Courtroom Deputy:

GRANTED to April 16 with permission to conduct third party discovery

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Plaintiff(s):

ATS, Inc.

Represented By
Craig G Margulies
Montserrat Morales

David Sagherian

Represented By
Craig G Margulies
Montserrat Morales

Michael Trunnell

Represented By
Craig G Margulies
Montserrat Morales

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 10, 2021

Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avaneessians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avaneessians

#33.02 Status Conference Re: Complaint
to Determine the Dischargeability of Debt,
and to Deny Discharge

fr. 1/20/21,1/27/21; 3/3/21

Docket 1

Courtroom Deputy:

Continued to May 5, 2021 at 11 am

Party Information

Debtor(s):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Pro Se

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

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 10, 2021

Hearing Room 302

1:00 PM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:20-01087 Weil, Chapter 7 Trustee v. Shemuelian

#34.00 Motion for Summary Judgment; Memorandum of Points and Authorities and Declaration of Diane C. Weil in Support Thereof

Docket 41

***** VACATED *** REASON: Cont'd to 3/17/21 at 1:00 p.m. - hm**

Courtroom Deputy:

Continued to 3/17/21 at 1:00pm.

Party Information

Debtor(s):

David Saghian

Pro Se

Defendant(s):

Avraham Shemuelian

Represented By
Daniel Alliance

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
Michael G D'Alba
Eric P Israel
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 10, 2021

Hearing Room 302

1:00 PM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:20-01087 Weil, Chapter 7 Trustee v. Shemuelian

#35.00 Status Conference Re: Complaint
for Breach of Contract and Turnover

fr. 1/6/21

Docket 1

***** VACATED *** REASON: Cont'd to 3/17/21 at 1:00 p.m. - hm**

Courtroom Deputy:

Continued to 3/17/21 at 1:00pm.

Party Information

Debtor(s):

David Saghian Pro Se

Defendant(s):

Avraham Shemuelian Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR) Represented By
Michael G D'Alba
Eric P Israel
David Seror
Jessica L Bagdanov

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

Thursday, March 11, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Videoconference URL: <https://cacb.zoomgov.com/j/1602357356>
Meeting ID: 160 235 7356
Password: 026750**

**Audioconference Tel. No.: 1-669-254-5252 OR 1-646-828-7666
Meeting ID: 160 235 7356
Password: 026750**

Docket 0

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

Thursday, March 11, 2021

Hearing Room 302

9:30 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day One

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/8/20; 11/5/20, 11/9/20

Docket 37

*** VACATED *** REASON: Trial continued to April 1 and 2 at 9:30 am
(eg)

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM
1:00-00000

Chapter

#0.00 The 8:30 am Reaffirmation Agreement calendar will be conducted remotely, using ZoomGov video and audio. By Judge Mund.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614537835>

Meeting ID: 161 453 7835

Password: 853639

Telephone Conference Lines: 1 (669) 254-5252 or 1 (646) 828-7666

Meeting ID: 161 453 7835

Password: 853639

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

1:20-11469 Barry C. Irick

Chapter 7

**#0.01 Pro se Reaffirmation Agreement with
Kinecta Federal Credit Union**

fr. 12/15/20, 1/19/21, 2/16/21

Docket 11

Tentative Ruling:

This matter was continued to allow for the parties to file an updated reaffirmation. On 3/8/21, a reaffirmation agreement was filed by creditor Kinecta C.U., purporting to treat the same debt obligation, ECF doc. 16. The newly filed reaffirmation agreement is set for hearing on April 20, 2021, at 8:30 a.m. This matter appears to be moot, given the filing of doc. 16.

APPEARANCES WAIVED on 3/16/21

2-16-21 TENTATIVE BELOW

This hearing was continued from Dec. 15, 2020, and again from Jan. 19, 2021, to allow Debtor the opportunity research whether the reaffirmed loans for the 2014 Ford Explorer & the 2012 Ford Escape were cross-collateralized with this "overdraft" line of credit, and whether the agreement could be amended to include a provision providing for Kinecta to report timely payments to credit reporting bureaus.

If Debtor chooses not to appear, the reaffirmation may be denied but Debtor was informed by volunteer counsel and the Court that he was free to voluntarily make payments on this overdraft line of credit to maintain his good standing with Kinecta.

APPEARANCE REQUIRED or reaffirmation to be denied.

12/15/20 TENTATIVE BELOW

Petition date: 8/17/2020

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: "LINE OF CREDIT"

Debtor's valuation of property (Sch. B): not listed on Sch. B

Amount to be reaffirmed: \$5,000.00 (balance due -\$2,608.62) Reaffirmation Agreem't, Part I,

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Barry C. Irick

Chapter 7

para. B & G

APR: 9.990%

Contract terms: \$112.00 per month for indeterminate term Id., Part I, para. G

Monthly Income (Schedule I): \$6,848.50

Monthly expenses: (Schedule J): \$6,827

Disposable income: \$21.50

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 explains that because the bankruptcy has alleviated his debt, he will be better able to manage his monthly budget and continue this payment

Debtor has a right to rescind agreement anytime prior to discharge, or until January 11, 2021, whichever is later.

Party Information

Debtor(s):

Barry C. Irick

Represented By
Nathan A Berneman

Trustee(s):

Amy L Goldman (TR)

Pro Se

1:20-12033 Jarred Thomas Coppola

Chapter 7

#0.02 Pro se Reaffirmation Agreement with
Americredit Financial Services, Inc.
Dba GM Financial

fr. 2/16/21

Docket 12

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Jarred Thomas Coppola

Chapter 7

Tentative Ruling:

Petition date: 11/13/2020

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 Ford Focus

Debtor's valuation of property (Sch. B): \$3,500

Amount to be reaffirmed: \$5,687.36

APR: 21.0% (fixed)

Contract terms: \$198.47 per month for 40 months

Monthly Income (Schedule I): \$4,227

Monthly expenses: (Schedule J): \$4,525

Disposable income: <\$298.00>

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 states that he and his family have decreased expenses in other areas, as this vehicle is necessary for Debtor's employment as the only family member that works outside the home. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 3, 2021, whichever is later.

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Jarred Thomas Coppola Chapter 7

Party Information

Debtor(s):

Jarred Thomas Coppola Pro Se

Trustee(s):

Nancy J Zamora (TR) Pro Se

1:20-12070 Edwin Isaias Rivas Madriles Chapter 7

#0.03 Reaffirmation Agreement with
Nissan Motor Acceptance Corporation

Docket 23

Tentative Ruling:

Petition date: 11-18-20

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

Discharge?: No

Property: 2016 Nissan Sentra

Debtor's valuation of property (Sch. B): \$8,000

Amount to be reaffirmed: \$7,489.86

APR: 0.90%

Contract terms: \$314.98 per month for 24 months

Monthly Income (Schedule I): \$1,600

Monthly expenses: (Schedule J): \$1,615

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Edwin Isaias Rivas Madriles

Chapter 7

Disposable income: <\$5.00>

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

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

Debtor explains that this payment is not a hardship because it is already included in his monthly expenses, as evidenced on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 10, 2021, whichever is later.

Party Information

Debtor(s):

Edwin Isaias Rivas Madriles

Represented By
Christopher J Lauria

Trustee(s):

Diane C Weil (TR)

Pro Se

1:20-12237 Jasmine Tara Marie Boyle

Chapter 7

#0.04 Reaffirmation Agreement with Toyota Motor
Credit Corporation

Docket 9

Tentative Ruling:

Petition date: 12/18/2020

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Jasmine Tara Marie Boyle

Chapter 7

341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Toyota RAV-4

Debtor's valuation of property (Sch. B): \$14,536

Amount to be reaffirmed: \$27,654.18

APR: 8.9% (fixed)

Contract terms: \$545.04 per month for 63 months

Monthly Income (Schedule I): \$1,701.24

Monthly expenses: (Schedule J): \$2,490

Disposable income: <\$788.76>

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

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

Debtor states in Part D that she has experienced an increase in the amount of work she is able to do & she attests that she is able to make this payment. This payment is provided for on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 30, 2021, whichever is later.

Party Information

Debtor(s):

Jasmine Tara Marie Boyle

Pro Se

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Jasmine Tara Marie Boyle Chapter 7

Trustee(s):

Amy L Goldman (TR) Pro Se

1:20-12249 Denisse Saballa Chapter 7

#0.05 Reaffirmation Agreement with Toyota Motor
Credit Corporation

Docket 13

Tentative Ruling:

This reaffirmation agreement, ECF doc. 13, appears to be a duplicate of the reaffirmation agreement that was filed as ECF doc. 14, which is set as cal. no. 0.04 Both documents are related to a retail sales contract for a 2017 Toyota RAV-4 (VIN ending in 2764), but ECF doc. 13 did not have a copy of the contract attached to the reaffirmation agreement. Aside from this, the Court could not discern a difference between the two agreements.

If this reaffirmation, ECF doc 13, is a duplicate, this matter will be vacated.
APPEARANCE REQUIRED

Party Information

Debtor(s):

Denisse Saballa Represented By
Stella A Havkin

Trustee(s):

Amy L Goldman (TR) Pro Se

1:20-12249 Denisse Saballa Chapter 7

#0.06 Reaffirmation Agreement with Toyota Motor
Credit Corporation

Docket 14

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Denisse Saballa

Chapter 7

Tentative Ruling:

Petition date: 12/22/20

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

Discharge?: No

Property: 2017 Toyota RAV-4

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

Amount to be reaffirmed: \$16,788.73

APR: 0.00%

Contract terms: \$479.69 per month for 35 months

Monthly Income (Schedule I): \$1,488

Monthly expenses: (Schedule J): \$1,674

Disposable income: <\$14.00>

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 states that she intends to go back to work and, in the meantime, she maintains that her family will help her make the payments. This payment is provided for in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 20, 2021, whichever is later.

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Denisse Saballa

Chapter 7

Party Information

Debtor(s):

Denisse Saballa

Represented By
Stella A Havkin

Trustee(s):

Amy L Goldman (TR)

Pro Se

1:20-12273 Humberto Gonzalez Haro

Chapter 7

#0.07 Reaffirmation Agreement with Santander
Consumer USA Inc.

Docket 9

Tentative Ruling:

Petition date: 12/28/20

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

Discharge?: No

Property: 2016 Nissan Altima

Debtor's valuation of property (Sch. B): \$9,564

Amount to be reaffirmed: \$10,491.46

APR: 17.99% (fixed)

Contract terms: \$358.56 per month for 38 months

Monthly Income (Schedule I): \$3,528.58

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

Tuesday, March 16, 2021

Hearing Room 302

8:30 AM

CONT... Humberto Gonzalez Haro

Chapter 7

Monthly expenses: (Schedule J): \$3,523.92

Disposable income: \$4.66

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 why he will be able to afford these payments. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 28, 2021, whichever is later.

Party Information

Debtor(s):

Humberto Gonzalez Haro

Represented By
R Grace Rodriguez

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 16, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 Chapter 13 calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1619236533>

Meeting ID: 161 923 6533

Password: 8733392

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 923 6533

Password: 8733392

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#18.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19; 1/28/20; 3/31/20,
7/21/20, 10/27/20; 12/15/20

Docket 115

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pella Parker

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:14-12567 Terry Byrd Pitt

Chapter 13

#19.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19, 2/25/20, 4/28/20; 8/25/20,
10/27/20, 2/23/21

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terry Byrd Pitt

Represented By

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Terry Byrd Pitt

Devin Sawdayi

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#20.00 Debtor's Motion for Discharge Without Discharge or Prejudice to Priority Claims of the Department of the Treasury Internal Revenue Service and Ventura County DCSS

Docket 172

Tentative Ruling:

Debtor's Chapter 13 Plan (the "Plan") was confirmed on August 4, 2015 with payments of \$413.00 for months 1-4, and \$415.00 for months 5-60, at 0.000% allowed for general unsecured creditors. During the pendency of the case, the Internal Revenue Service (the "IRS") filed a Proof of Claim #3-1 totaling \$151.91 which included a priority portion of \$147.61, as well as an amended Proof of Claim #3-2 totaling \$502.36 which included a priority portion of \$498.06, as well as a priority Proof of Claim #10-1 totaling \$1,784.00. Also during the pendency of the case, the Ventura County DCSS ("VDCSS") filed a priority Proof of Claim #4-1 totaling \$15,549.02. The claims asserted by the IRS and VDCSS caused Debtor's Plan to become infeasible.

Debtor's Stipulation with the Trustee to modify the Plan and turnover his tax refund was filed October 31, 2019 (See Exhibit "F"). Pursuant to the confirmed Chapter 13 plan and granted Stipulation, Debtor contends that he was required to pay a total of \$25,232.00 to pay off his Plan. To date, Debtor asserts that he has made payments to Trustee in the amount of \$27,708.00 under the confirmed Plan. His Plan has expired, however, and there is currently a balance of \$4,300.00 remaining to be paid to the IRS and VDCSS. Motion, Ex. G.

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Humberto Delgadillo Garcia Chapter 13

Debtor now moves for a discharge under 11 U.S.C. Section 1328(a), arguing that he has made all the required payments pursuant to the Plan and thus requests a discharge of all claims without discharge or prejudice to the priority claims of the IRS and VCDCCS.

Service proper. No responses filed.

Motion GRANTED. APPEARANCES WAIVED ON 3-12-21
DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Humberto Delgadillo Garcia

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:15-11072 Humberto Delgadillo Garcia Chapter 13

#21.00 Trustee's Motion to Dismiss Case

fr. 6/23/20, 9/22/20; 12/15/20, 2/23/21

Docket 163

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Humberto Delgadillo Garcia

Represented By
Kevin T Simon

United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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11:00 AM

CONT... Humberto Delgadillo Garcia

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:15-12349 Marjan Bahman

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

fr. 12/15/20

Docket 81

*** VACATED *** REASON: Cont'd to 4/27/21 at 11:00 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marjan Bahman

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:16-10083 Griselda Renteria

Chapter 13

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

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

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

11:00 AM

CONT... Griselda Renteria

Chapter 13

Debtor(s):

Griselda Renteria

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#24.00 Trustee's Motion to Dismiss Case Trustee's
Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit
all Tax Refunds

fr. 2/23/21

Docket 64

Tentative Ruling:

- NONE LISTED -

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

1:16-10401 Jose Luis Valencia

Chapter 13

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Jose Luis Valencia Chapter 13
#25.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

Docket 51

*** VACATED *** REASON: Ntc. of w/drawal filed 3/3/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Valencia

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:16-10898 Jacqueline Desiree Landaeta Alvarez Chapter 13

#26.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21; 1/26/21

Docket 141

*** VACATED *** REASON: Cont'd to 4/27/21 at 11:00 a.m.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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CONT... Jacqueline Desiree Landaeta Alvarez

Chapter 13

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:16-11244 Roxana Flores

Chapter 13

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

fr. 1/26/21

Docket 52

***** VACATED *** REASON: Cont. to 6/22/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roxana Flores Represented By
Alla Tenina

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:16-11417 Farshid Tebyani

Chapter 13

#28.00 Trustee's Motion to Dismiss Case .

fr. 10/27/20; 1/26/21

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11:00 AM

CONT... Farshid Tebyani

Chapter 13

Docket 90

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Farshid Tebyani

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

#29.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 12/17/19, 2/25/20, 4/28/20; 8/25/20, 9/22/20,
10/27/20; 12/15/20; 1/26/21

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

Represented By
Devin Sawdayi

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

CONT... Michael Klapsis and Marina Klapsis Chapter 13

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-10032 Michael Klapsis and Marina Klapsis Chapter 13

**#30.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21, 2/23/21

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis Represented By
Devin Sawdayi

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-10883 Martin Rios Chapter 13

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

11:00 AM

CONT...

Martin Rios

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21, 2/23/21

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Rios

Represented By
William G Cort

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 13

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

fr. 8/25/20; 12/15/20

Docket 156

***** VACATED *** REASON: Case Converted to Ch. 7 on 3/3/21 - Doc.
#162.**

Tentative Ruling:

- NONE LISTED -

Party Information

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

CONT... Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 13

Debtor(s):

Hovanes Antoine Osmanian

Represented By
Richard Mark Garber

Joint Debtor(s):

Violet Khachikyan Osmanian

Represented By
Richard Mark Garber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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CONT... Allen Charles Mixon, III and Gladys Stennis Mixon Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-12596 Lynne Suzanne Boyarsky Chapter 13

**#34.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21

Docket 119

***** VACATED *** REASON: Cont'd to 5/25/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky Represented By
Matthew D. Resnik

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-12597 Miriam Erica Claire Frenkel Fehring Chapter 13

#35.00 Debtor's Motion for Hardship Discharge

Docket 160

Tentative Ruling:

On May 29, 2018, the Court entered an order confirming the Chapter 13 Plan (the "Plan").

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11:00 AM

CONT... Miriam Erica Claire Frenkel Fehring

Chapter 13

The Plan required that Debtor pay \$800.00 for months 1 through 7, and \$878 for months 8-60, with 0.00% to be paid to Class 5 general unsecured creditors.

On or about April 12, 2019, the Court entered an order approving a Motion to Modify Plan or Suspend Plan Payments ("MOMOD"). The MOMOD provided for reduced payments of \$240.00 per month for months 18-60, three (3) payments were suspended, the Trustee could increase the percentage paid to Class 5 general unsecured creditors if funds permitted, and Debtor was required to submit the required tax returns and tax refunds into the plan. Debtor's modified plan thus required her to pay a total of \$21,826.00 in plan payments into her plan.

On or about August 18, 2020, the Court entered an Order Approving Stipulation to Suspend Plan Payments Pursuant to 11 U.S.C. §1329 and L.B.R. 3015-1(x)(3), which suspended three (3) payments, and extended the term of the plan by three (3) months (the "COVID-19 Stipulation").

Section 1328(b) allows the Court to grant a "hardship discharge" if several requirements are met:

(b) Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

(1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

(2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

(3) modification of the plan under section 1329 of this title is not practicable.

(c) A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

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CONT...

Miriam Erica Claire Frenkel Fehring

Chapter 13

- (1) provided for under section 1322(b)(5) of this title; or
(2) of a kind specified in section 523(a) of this title.

Debtor is self-employed as a real estate agent. Due to the nature of her profession, she contends that she is at very high risk of contracting COVID-19 with indoor daily client-facing contact. Debtor explains that her age and comorbidities make her a very high risk to complications related to the COVID-19 virus. Therefore, since the beginning of the COVID-19 pandemic, Debtor has not worked consistently. She attests that she relied on her social security income, along with the social security income received by her spouse.

On or about November 9, 2020, Debtor notified her counsel that that her spouse had passed away on September 25, 2020 after a long struggle with a terminal illness and was having significant difficulty coping with the loss of her spouse.

On or about January 25, 2021, Debtor notified her counsel that she had been hospitalized with COVID-19 the prior week. Although Debtor is slowly recovering, she states that the unknown nature of the virus and potential long-term effects, especially in more senior patients has put her in a very precarious health condition and uncertain financial situation. Thereafter, on or about February 8, 2021, Debtor notified her counsel that her sight has been severely limited and she was in need of cataract surgery, however due to the fact that all elective surgeries are currently on hold due to the COVID-19 pandemic, she is not able to schedule the necessary surgery at this time, and is unsure when she will be able to do so. While she awaits this procedure, Debtor attests that she is unable to drive or read.

Debtor's income has been reduced even further since the death of her spouse. Although she is entitled to social security widow's survivor benefits, Debtor claims that the benefits are less than what was received prior to the death of her spouse. Debtor argues that her income has thus been reduced exponentially. She maintains that she simply cannot afford to make any payments to her Chapter 13 plan at this time and does not anticipate a change in this circumstance at any point in the near future.

Debtor states that her son has offered to provide a one-time gift to Debtor to pay off her plan, as well as all allowed priority claims in full. Debtor will tender this approximately \$9,100.00 gift to Trustee upon the granting of this Motion.

To date, Debtor maintains that she has made best efforts and diligently made all payments through November 2020. Debtor has paid \$16,519.84 of the \$21,826.00 total required by her confirmed plan. With the additional funds estimated at \$9,100.00 to be provided by her

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CONT... Miriam Erica Claire Frenkel Fehring Chapter 13

son to pay off required creditors and the plan in full, Debtor will have paid \$25,619.84 into the plan, and completed all plan payment requirements. Unsecured creditors have all been paid at 0.000% and Debtor has no funds to pay any unsecured creditors at this time.

Due to her medical condition, lack of income, and the emotional trauma related to the death of her spouse, Debtor maintains that she is physically, fiscally, and mentally no longer capable of affording to stay in her case and therefore plan modification is not possible. Despite having made her best efforts, Debtor cannot make additional payments and requests that the Court grant her motion and enter a hardship discharge.

Service proper. No response filed.

Motion GRANTED. APPEARANCES WAIVED ON 3-12-21

DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Miriam Erica Claire Frenkel Fehring

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-13199 Sonia Pantoja Chapter 13

**#36.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 2/23/21

Docket 51

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #56. If**

Tentative Ruling:

- NONE LISTED -

Party Information

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CONT... Sonia Pantoja

Chapter 13

Debtor(s):

Sonia Pantoja

Represented By
Lauren M Foley

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10533 Marvin Eleid

Chapter 13

#37.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20; 6/23/20;
8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21

Docket 45

Tentative Ruling:

Party Information

Debtor(s):

Marvin Eleid

Represented By
Steven Abraham Wolvek

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10772 Anna Gevorkian

Chapter 13

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

fr. 11/17/20; 1/26/21, 2/23/21

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CONT... Anna Gevorkian

Chapter 13

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Gevorkian

Represented By
Robert T Chen

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-11112 Mario Mauricio Gil and Edelina Chavez Cuayzon

Chapter 13

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

fr. 12/15/20, 2/23/21

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Mauricio Gil

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Edelina Chavez Cuayzon

Represented By

United States Bankruptcy Court
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CONT... **Mario Mauricio Gil and Edelina Chavez Cuayzon** Chapter 13
Hasmik Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:18-11550 Andrea L Cervantes Chapter 13

#40.00 Trustee's Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20

Docket 49

*** VACATED *** REASON: Cont. to 5/25/21 @11am

Tentative Ruling:

- NONE LISTED -

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

1:18-12473 Stephen Anthony Cook Chapter 13

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

fr. 1/28/20; 3/31/20; 6/23/20, 9/22/20; 11/17/20;
1/26/21, 2/23/21

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CONT... Stephen Anthony Cook Chapter 13

Docket 56

***** VACATED *** REASON: Ntc. of w/drawal filed 3/15/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Anthony Cook

Represented By
Lauren Rode

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-12549 Moshe Cohen

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21

Docket 78

***** VACATED *** REASON: Cont'd to 4/27/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D. Resnik

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11:00 AM

CONT... Moshe Cohen

Chapter 13

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:18-12653 Rolando Drilon Quimson

Chapter 13

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

fr. 2/23/21

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rolando Drilon Quimson

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:18-12708 Jose Estrada

Chapter 13

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

Docket 60

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #69. If**

Tentative Ruling:

- NONE LISTED -

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11:00 AM

CONT... Jose Estrada

Chapter 13

Party Information

Debtor(s):

Jose Estrada

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10003 Edwin E. Vidanez

Chapter 13

#45.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Returns

fr. 2/23/21

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin E. Vidanez

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10043 Douglas Henry Baylis

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20; 1/26/21

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11:00 AM

CONT... Douglas Henry Baylis

Chapter 13

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Henry Baylis

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10108 Wilfredo Castillo and Carmen Rosa Castillo

Chapter 13

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

fr. 2/23/21

Docket 67

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #81. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wilfredo Castillo

Represented By
Donald E Iwuchuku

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11:00 AM

CONT... Wilfredo Castillo and Carmen Rosa Castillo

Chapter 13

Joint Debtor(s):

Carmen Rosa Castillo

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21

Docket 82

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #85. 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

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10637 Elizabeth Fabia Sanchez

Chapter 13

#49.00 Motion to Dismiss Case for Failure to Make

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11:00 AM

CONT... Elizabeth Fabia Sanchez
Plan Payments

Chapter 13

fr. 10/27/20; 12/15/20, 2/23/21

Docket 27

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #30. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Fabia Sanchez

Represented By
David S Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-10784 David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

#50.00 Motion to Dismiss Case for Failure to Make
Plan Payments F Rojas

fr. 1/26/21

Docket 64

*** VACATED *** REASON: Cont. to 4/27/21 @11am

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Thomas Djolakian

Represented By
Elena Steers

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CONT... David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

Joint Debtor(s):

Olivia Lucille Djolakian

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11717 Lois Ann Harris

Chapter 13

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

fr. 10/27/20; 12/15/20; 1/26/21

Docket 89

***** VACATED *** REASON: Cont'd to 5/25/21 at 11:00 a.m.**

Tentative Ruling:

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11838 James Alan Ritter and Debra Michelle Ritter

Chapter 13

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San Fernando Valley
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Hearing Room 302

11:00 AM

CONT... **James Alan Ritter and Debra Michelle Ritter** **Chapter 13**
#52.00 Motion Under 11 U.S.C. Sec. 1328(i) for an
Order Granting an Immediate Discharge of
Dischargeable Debts

fr. 2/23/21

Docket 74

***** VACATED *** REASON: Resolved - memorandum issued & order
entered - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Alan Ritter

Represented By
Glenn Ward Calsada

Joint Debtor(s):

Debra Michelle Ritter

Represented By
Glenn Ward Calsada

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11930 Vicente M Aguilar **Chapter 13**

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

fr. 10/27/20; 12/15/20; 1/26/21, 2/23/21

Docket 44

***** VACATED *** REASON: Ntc. of w/drawal filed 3/15/21**

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Vicente M Aguilar

Chapter 13

Party Information

Debtor(s):

Vicente M Aguilar

Represented By
David Samuel Shevitz

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-11964 Hazel M Renderos

Chapter 13

#54.00 Motion RE: Objection to Claim Number 3
by Claimant Los Angeles County Treasurer and Tax Collector

fr. 3/31/20, 9/22/20, 10/27/20; 1/26/21, 2/23/21

Docket 0

*** VACATED *** REASON: Stip. cont. to 5/25/21 @11am (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12205 Mauricio Nunez

Chapter 13

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

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Mauricio Nunez

Chapter 13

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20, 2/23/21

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mauricio Nunez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12260 Irene Elizabeth Franklin

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21

Docket 32

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

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

fr. 1/26/21, 2/23/21

Docket 37

***** VACATED *** REASON: Ntc. of w/drawal filed 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Berta Zavala

Represented By
Donald E Iwuchuku

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12424 Hamila Salehi Tabaie

Chapter 13

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

fr. 2/23/21

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Hamila Salehi Tabaie Chapter 13

Debtor(s):

Hamila Salehi Tabaie

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12903 Enoch Gilbert Carabajal Chapter 13

#59.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr.2/23/21

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12996 Scott Michael Graffius Chapter 13

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

Docket 37

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #47. If**

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Scott Michael Graffius

Chapter 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Michael Graffius

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-13021 Peter Clayton Purcell

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Clayton Purcell

Represented By
David S Hagen

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-13061 Madeleine De Bois

Chapter 13

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... **Madeleine De Bois**
#62.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Chapter 13

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Madeleine De Bois

Represented By
Gregory M Shanfeld

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-13135 Nicole Tanice Shepherd

Chapter 13

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

fr. 1/26/21

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

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, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Nicole Tanice Shepherd

Chapter 13

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:20-10037 Andrew Blas Lorenzo

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21, 2/23/21

Docket 43

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #84. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew Blas Lorenzo Represented By
Kevin T Simon

Movant(s):

Elizabeth (SV) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:20-10040 Giovanni Garofoli

Chapter 13

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... **Giovanni Garofoli** **Chapter 13**

Docket 54

*** VACATED *** **REASON: Cont. 5/25/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Garofoli

Represented By
D Justin Harelik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:20-10250 Kenneth Larkin **Chapter 13**

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

fr. 1/26/21

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

Movant(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, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Kenneth Larkin

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:20-10474 Dewayne Anthony Brady

Chapter 13

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

Docket 36

***** VACATED *** REASON: Cont. 5/25/21@11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dewayne Anthony Brady

Represented By
Allan S Williams

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:20-10645 Jennifer T Bolhayon

Chapter 13

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

fr. 2/23/21

Docket 25

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #37. If**

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Jennifer T Bolhayon

Chapter 13

Debtor(s):

Jennifer T Bolhayon

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:21-10304 Anatoliy Chizmar

Chapter 13

#69.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 5725 Lemona Ave., Van Nuys, CA 91411

Docket 14

Tentative Ruling:

I am inclined to continue the stay. Debtor has rebutted the presumption by clear and convincing evidence. Debtor is negotiating a deferment agreement with his senior lender that will result in a lower mortgage payment with no need to cure defaults under a proposed plan. Debtor is correct that the change to California's statutory exemption scheme, allowing for a homestead exemption up to \$600,000, eliminated any equity that would have had to be paid into a plan in the First Filing. Debtor maintains that these changes, coupled with the California Governor announcing a reopening of the economy and gradual lifting of COVID-19 restrictions, will allow Debtor to return to the full scale of business activities to generate sufficient income to fund a plan in this case. the objections to the plan can be considered in plan confirmation, and debtor has the burden of proof. It does appear that there is a good chance Debtor can pay arrears and save his home, an issue of paramount importance during this pandemic.

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Alla Tenina

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

Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Anatoliy Chizmar

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-12270 Alejandra Castellanos

Chapter 13

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

Docket 51

***** VACATED *** REASON: Ntc. of w/drawal filed 3/15/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandra Castellanos Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:20-10272 Barjinder Singh

Chapter 13

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

Docket 47

***** VACATED *** REASON: Cont. 5/25/21@11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barjinder Singh Represented By
D Justin Harelik

**United States Bankruptcy Court
Central District of California
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Tuesday, March 16, 2021

Hearing Room 302

11:00 AM

CONT... Barjinder Singh

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-13062 Brandon Paul Lopez and Vicki Lynn Lopez

Chapter 13

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

Docket 29

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):

Brandon Paul Lopez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Vicki Lynn 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
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Wednesday, March 17, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605832868>

Meeting ID: 160 583 2868

Password: 4007627

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 583 2868

Password: 4007627

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 17, 2021

Hearing Room 302

9:30 AM

CONT...

- NONE LISTED -

Chapter

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

Wednesday, March 17, 2021

Hearing Room 302

9:30 AM

1:20-10037 Andrew Blas Lorenzo

Chapter 13

#1.00 Motion for relief from stay

U.S. BANK NATIONAL ASSO

fr. 5/13/20; 6/24/20, 11/18/20, 1/13/21, 2/10/21,

Docket 35

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Court continued this hearing from February 10, 2021. Nothing has been filed with regards to the RFS motion since this hearing. What is the status of this motion?

Appearance Required.

Previous Tentative

Petition Date: 1/7/2020

Ch. 13 plan confirmed: 4/14/2020

Service: Proper. No opposition filed.

Property: 5319 Goodland Ave., Valley Village, CA 91607

Property Value: \$1,076,378 (per debtor's motion to continue stay)

Amount Owed: \$620,451

Equity Cushion: 42.4%

Equity: \$455,927

Post-Petition Delinquency: \$2,304.90 (two payments of \$2,244.84; less suspense payment of \$2,184.78)

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

**United States Bankruptcy Court
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Wednesday, March 17, 2021

Hearing Room 302

9:30 AM

CONT... Andrew Blas Lorenzo Chapter 13

Movant alleges that the last payment was received on or about 3/11/2020. Debtor's chapter 13 plan was just confirmed on 4/14/2020 and the delinquency here is so small when compared to the equity cushion. Have the parties had an opportunity to discuss an APO to cure?

Party Information

Debtor(s):

Andrew Blas Lorenzo

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, March 17, 2021

Hearing Room 302

9:30 AM

1:20-10474 Dewayne Anthony Brady

Chapter 13

#2.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 9/9/20, 11/18/20, 1/20/21, 1/27/21

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Court continued this RFS motion from January 20, 2021 so that Debtor could enter a loan modification. The Court granted the loan modification motion on February 8, 2021. Nothing related to this RFS motion has been filed since. What is the status of this motion?

Appearance Required.

PREVIOUS TENTATIVE BELOW

Petition Date: 2/27/2020

Chapter 13 plan confirmed: 6/5/2020

Service: Proper. Opposition filed.

Property: 10317 Steven Pl., Chatsworth, CA 91311

Property Value: \$749,711 (per debtor's schedules)

Amount Owed: \$997,790.35

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$12,370.57 (3 payments of \$4,150.89; less suspense balance of \$82.10)

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).

**United States Bankruptcy Court
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9:30 AM

CONT... Dewayne Anthony Brady

Chapter 13

Debtor opposes the Motion, arguing that the Motion should be denied as he has applied for a "Mortgage Assistance Streamline Modification" with Movant and a trial period plan was offered & accepted.

Does Debtor's performance under a trial period plan resolve the issues raised in this Motion?

Party Information

Debtor(s):

Dewayne Anthony Brady

Represented By
Allan S Williams

Movant(s):

U.S. 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, March 17, 2021

Hearing Room 302

9:30 AM

1:20-11538 Jeffrey Arthur Craddock

Chapter 13

#3.00 Motion for relief from stay

MEB LOAN TRUST III

fr. 2/10/21

Docket 37

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matters was continued from February 10, 2021 so that parties could work out an APO agreement. What is the status of this matter?

Appearance Required.

PRIOR TENTATIVE BELOW

Petition Date: 8/26/20

Ch: 13

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

Property: 9445 Natick Ave., North Hills, CA 91343

Property Value: \$562,250 (per debtor's schedules)

Amount Owed: \$61,622.37 (2nd DoT)

Equity Cushion: 35.2%

Equity: \$242,715.63

Post-Petition Delinquency: \$1,756.60 (three payments ranging in value between \$610.76 and \$617.06; less suspense balance of \$1,756.60)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received was on or about 10/23/2020, in the amount of \$700.00

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Wednesday, March 17, 2021

Hearing Room 302

9:30 AM

CONT... Jeffrey Arthur Craddock

Chapter 13

There appears to be a sufficient equity cushion to protect this claim. Have the parties had an opportunity to discuss whether any post-petition delinquency can be cured under an APO?

Party Information

Debtor(s):

Jeffrey Arthur Craddock

Represented By
Stephen S Smyth

Movant(s):

MEB Loan Trust III, as serviced by

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
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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:19-11045 John S. Singler

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST
COMPANY

Docket 52

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: : Deutsche Bank National Trust Company
Petition Date: 4/29/19
Chapter 13 plan confirmed: 11/12/19
Service: Proper. Opposition filed on 3/10/2021
Property: 15045 Wyandotte St, Van Nuys, CA 91405
Property Value: \$499,000.00(per debtor's schedules)
Amount Owed: \$178,162.92
Equity Cushion: 65%
Equity: \$320,837.08
Post-Petition Delinquency: \$8,160.63 (3 payments of \$1,558.09, plus 3 payments of \$1637.68, less suspense balance of \$1,426.68)

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); and 7 (waiver of the 4001(a) (3) stay). Movant asserts that cause exists for lifting the stay because the Debtor has missed postpetition payments. Payments over the last few month are sporadic and the Movant asserts that the last payment received by on January 5, 2021.

Debtor filed a late objection stating that he just sent payment of the post-petition delinquency amount; therefore this motion should be denied.

Does this payment resolve the RFS motion? If not, there appears to be

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10:00 AM

CONT... **John S. Singler** Chapter 13

substantial equity in the Property, are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Movant(s):

Deutsche Bank National Trust

Represented By
Nancy L Lee
Jennifer C Wong

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:19-12684 Claudia A. Rivas Gil

Chapter 13

#5.00 Motion for relief from stay

WELLS FARGO BANK, N.A., DBA
WELLS FARGO AUTO

fr. 2/10/21

Docket 35

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matter was continued from February 10, 2021 because the debtor, appearing pro se, was attempting to work out the missing payments. Nothing has been filed since the last hearing. What is the status of this case?

Appearance Required

PRIOR TENTATIVE BELOW

Petition Date: 10/23/2019

Ch 13 plan confirmed: 11/13/2019

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

Property: 2013 Honda Civic

Property Value: not listed debtor's schedules

Amount Owed: \$6,605.76

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$2,257.72 (11 payments of \$232.52)

Movant alleges that the last payment received for this vehicle was on or about 1/16/2020.

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

**United States Bankruptcy Court
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Wednesday, March 17, 2021

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10:00 AM

CONT... Claudia A. Rivas Gil Chapter 13
paragraph 2 (proceed under applicable non-bankruptcy law); 5 (relief from co-debtor stay); and 6 (waiver of 4001(a)(3) stay).

Party Information

Debtor(s):

Claudia A. Rivas Gil

Represented By
Laleh Ensafi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:20-12246 Graciela La Cruz

Chapter 13

#6.00 Motion for relief from stay

ATHENE ANNUITY & LIFE COMPANY

Docket 28

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Athene Annuity & Life
Petition Date: 12/22/2020
Chapter 13 plan confirmed: 2/2/21
Service: Proper. No Opposition.
Property: 12050 Guerin Street #PH1, Los Angeles, CA 91604
Property Value: N/A (Debtor never filed schedules and Movant's papers do not provide a market value of property).
Amount Owed: \$914,551.30
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: \$8,850 (2 payments of \$3, 806.34 and \$1,238.00 in attorney's fees and costs).

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); 8 (a designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of future bankruptcy filing concerning the Property for 180 days); 9 (if recorded in compliance with applicable state laws, the order is binding under this title purporting to affect Property filed not later than 2 years); 10 (order is binding and effective in bankruptcy commenced by or against any debtor who claims any interest in the Property for 180 days of hearing); and 11 (order is binding and effective in any future bankruptcy case no matter who the debtor may be). The Movant believes that that this filing is a part of a scheme to hinder, delay, and defraud

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

Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

CONT... Graciela La Cruz

Chapter 13

creditors. Additionally, there have been missed postpetition payments

Movant argues that cause exists because the bankruptcy was filed in bad faith. There were other bankruptcy cases have been filed in which an interest in the Property was asserted (18-10322 (Dismissed on 3/23/18); 18-10851 (Dismissed on 4/23/18); 20-11943 (Dismissed on 11/16/20). The cases are filed with few case commencement documents with the bankruptcy petition. Schedules and statements of financial affairs were not filed. This case followed the same pattern as previous cased. It was filed with few documents and was dismissed.

This case was dismissed for failure to file schedules, statements and/or plan on March 8, 2021.

Disposition: DENY 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) as this relief is now moot.

DENY relief under 11 U.S.C. 362(d)(1) and (d)(2),with the specific relief requested in paragraph 11 because such relief must be sought through an adversary proceeding. See FRBP 7001.

GRANT relief under 1 U.S.C. 362(d)(1) and (d)(2),with the specific relief requested in paragraph (a designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of future bankruptcy filing concerning the Property for 180 days); 9 (if recorded in compliance with applicable state laws, the order is binding under this title purporting to affect Property filed not later than 2 years); 10 (order is binding and effective in bankruptcy commenced by or against any debtor who claims any interest in the Property for 180 days of hearing.

No Appearance Required. Movant to lodge an order with the Court within 7 days.

Party Information

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CONT... Graciela La Cruz

Chapter 13

Debtor(s):

Graciela La Cruz

Represented By
Ryan A. Stubbe

Movant(s):

Athene Annuity & Life Company

Represented By
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:21-10128 Freddy Oballe and Isabel Cristina Barrantes Oballe

Chapter 7

#7.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 9

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Santander Consumer USA

Petition Date: 1/27/21

Ch 7

Service: Proper. No opposition filed.

Property: 2017 Nissan Versa, VIN: 3N1CN7AP8HL856814

Property Value: \$9,400.00 (per Movant's papers)

Amount Owed: \$16,178.22

Equity Cushion: 0%

Equity:\$0

Post-Petition Delinquency: \$451.53 (Debtor has missed one post-petition payment of \$451.53).

Movant seeks relief under 11 U.S.C. 362(d) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay). Movant alleges that post-petition payments have not been made, that Debtor filed a statement that it is their intention to turnover the Property, the Property was turned over prepetition, and there is no proof of insurance.

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.

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CONT... Freddy Oballe and Isabel Cristina Barrantes Oballe

Chapter 7

Party Information

Debtor(s):

Freddy Oballe

Represented By
Daniel King

Joint Debtor(s):

Isabel Cristina Barrantes Oballe

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

1:21-10139 Julio Cesar Serrano Salomon

Chapter 7

#8.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORP.

Docket 7

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: American Honda Finance Corporation

Petition Date: 1/28/21

Ch 7

Service: Proper. No opposition filed.

Property: 2019 Honda Accord, VIN: 1HGC V1F1 6KA0 83548

Property Value: \$24,675.00 (per Debtor's Schedules)

Amount Owed: \$26,762.09

Equity Cushion: 0%

Equity:\$0

Post-Petition Delinquency: \$539.72 (Debtor has missed one post-petition payment of \$539.72).

Movant seeks relief under 11 U.S.C. 362(d) with specific relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay). Movant alleges that post-petition payments have not been made, that Debtor filed a statement that it is their intention to turnover the Property, and the Property was turned over prepetition.

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.

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CONT... Julio Cesar Serrano Salomon

Chapter 7

Party Information

Debtor(s):

Julio Cesar Serrano Salomon

Represented By
Francis Guilardi

Movant(s):

American Honda Finance

Represented By
Vincent V Frounjian

Trustee(s):

Amy L Goldman (TR)

Pro Se

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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:21-10340 Edward Leonard Gaines

Chapter 13

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

Docket 10

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On March 1, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-10022MT, was a chapter 13 that was filed on January 7, 2020 and dismissed on September 23, 2020 for failure to make plan payments.

The Property at issue is real property located at 16655 Jersey Street, Granada Hills, CA 91344. Debtor moves to continue 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 lost his job due to the Covid 19 pandemic and was unable to make plan payments. Debtor has a new job and claims that he can effectively reorganize. Debtor will make current mortgage payment on April 1, 2021 as a sign of good faith. 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):

Edward Leonard Gaines

Represented By
Axel H Richter

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CONT... Edward Leonard Gaines

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Wednesday, March 17, 2021

Hearing Room 302

10:00 AM

1:21-10332 Edgar Hairapetyan

Chapter 13

#8.02 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate REAL

Docket 11

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On February 26, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-10495-MT, was a chapter 13 that was filed on February 28, 2020 and dismissed on December 24, 2020 because the Debtor could not resolve objection for 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 for failure to make plan payments because Debtor claims he can comply with the requirements in of confirming a chapter 13 case but does not elaborate how he intends to comply with these requirements or how his circumstances have changed. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

Debtor should come prepared to explain how the Debtor can now comply with the requirements for confirming a chapter 13 plan.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

Edgar Hairapetyan

Represented By

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CONT... Edgar Hairapetyan

Elena Steers

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:20-10577 Rooter Hero Plumbing, Inc.

Chapter 7

#8.03 Amended Motion for relief from stay

CATHY MARTINEZ

Docket 40

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition Date: 03/10/2020

Ch. 7

Service: Proper. Opposition filed.

Movant: Cathy, Frank, Isaiah Martinez

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

Litigation Information

Case Name: Cathy Martinez et al. v. Jonathan Christopher Morgen et al

Court/Agency: Superior Court of the State of California, County of San Diego

Case Number: 37-2019-00023173-CU-PA-NC

Date Filed: 5/2/19

Trial Start Date: N/A

Action Description: Personal Injury

Grounds

Bad Faith Claim is Insured Claim Against 3rd Parties
Nondischargeable Mandatory Abstention Non-BK Claims Best
Resolved in Non-BK Forum Other: The movant's claim is a personal
injury claim.

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraph 2 (proceed under non-bankruptcy law). Movant asserts cause exists because the Movant is seeking recovery from applicable

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CONT... **Rooter Hero Plumbing, Inc.**

Chapter 7

insurance and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate and the claims arise under non-bankruptcy law and can be resolved in a non-bankruptcy forum more efficiently.

The Chapter 7 Trustee filed a conditional opposition requesting the order contains the following language: "Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate." Trustee would also like to sign off on the form of order.

Disposition: GRANT motion. Movant to lodge an order containing the Trustee's requested language and have the Trustee endorse the proposed order within 7 days. No appearance required.

Party Information

Debtor(s):

Rooter Hero Plumbing, Inc.

Represented By
David S Hagen

Movant(s):

Frank Martinez

Represented By
Sam N Simantob

Isaiah Martinez

Represented By
Sam N Simantob

Cathy Martinez

Represented By
Sam N Simantob

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A Friedman

Diane C. Weil

Pro Se

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10:30 AM

1:09-20447 Law Offices of Masry & Vititoe

Chapter 11

#9.00 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, 10/23/19, 12/2/20; 2/3/21, 2/10/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Court continued this hearing from February 10, 2021 to hear what the parties' positions were on closing the case and any likelihood of litigation with the Gerardi & Keese estate.

Under the terms of the plan, it appears the effective date has come and long gone, the plan is substantially consummated, and there is no provision for which party is responsible for litigating the failure to pay over funds that were due.

The parties should discuss who will be filing a claim for any funds still due this estate.

Appearance Required.

Party Information

Debtor(s):

Law Offices of Masry & Vititoe

Represented By
Leslie A Cohen

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1:17-11663 Inception Media Group, LLC

Chapter 7

- #10.00** Motion by Chapter 7 Trustee to:
- (1) Approve Sale of Personal Property Free and Clear of All Liens, Interests, Claims and Encumbrances with Such Liens, Interests, Claims and Encumbrances to Attach to Proceeds Pursuant to 11 U.S.C. § 363(b) and (f);
 - (2) Approve Bidding Procedures; and
 - (3) Determine that Buyer is Entitled to Protection Pursuant to 11 U.S.C. § 363(m); Memorandum of Points and Authorities and Declaration of Diane C. Weil in Support Thereof.

Docket 87

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On June 23, 2017, the Debtor filed a voluntary petition chapter 7 bankruptcy case. The Debtor is a “media company specializing in the acquisition, licensing and distribution of motion pictures and other filmed entertainment.” Generally, pre-petition Debtor entered into an “Acquisition/Distribution Agreement” with the owner of a film, giving the Debtor the right to distribute the film within a certain geographical area. The Debtor then entered into distribution and other agreements with (a) digital platforms such as Netflix, and (b) retailers at which the DVDs and Blu-rays were sold. The Debtor is entitled to reimbursement of its costs (e.g., the costs of creating the DVDs and Blu-rays) from the royalties it received from the platforms and retailers.

The Trustee ("Movant") is the duly appointed, acting and permanent Chapter 7 Trustee of the Estate in the Case. Movant seeks an order approving bidding procedures and authorizing the sale of certain personal property assets of the Estate consisting of the Estate's right, title and interest in and to any and all

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CONT... **Inception Media Group, LLC**

Chapter 7

contract rights, payments of any kind, including residual payments arising from copyrights and/or contract rights for film, television and music, payable with regard to Debtor's film library distribution rights from any party including, but not limited to, Overdrive, Inc., Swank Motion Pictures, Inc., Dish, Hulu, Sound Exchange, XLRator Media, LLC and Walmart (the "Personal Property") as identified in the Asset Purchase Agreement (See Movant's Ex. 1) , free and clear of all liens, claims, interests, and encumbrances pursuant to 11 U.S.C. Section ("§") 363(b)(1) and (f) with such liens, claims, interests and encumbrances to attach to sale proceeds with the same priority and rights of enforcement as previously existed, subject to any objections or dispute, and with a further finding that the proposed buyer is entitled to a good faith determination under § 363(m) (the "Motion"). The Movant has received an offer from the proposed buyer, Structured Asset Sales, LLC ("Buyer") to purchase the Personal Property for \$25,000.00.

Movant believes that the Personal Property is potentially subject to the following liens, encumbrances or interests:

1. Claim of CJ Entertainment America, LLC, filed August 29, 2017 (Claim 4-1) as a secured claim in the amount of \$275,337.05.
2. Claim of CJ Entertainment America, LLC, filed August 29, 2017 (Claim 5-1) as a secured claim in the amount of \$275,337.05.
3. Claim of Corinth Films, filed December 27, 2017 (Claim No. 24-1) in the amount of \$78,380.02.
4. Templar Business Credit, filed December 27, 2017 (Claim 26-1), in the amount of \$259,176.
5. Bringard Entertainment Group, LLC, filed January 2, 2018 (Claim 30-1) in the amount of \$97,419.84.
6. Bringard Entertainment Group, LLC, filed January 3, 2018 (Claim 31-1) in the amount of \$97,419.84
7. National Funding, Inc., filed February 26, 2018 (Claim 36-1) in the amount of \$59,829.12.
8. Technicolor Home Ent. Services (no claim filed) scheduled in the amount of \$20,633.01.
9. The Film Arcade (no claim filed) scheduled in the amount of \$249,793.11.

To the extent any liens are asserted against the Personal Property, such liens will attach to the funds received by the Estate from the sale of the Personal

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CONT... **Inception Media Group, LLC**

Chapter 7

Property in the same priority, validity, and scope as such liens currently exist against the Personal Property, but the Personal Property will be sold free and clear of all liens.

To the extent any other claims and interests against the Personal Property exist, the Movant seeks Bankruptcy Court approval of the Sale free and clear of liens and interests pursuant to 11 U.S.C. § 363(f). Under § 363(f) of the Bankruptcy Code, a debtor may sell property "under subsection (b) or (c) or this section free and clear of any interest in such property of an entity other than the estate." 11 U.S.C. § 363(f). In particular, § 363(f) authorizes a debtor to sell property free and clear if:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C. § 363(f)

Pursuant to 11 U.S.C. § 363(f)(4), an interest is in "bona fide dispute" if the nature, extent, or validity of the lien or underlying debt is disputed. In re Keystone Mine Mgmt. II, 2015 WL 4143510, *4 (Bankr. E.D. Cal. 2015); see also In re Clear Channel Outdoor, Inc. v. Knupfer (In re PW, LLC), 391 B.R. 25, 37 (B.A.P. 9th Cir. 2008). The Movant asserts that he is permitted to sell the Personal Property pursuant to § 363(f)(4) on the basis that the Movant has reserved all right to dispute and object to the validity and scope or existence of any liens, that may be asserted as to the Personal Property.

Section 363(b) provides that "[t]he trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate." Bankruptcy courts typically review a transaction proposed under section 363(b)(1) using a "business judgment" standard. See, e.g., In re Equity Funding Corp. of Am., 519 F.2d 1274, 1277 (9th Cir. 1975). This is a "deferential" standard pursuant to which a "bankruptcy court will generally

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CONT... **Inception Media Group, LLC**

Chapter 7

approve" a reasoned decision by the debtor. Mission Prod. Holdings v. Tempnology, LLC, 139 S. Ct. 1652, 1658 (2019).

The Movant has determined that the sale of the Personal Property will assist in maximizing the return to creditors. These assets were considerably marketed for over one year and now the Movant has a buyer interested. In addition, the sale will allow her to liquidate the Estate's interests in the Personal Property and to move towards case closure. Additionally, the Movant believes the terms of the APA represent fair and reasonable consideration for the Personal Property. Finally, the APA was a product of a good faith, arm's length negotiation between the Trustee and the Buyer. The Buyer is not an "insider" of Debtor within the meaning of § 101(31) of the Bankruptcy Code, and will not be controlled by, or act on behalf of, any insider of Debtor. The Court agrees that the sale is in the best interest of the estate and that the APA was negotiated in good faith.

The Trustee requests that the Court waive the automatic stay provisions of F.R.B.P. 6004(h). The purpose of this rule is to provide sufficient time for an objecting party to appeal before a sale order can be implemented. See Advisory Committee Notes to Bankruptcy Rule 6004(h). Although F.R.B.P. 6004(h) is silent as to when a court should "order otherwise" and eliminate or reduce the stay, Collier on Bankruptcy suggests that the period should be eliminated to allow a sale or other transaction to close immediately "when there has been no objection to the procedure." 10 COLLIER ON BANKRUPTCY, ¶ 6004.10 (15th ed. rev. 2009).

Notice was proper and no opposition was filed.

Disposition: GRANT MOTION AND WAIVE 14 DAY STAY. MOVANT TO LODGE AN ORDER WITH THE COURT WITHIN 7 DAYS. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Inception Media Group, LLC

Represented By
Ian Landsberg

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CONT... Inception Media Group, LLC

Chapter 7

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jessica L Bagdanov
Tamar Terzian

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10:30 AM

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

Chapter 11

#11.00 Motion for Interim and Final Approval to Enter
Into Postpetition Financing to Purchase a Vehicle
Pursuant to 11 U.S.C. Section 364

Docket 200

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Ian and Jane Silber, the “Debtors” and “Debtors-in-Possession” (“DIP”) in the above referenced case, seek authority to finance the purchase of a used 2017 Audi A6 (the “Audi”) for \$33,448.51 (the “Car Loan”) from DCH Audi Calabasas (the “DCH”) on an interim and final basis. The relevant loan terms are as follows:

1. The total loan amount is \$33,448.51;
2. The monthly payments will be \$451.54;
3. The loan term will be 72 months; and
4. The interest rate is fixed at 4.49%.

Section 364 governs the obtaining of credit or incurring of debt by a trustee and sets forth the incentives that may be offered to induce potential lenders to extend postpetition credit. See *In re Sun Runner Marine, Inc.* 945 F.2d 1089, 1092 (9th Cir. 1991). The trustee or debtor in possession can obtain unsecured credit as an administrative expense pursuant to either § 364(a) or § 364(b). If the trustee is unable to obtain unsecured credit on an administrative expense basis, then § 364(c) provides three different incentives that a trustee can offer lenders to induce them to extend postpetition credit. See *Sun Runner Marine*, 945 F.2d at 1092. Specifically, § 364(c) permits the trustee to seek court authorization to obtain credit or incur debt (1) with priority over other administrative expenses, (2) secured by a lien on property of the estate not otherwise subject to a lien, or (3) secured by a junior lien on property of the estate that is already subject to a lien. See 11 U.S.C. § 364(c).

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CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 11

Here, the Debtors needs a vehicle, specifically Mr. Silber needs one for work. The Car Loan terms are more favorable to the Debtors than any other terms available on the market in an arms-length transaction. The Debtors have shopped around at many different dealerships and they searched for the best loan terms. The monthly payment is within the Debtors' ability to pay as the payments are similar to their current car payments. The Car Loan requires a loan secured by the Audi, but this is reasonable because:

1. The monthly payment is substantially similar to current monthly payment (\$451.54 vs. \$449.87;
2. The Car Loan will have a positive impact on reorganization as Mr. Silber will have a reliable vehicle to drive for work;
3. Its security interest would be the only lien on the Audi.
4. The interest rate is reasonable as it is fixed at 4.49%.
5. The Debtors would not need to provide adequate protection to other creditors.

Pursuant to Rule 4001(c)(2) of the Fed. R. Bankr. P., "[t]he court may commence a final hearing on a motion for authority to obtain credit no earlier than 14 days after service of the motion." The Debtors have set the hearing on the Motion to Finance for more than 14-days. As such, the Debtors request that this Court treat this hearing as both the interim and the final hearing.

Notice was proper and no opposition was filed.

Disposition: GRANT MOTION. Movant to lodge and order with the Court within 7 days. No Appearance Required.

Party Information

Debtor(s):

Ian Ellis Silber

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Joyce Owens

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CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 11

Joint Debtor(s):

Jane Ellen Silber

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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1:21-10079 Ara Eric Hunanyan

Chapter 7

#12.00 Motion for Order Authorizing Trustee to Operate Real Property; Memorandum of Points and Authorities; Declarations of Nancy Zamora and Behnaz Tavakoli in Support Thereof

Docket 22

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor commenced this case by filing a voluntary petition under Chapter 7 of the Bankruptcy Code on January 19, 2021. The Trustee was thereafter appointed as Chapter 7 trustee for the Debtor's bankruptcy estate. Among the assets of the estate is the a rental property consisting of a residential condominium located 15920 Sherman Way, Unit 4, Van Nuys, California 91604 (the "Property"). Debtor holds title to the Property as joint tenants with his former non-debtor spouse Anna Hunanyan aka Anna Meguerian aka Azniv Kokikian ("Anna") (now deceased). The Property has numerous liens against it.

The Trustee seeks to operate the Property until the Property is sold, abandoned or otherwise disposed of an to use the rents generated by the Property to preserve and maintain Property.

Bankruptcy Code §721 provides "[t]he court may authorize the trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate." The standard for such operations is whether to do so would be in the best interest of the estate and consistent with the orderly liquidation of the estate. 11 U.S.C. § 721.

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CONT... Ara Eric Hunanyan

Chapter 7

The Trustee has determined that it is in the best interest of the estate to operate the Property until it is abandoned, escrow from the sale of the Property is closed, or Trustee otherwise disposes of the Property pursuant to a settlement approved by the Court. The operations consist primarily of collecting the \$2,000 monthly rent from the tenant of the Property, and addressing any tenant problems. Insurance is separately provided through the Homeowners Association dues. There appears to be sizable equity in the Property.

Section 363(c)(1) provides in pertinent part: "If the business of the debtor is authorized to be operated under section 721 . . . of this title and unless the court orders otherwise, the trustee may enter into transactions, including the sale or lease of property of the estate, in the ordinary course of business, without notice or a hearing, and may use property of the estate in the ordinary course of business without notice or a hearing." The rents the Trustee will collect from the tenant of the Property are property of the estate. 11 U.S.C. § 541(a)(6). The Trustee proposes to use such rents as necessary to preserve and maintain the Property pending a sale of the Property.

Notice was proper and no opposition has been filed.

Disposition: GRANT MOTION. Movant to lodge and order with the Court within 7 days. No Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Navid Kohan

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld

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

Wednesday, March 17, 2021

Hearing Room 302

11:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#13.00 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; 12/11/19,
3/11/20, 8/27/20, 12/2/20

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On March 16, 2021, Debtor filed a status report. The Debtor is informed and believes that the parties to the mediation and the Debtor are close to documenting a global resolution to the IFIC claims against the Debtor and Messrs. Mendoza and Blumenthal. Based on the foregoing the Debtor expects to file a motion pursuant to Federal Rule of Bankruptcy Procedure 9019 in the coming weeks in so far as the settlement involves the Debtor. The Debtor expects to file its Motion for a Final Decree concurrently with a FRBP 9019 motion and the Debtor is hopeful that these two motions shall resolve the chapter 11 case. The Debtor requests a continuance of the instant post-Confirmation status conference for approximately 45 days. The Court finds cause to continue this status conference. Accordingly, the status conference is continued to May 19, 2021, at 11:00am.

No Appearance Required on March 17, 2021.

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, March 17, 2021

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#14.00 Post-Confirmation Status Conference and
Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19, 7/18/19
12/11/19, 3/11/20, 8/26/20, 8/27/20; 10/7/20; 12/18/20,
1/13/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On March 4, 2021, Debtor filed a status report. The Court is conducting a preliminary injunction hearing on May 3, 2021 at 9:30 am. Debtor requests to continue the hearing to the preliminary injunction hearing date. The Court continues this hearing to May 3, 2021 at 9:30am.

No 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
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Courtroom 302 Calendar**

Wednesday, March 17, 2021

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC v. CALPAC MANAGEMENT, INC., a California corporation

#15.00 Status Conference Re: Complaint for:
1 - Violation of 18 U.S.C. Sec. 1962(C);
2 - Violation of 18 U.S.C. Sec. 1962(D)
by Conspiracy;
3 - Fraud - Intentional Misrepresentation;
4 - Fraud - Concealment
5 - Negligent Misrepresentation;
6 - Violation of Cal. Bus. & Prof.
Code Sections 17200, ET. Seq.;
7 - For Disallowance of Claim

fr. 1/13/21

Docket 1

***** VACATED *** REASON: Amended complaint filed on 2/10/21 - Doc.
#3. Another Summons issued. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a Pro Se

MED EQUITY LLC, a California Pro Se

JOSHUA RAYMOND KUKINI, an Pro Se

RYAN JUSTIN YOUNG, an Pro Se

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CONT... PB-1, LLC
FCI Lender Services, Inc., a

Pro Se

Chapter 11

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

**United States Bankruptcy Court
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Wednesday, March 17, 2021

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

Adv#: 1:19-01082 Coha et al v. Burak

#16.00 Status Conference Re: Complaint Objecting to
Discharge of Debtor based Upon False Pretenses,
False Representations, Actual Fraud.

fr. 9/18/19; 12/11/19; 5/20/20, 6/2/20; 10/7/20

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matter was continued from October 7, 2020 and the Court extended discovery to January 29, 2021. Nothing has been filed since then. What is the status of this case?

APPEARANCE REQUIRED

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

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CONT... Mary Kristin Burak

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, March 17, 2021

Hearing Room 302

11:00 AM

1:19-10726 Victoria Kristin Burak

Chapter 7

Adv#: 1:19-01111 Coho et al v. Burak

#17.00 Pre-trial Conference re: Complaint objecting to discharge of debtor based upon false pretenses, false representations, actual fraud

fr. 6/2/20; 10/7/20

Docket 12

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matter was continued from October 7, 2020 and the Court extended discovery to January 29, 2021. Nothing has been filed since then. What is the status of this case?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Plaintiff(s):

Loretta M Coho

Represented By
James W Bates

Equity Trust Company, Custodian

Represented By

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Wednesday, March 17, 2021

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11:00 AM

CONT... Victoria Kristin Burak

James W Bates

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, March 17, 2021

Hearing Room 302

11:00 AM

1:19-12727 Tacarra Sheana Carthan

Chapter 7

Adv#: 1:19-01135 Barton et al v. Carthan

#18.00 Order to Show Cause why Daniel King should not be Sanctioned for failure to appear or prepare as provided for under LBR 9011-3(b)

Docket 42

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Court issued an OSC for why Daniel King should not be sanctioned for failure to appear or prepare, as provided for under LBR 9011-3(b). Mr. King filed a response. Mr. King appeared at the motion for summary judgment hearing on November 18, 2020 and wrote down the pretrial status conference date of February 18, 2021. Mr. King failed to calendar the date on his computer and never appeared on at the hearing on February 18, 2021.

The Court will discharge the OSC as Mr. King still represents the Defendant. As counsel has not withdrawn from representation, he is expected to appear at trial on March 30, 2021 at 10:00 am.

No Appearance Required.

Party Information

Debtor(s):

Tacarra Sheana Carthan

Represented By
Daniel King

Defendant(s):

Tacarra Sheana Carthan

Represented By
Daniel King

Plaintiff(s):

Carmen Barton

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, March 17, 2021

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11:00 AM

CONT... Tacarra Sheana Carthan

Chapter 7

Anthony Carthan

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, March 17, 2021

Hearing Room 302

1:00 PM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:20-01087 Weil, Chapter 7 Trustee v. Shemuelian

#19.00 Motion for Summary Judgment; Memorandum of Points and Authorities and Declaration of Diane C. Weil in Support Thereof

fr. 3/10/21

Docket 41

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On October 26, 2016, David Saghian (the "Debtor") filed a chapter 7 bankruptcy case and received a discharge on January 30, 2017. Diane Weil ("Plaintiff") was appointed as the Chapter 7 Trustee. Thereafter, the Plaintiff reviewed the Operating Agreement (the "Operating Agreement") for One Nation Equities Liberty, LLC, a New York Limited Liability Company ("Liberty"), which owned, until recently, real property located at 2150 Liberty Drive, Niagara Falls, New York (the "Property"). The Operating Agreement reflects that the Debtor was designated to serve as Liberty's manager and that he held a 33.33% interest in Liberty. The Operating Agreement also reflects that Avraham Shemuelian ("Defendant") held a 16.67% interest in Liberty. The Debtor claimed that he transferred his 33.33% interest to Parvaneh Saghian ("P.Saghian") in 2012 (the "Transferred Interest").

On March 29, 2018, Defendant and the Plaintiff executed a Purchase and Sale Agreement (the "Purchase Agreement"), pursuant to which Defendant agreed to purchase the Transferred Interest from the Estate for a purchase price of \$100,000, subject to overbid. On April 25, 2018, the Trustee filed a motion to approve the sale to Defendant, subject to overbid (the "Sale Motion"). On May 23, 2018 at 11:00 a.m., the Court held a hearing on the Sale Motion during which overbidding took place. Ultimately, Defendant was the successful bidder for the Transferred Interest, agreeing

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to pay a total purchase price of \$150,000. On June 12, 2018, the Bankruptcy Court entered an order approving the sale of the Transferred Interest to Defendant for the purchase price of \$150,000.00.

As explicitly contemplated and required by the Purchase Agreement, on April 2, 2018, the Trustee filed a Complaint for Declaratory Relief, Accounting, Turnover, Avoidance and Recovery of Transfers, and Revocation of the Debtor's Discharge against the Debtor and P. Saghian ("Debtor Complaint"), commencing Adv. No. 1:18-ap-01039- MT (the "Debtor Adversary Proceeding") Through the Debtor Complaint, the Trustee sought a declaratory judgment that the Debtor owned 33.33% of Liberty, and a judgment revoking the Debtor's discharge for failure to disclose his interest in Liberty in his bankruptcy schedules.

The Plaintiff and the Debtor ultimately reached a compromise. On June 11, 2020, the Trustee filed a Motion for Order Approving Compromise of Controversy with Debtor/Defendant David Saghian and Defendant Parvaneh Saghian Pursuant to Fed. R. Bankr. P. 9019 (the "Settlement Motion"), pursuant to which the Trustee sought approval of a settlement with the Debtor and P. Saghian, that would resolve the Debtor Adversary Proceeding in full. Defendant and Defendant's counsel received actual notice of the Settlement Motion. The Court granted the Settlement Motion on July 6, 2020.

The order approving the Settlement Motion provides in pertinent part:

4. Upon entry of this Order, a 33.3% membership interest in One Nation Equities Liberty, LLC, a New York Limited Liability Company is hereby transferred to the Trustee for the benefit of the Estate (the "Estate Liberty Interest").
5. This Order constitutes a "judgment" as that term is used in the Trustee's purchase agreement with Avraham Shemuelien (the "Buyer").
6. Upon entry of this Order, the prior sale of the Estate Liberty Interest from Trustee to Buyer is complete, and Buyer is hereby obligated to

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Chapter 7

complete payment of the purchase price to the Trustee.

The Plaintiff sent email correspondences to the Defendant regarding the Court's approval of the Settlement Motion and demanded payment of the balance of the purchase price (\$140,000). Defendant failed to respond to Plaintiff's requests for payment. On August 3, 2020, the Plaintiff requested the Court issue an Order to Show Cause ("OSC") on the grounds that the Defendant had failed to comply with the Court's order. On September 2, 2020 the Court issued the OSC and conducted the hearing on the OSC on September 24, 2020. The Court discharged the OSC on the grounds that the relief Plaintiff sought required an adversary proceeding.

On October 27, 2020, the Plaintiff commenced this adversary proceeding by filing a complaint (the "Complaint") against Defendant for breach of contract and turnover of Estate property. On October 28, 2020, the Plaintiff filed an Emergency Motion for Issuance of Temporary Protective Order and Issuance of Right to Attach Order and Writs of Attachment Against Defendant; and Waiver of Posting of Bond Requirement for Issuance of Writ of Attachment (the "Emergency Motion"). In opposition to the Emergency Motion, Defendant argued that the deposit of \$10,000 was intended to be a liquidated damages provision in the Purchase Agreement, and/or that the deposit was the Trustee's sole and exclusive remedy against Defendant for any potential breach of the Purchase Agreement. The Court ruled that the security deposit clause in the Purchase Agreement is not considered a liquidating damages clause and that the Trustee is not limited in seeking additional relief.

On December 18, 2020, Defendant filed an answer to the Complaint and counterclaim (the "Answer"). The Defendant also asserted two counterclaims: (1) that the sale has not been consummated and the Plaintiff still retains the one-third and (2) that the Trustee was in breach of the Agreement by failing to deliver the one-third in the condition required by the Agreement and the Plaintiff should return the security deposit.

The Plaintiff has now filed a motion for summary judgment. Defendant has not filed a timely objection.

Summary Judgment Standard:

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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). The nonmoving party must show more than "the mere existence of *some* alleged factual dispute ... the requirement is that there be no *genuine* issue of *material* fact." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986). 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).

The Plaintiff seeks summary judgment as to her two claims: 1) breach of contract and 2) turnover. Additionally, the Plaintiff seeks summary judgment as to the two counterclaims by the Defendant. The Defendant has not opposed the motion for summary judgment.

Breach of Contract

"[T]he elements of a cause of action for breach of contract are (1) the existence of the contract, (2) plaintiff's performance or excuse for nonperformance, (3) defendant's breach, and (4) the resulting damages to the plaintiff." Oasis West Realty, LLC v. Goldman, 51 Cal. 4th 811, 821 (2001).

Here the parties entered into a Purchase Agreement whereby the Plaintiff

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would sell the Transferred Interest to the Defendant for a purchase price of \$150,000.00. Plaintiff filed a motion to approve the sale to the Defendant. On June 12, 2018, the Court entered an order approving the sale between the parties. Thus, there is a valid contract between the parties and the first element has been satisfied.

Regarding the second element, the Plaintiff has fully performed everything she was required to do under the Purchase Agreement. Shortly after parties executed the Purchase Agreement the Plaintiff commenced the Debtor Adversary Proceeding in order to satisfy the Plaintiff's obligations pursuant to the Purchase Agreement. Additionally, the Purchase Agreement required the Trustee to: (i) within a reasonable time after execution of the Purchase Agreement and delivery of the Deposit, file a motion for entry of an order approving the Purchase Agreement; and (ii) within a reasonable time after execution of the Purchase Agreement and delivery of the Deposit, file a complaint seeking a judgment or order determining that the Estate owns the Transferred Interest. The Plaintiff satisfied both of these obligations. Within 27 days of execution of the Purchase Agreement, the Plaintiff filed the Sale Motion and within four days, the Trustee filed the Debtor Complaint. Accordingly, the Court finds that the second element has been satisfied.

As the third element, Defendant was obligated under the Purchase Agreement to tender the balance of the purchase price within five business days of the effective date. The effective date was the latter of: (i) the Court approving the Sale Motion; or (ii) the Court determining the Estate owns the Transferred Interest. The latter of these conditions was satisfied on July 6, 2020, with entry of the Settlement Order. Accordingly, the effective date under the Purchase Agreement was July 6, 2020. Defendant never tendered the balance of the purchase price to the Plaintiff. Thus, Defendant is in breach of the Purchase Agreement because he has refused full performance.

Even though the Defendant is in breach of contract, the Defendant has raised several defenses in his Answer that could excuse performance. The first defense raised by the Defendant is that the Plaintiff's sole form of damages is \$10,000.00 security deposit – effectively the Defendant argues this provision constitutes a liquidating damages clause. The Court already addressed this defense in a prior ruling and found that the security deposit provision in the Purchase

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Agreement did not constitute a liquidating damages clause and that the Plaintiff was not limited to the security deposit for the sole source of damages. See Dkt. No. 26. The Court finds this argument unpersuasive again for the same rationale applied in the previous ruling.

The next defense raised by the Defendant is that the Trustee failed to mitigate the damages. This was not elaborated on in the Answer and is not supported by any evidence or declarations. With that said the Transferred Interest is a unique piece of property that requires a certain type of buyer. A minority interest in a closely held business is not as marketable as other investment opportunities. The Court finds no support for this defense as well.

The answer also seems to raise the issue that the Plaintiff acted improperly in this transaction – a possible unclean hands defense. These allegations relate to the Defendant not being represented by counsel at the conclusion of executing the Purchase Agreement and by executing this agreement the Plaintiff acted improperly.

A defendant can succeed on an unclean hands defense if it proves that a plaintiff engaged in a "willful act concerning the cause of action which rightfully can be said to transgress equitable standards of conduct." Precision Instr. Mfg. Co., 324 U.S. at 815, 65 S.Ct. 993; see also Dollar Systems, Inc. v. Avcar Leasing Systems, Inc., 890 F.2d 165, 173 (9th Cir. 1989) ("The doctrine [of unclean hands] bars relief to a plaintiff who has violated conscience, good faith or other equitable principles in his prior conduct, as well as to a plaintiff who has dirtied his hands in acquiring the right presently asserted.") At the summary judgment stage, . . . a defendant need only demonstrate the existence of a genuine, material dispute regarding whether plaintiff engaged in inequitable conduct." POM Wonderful LLC v. Coca Cola Co., 166 F. Supp. 3d 1085, 1097 (C.D. Cal. 2016).

Defendant has not submitted any response, and all evidence before the court demonstrates there is no genuine, material dispute regarding whether the Plaintiff engaged in inequitable conduct during negotiations of the Purchase Agreement. The uncontroverted evidence establishes that from the beginning of the Debtor's bankruptcy case until approximately January 2018, Defendant was represented by Sanaz Bereliani, Esq. of Bereliani Law Firm, PC, and Ms.

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Bereliani was actively involved in the negotiation of the terms of the Purchase Agreement. As evidenced by the email dated February 7, 2018, from the Plaintiff's former counsel to Defendant, after Ms. Bereliani withdrew, very few changes were made to the draft purchase agreement that Ms. Bereliani approved. The minor changes that were made related to notice provisions. Additionally, as evidenced by that same email, the Plaintiff's former counsel advised Defendant to have the draft purchase agreement reviewed by counsel of Defendant's choice. The parties executed the Purchase Agreement approximately 50 days after that email, which provided Defendant more than a reasonable amount of time to have the Purchase Agreement reviewed by another attorney if he so chose. Defendant's claim that the Plaintiff had any unfair advantage during negotiations is unfounded and not supported by the evidence. The Court previously found this argument advanced by the Defendant to be unpersuasive, see Dkt. No. 26, and continues to do so.

The final argument advanced by the Defendant is that the Transferred Interest is not what it was at the time the parties executed the Purchase Agreement and the Defendant should not be obligated to perform under the contract – i.e. the Purchase Agreement should be rescinded.

Rescission is a remedy that disaffirms the contract. The remedy assumes the contract was properly formed, but effectively extinguishes the contract *ab initio* as though it never came into existence, and its terms cease to be enforceable." Viasphere Int'l, Inc v. Vardaryan, 2015 WL 1969141, at *3 (N.D. Cal. Apr. 30, 2015) (citing Cal. Civ. Code § 1688). The party seeking rescission bears the burden of establishing facts demonstrating that he or she is entitled to rescind the settlement agreement. Ware v. Security-First Nat'l Bank of Los Angeles, 7 Cal. 2d 604, 608 (1936) (in action for rescission, "[t]he burden was on plaintiff to establish the alleged failure of consideration.")

California Civil Code § 1689 sets forth the grounds for rescission of a contract, and states in pertinent part:

- (b) A party to a contract may rescind the contract in the following cases:
 - (1) If the consent of the party rescinding . . . was given by mistake,

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or obtained through duress, menace, fraud, or undue influence, exercised by or with the connivance of the party as to whom he rescinds

Cal. Civ. Code § 1689(b) (other enumerated but inapplicable grounds include failure of consideration, illegal contract, lack of capacity, etc.). A "contract cannot be rescinded simply because it has been discovered to be improvident or because a contracting party no longer wishes to be bound by its terms. To the contrary, one or more of the specific grounds for rescission enumerated in § 1689 must exist and must be established by the rescinding party as a prerequisite to relief." 3 Cal. Affirmative Def. § 62:1 (2d ed. 2014)

There are several issues with the Defendant's position. First, buyer's remorse is usually not grounds for rescinding a contract unless otherwise provided for in the contract. Additionally, the Purchase Agreement sold the Transferred Interest "as is." California courts have recognized that an "as is" provision "puts potential buyers on notice that the seller makes no warranties about the quality or condition of the thing sold. In practice, it serves as a kind of 'red flag' warning the buyer that the goods or property to be sold may not be in perfect condition or of ideal quality." Shapiro v. Hu, 188 Cal.App.3d 324, 333 (Cal.Ct.App.1986) ("[A]ny sale of property 'as is' is a sale of the property in its 'present or existing condition'; the use of the phrase 'as is' relieves a seller of real property from liability for defects in that condition. The only exception to this principle is when a seller, through fraud or misrepresentation, intentionally conceals material defects not otherwise visible or observable to the buyer."). See also Lingsch v. Savage, 213 Cal.App.2d 729, 742 (Cal. Ct. App. 1963) ("[T]he use of an 'as is' provision seems to convey the implication that the property is in some way defective and that the buyer must take it at his own risk."). To now argue that the Transferred Interest is not worth what the Defendant believed it was does not serve as grounds for rescinding the Purchase Agreement.

The second issue with this argument is that the Defendant has provided argument but no proof establishing that the value of the Transferred Interest substantially declined. The property owned by Liberty is currently in foreclosure;

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however, the Purchase Agreement transferred an interest in Liberty and not the property itself. Defendant has not substantiated his argument that the value of the Transferred Interest significantly declined.

The final issue with this argument advanced by the Defendant is the Defendant already owned a percentage of Liberty prior to the transfer of the Transferred Interest and knew the situation the trustee was dealing with to obtain proper title to the Transferred Interest. The circumstances were not a surprise. As a minority owner in Liberty, the Defendant could have been made aware of the condition Liberty was in during the time the Plaintiff was proceeding against the Debtor and was even in a better position than the Plaintiff was to know Liberty's status. Had the value of the Transferred Interest substantially declined to the point that the Defendant had concerns about wanting to continue with the terms of the Purchase Agreement then he could have and should have raised them well before this point. Instead, the Defendant waited until after the Court approved the Settlement Motion, ignored the Plaintiff's requests for payment, and waited until the Court issued an OSC to raise this issue. For all of these reasons, the Court finds that this argument does not serve as a valid defense. Accordingly, the Court finds that the Defendant has no valid defenses that excuse performance under the Purchase Agreement.

As to the final element, "[d]amages awarded to an injured party for breach of contract 'seek to approximate the agreed upon performance.'" In re Palmdale Hills Prop., LLC, 577 B.R. 858, 862 (Bankr. C.D. Cal. 2017) (quoting Applied Equipment Corp. v. Litton Saudi Arabia Ltd., 7 Cal.4th 503, 515 (1994)). "The goal is to put the plaintiff 'in as good a position as he or she would have occupied' if the defendant had not breached the contract." Id. (quoting 24 Williston on Contracts § 64:1, p. 7 (4th ed. 2002)). "The basic object of damages is compensation, and in the law of contracts the theory is that the party injured by breach should receive as nearly as possible the equivalent of the benefits of performance." 1 Witkin, Summary of California Law, Contracts § 894 (11th ed., 2020).

Regarding the fourth element, the Plaintiff, on behalf of the bankruptcy estate, was damaged in the amount of the balance of the purchase price, *i.e.*, \$140,000, plus any other costs of suit allowed by law. Defendant's Answer

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suggests that the Plaintiff still retains the legal right, title, and liability of the Transferred Interest and would receive a windfall if Plaintiff could recover damages. This is faulty for two reasons. First, the order approving the Settlement Motion states: "Upon entry of this Order, the prior sale of the Estate Liberty Buyer is complete, and Buyer is hereby obligated to complete payment of the purchase price to the Trustee." The language in this order states that the sale is complete - i.e. the Transferred Interest was transferred to the Defendant – and all that was left to do was for the Defendant to transfer the remaining purchase price to the Plaintiff. Second, the law allows for the Plaintiff to recover the benefit of the bargain. To say the Plaintiff should be entitled to retain and possibly resale the Transferred Interest is not supported by law. Accordingly, the Court finds that the Plaintiff has satisfied all the elements for a breach of contract action and the Court grants summary judgment on the first claim for relief (breach of contract) in favor of the Plaintiff.

Second Claim for Relief – Turnover

The bankruptcy estate "is comprised of property, wherever located and by whomever held." 11 U.S.C. § 541(a). Property of the estate includes "any interest in property that the estate acquires after the commencement of the case." 11 U.S.C. § 541(a)(7). Section 542(a) of the Bankruptcy Code provides:

- (a) Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

The Estate acquired an interest in the balance of the purchase price (\$140,000.00) after the commencement of the Debtor's bankruptcy case. The balance of the purchase price is property of the bankruptcy estate pursuant to 11

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Hearing Room 302

1:00 PM

CONT...

David Saghian

Chapter 7

U.S.C. § 541(a)(7). The Plaintiff has made numerous demands for the Defendant to turnover the \$140,000.00 still owed to the bankruptcy estate; however, Defendant has either ignored those demands or refused to tender the remainder of the purchase price. Having already dispensed of the Defendant's defenses previously, the Court finds there is no genuine dispute as to material fact and the Court grants summary judgment against the Defendant for turnover of \$140,000.00.

Defendant's Counterclaims

The Defendant has asserted two counterclaims: (1) Plaintiff should be limited to retaining the Transferred Interest and (2) Plaintiff is in breach of contract because the Plaintiff was unable to deliver the Transferred Interest in the condition required by the Purchase Agreement. The first problem with both of these counterclaims is at this point they are unsubstantiated by evidence or declarations, at this point they are mere allegations and at summary judgment stage allegations are not sufficient to raise a genuine dispute of material facts at the summary judgment stage. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992) (non-moving party "can no longer rest on ... mere allegations, but must set forth by affidavit or other evidence specific facts, which for the purposes of [a] summary judgment motion will be taken to be true").

Additionally, Defendant's first counterclaim fails to state a claim for which relief may be granted. The first counterclaim is merely Defendant's argument for why he believes the Plaintiff's damages should be limited to her retention of the Transferred Interest. However, as discussed above, this argument fails. Retention of the Transferred Interest does not provide the Plaintiff with the proper measure of damages. The Plaintiff is entitled to the benefit of her bargain, which is the balance of the purchase price.

As to the Defendant's second counterclaim, that the Plaintiff failed to provide the Transferred Interest in the condition that was required by the Purchase Agreement, the Defendant purchased the Transferred Interest "as is." The Court already addressed the concerns with this argument previously and found no basis

**United States Bankruptcy Court
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CONT...

David Saghian

Chapter 7

for the argument that the Defendant's position. The use of the "as is" provision in the Purchase Agreement put Defendant on notice that he must take the Transferred Interest at his own risk and relieved the Plaintiff from any defects in the condition of the Transferred Interest. For these reasons, the Court grants summary judgment in favor of the Plaintiff on the Defendant's counterclaims

Conclusion

For the reasons previously stated the Court GRANTS summary judgment in favor of the Plaintiff.

Apperance Required

Party Information

Debtor(s):

David Saghian

Pro Se

Defendant(s):

Avraham Shemuelian

Represented By
Daniel Alliance

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee

Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR)

Represented By
Michael G D'Alba
Eric P Israel
David Seror
Jessica L Bagdanov

**United States Bankruptcy Court
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Wednesday, March 17, 2021

Hearing Room 302

1:00 PM

1:16-13077 David Saghian

Chapter 7

Adv#: 1:20-01087 Weil, Chapter 7 Trustee v. Shemuelian

#20.00 Status Conference Re: Complaint
for Breach of Contract and Turnover

fr. 1/6/21, 3/10/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Apperance Required

Party Information

Debtor(s):

David Saghian Pro Se

Defendant(s):

Avraham Shemuelian Pro Se

Plaintiff(s):

Diane C Weil, Chapter 7 Trustee Represented By
Jessica L Bagdanov

Trustee(s):

Diane C Weil (TR) Represented By
Michael G D'Alba
Eric P Israel
David Seror
Jessica L Bagdanov

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

Thursday, March 18, 2021

Hearing Room 302

9:30 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day Two

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20

Docket 37

*** VACATED *** REASON: Trial continued to April 1 and 2 at 9:30 am
(eg)

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Tuesday, March 23, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608154828>
Meeting ID: 160 815 4828
Password: 433371

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 815 4828
Password: 433371

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Tuesday, March 30, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Videoconference URL: <https://cacb.zoomgov.com/j/1618070656>
Meeting ID: 161 807 0656
Password: 476391

Audioconference Tel. No.: 1-669-254-5252 OR 1-646-828-7666
Meeting ID: 161 807 0656
Password: 476391

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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Tuesday, March 30, 2021

Hearing Room 302

10:00 AM

1:19-12727 Tacarra Sheana Carthan

Chapter 7

Adv#: 1:19-01135 Barton et al v. Carthan

#1.00 TRIAL:
Complaint for determination of dischargeability and objection to debtors
discharge

fr. 1/15/20, 5/6/20, 9/30/20, 10/8/20, 11/18/20, 2/18/21

Docket 1

Tentative Ruling:

On March 17, 2021, Plaintiffs indicated that they were dropping the 727 cause of action. The remaining issues left for trial are the 523 claims that were not granted on summary judgment. The Court allowed the Plaintiffs until Monday March 22, 2021, to file exhibits with the Court.

Party Information

Debtor(s):

Tacarra Sheana Carthan	Pro Se
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Defendant(s):

Tacarra Sheana Carthan	Pro Se
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Plaintiff(s):

Carmen Barton	Pro Se
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Anthony Carthan	Pro Se
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Trustee(s):

Amy L Goldman (TR)	Pro Se
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**United States Bankruptcy Court
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San Fernando Valley
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Tuesday, March 30, 2021

Hearing Room 302

3:00 PM

1:19-11422 Joe Kearney

Chapter 11

#2.00 Emergency motion of Debtor to Continue Trial Date

Docket 210

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

**United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 31, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1619626605>

Meeting ID: 161 962 6605

Password: 7762405

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 962 6605

Password: 7762405

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, March 31, 2021

Hearing Room 302

9:30 AM

1:16-13625 Maria G. Alonso

Chapter 13

#1.00 Motion for relief from stay

HSBC BANK USA

fr. 12/16/20, 2/10/21

Docket 141

***** VACATED *** REASON: Resolved per APO (doc. 155) - hm**

Tentative Ruling:

This hearing was continued from 12-16-20 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

12-16-20 TENTATIVE BELOW

Petition Date: 12/27/2016

Chapter 13 plan confirmed: 6/14/2017

Service: Proper. Opposition filed.

Property: 5908 Dovetail Drive, Agoura Hills CA 91301

Property Value: \$570,000.00 (per debtor's schedules)

Amount Owed: \$546,149.77 (per Movant's papers)

Equity Cushion: 4.2%

Equity: \$23,850.23

Post-Petition Delinquency: \$ 11,913.16 (3 payments of \$4,036.60 less suspense account \$196.64)

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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment received on 7/31/2020.

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Wednesday, March 31, 2021

Hearing Room 302

9:30 AM

CONT... Maria G. Alonso

Chapter 13

Debtor fell behind with the mortgage payments due to financial hardship but believes that the Property is necessary for an effective reorganization. Debtor would like to enter into an APO.

Are parties open to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Maria G. Alonso

Represented By
Kevin T Simon

Movant(s):

HSBC Bank USA, N.A.

Represented By
Keith Labell
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:15-13421 Brian J. Comer and Jeanette Y. Comer

Chapter 13

#2.00 Motion for Relief from Stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 85

*** VACATED *** REASON: VACATED PURSUANT TO APO.

Tentative Ruling:

VACATED PURSUANT TO APO. NO 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

Movant(s):

Wilmington Savings Fund Society,

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:17-11995 Priscilla Jeanette Bueno

Chapter 13

#3.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC
D/B/A MR. COOPER

Docket 77

Tentative Ruling:

Petition Date: 7/26/17

Ch 13 plan confirmed: 11/14/17

Service: Proper. Opposition filed.

Property: 15956 Vicennes St., North Hills, CA 91343

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

Amount Owed: \$295,607.03

Equity Cushion: 33.0%

Equity: \$164,393

Post-confirmation Delinquency: \$5,362.47 (3 payments of \$1,972.73, less
suspense balance of \$555.72)

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); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment of \$1,972.73 was received on 3/1/2021, three days before this motion was filed.

Debtor argues in opposition that she is delinquent no more than \$2,819.82 and that amount will be further reduced to \$847.09 by her payment of the contractual amount \$1972,73, scheduled for March 19, 2021. Debtor notes that this is the third motion for relief filed by this creditor; the previous two having been denied, and that this alleged delinquency is due to Movant not having corrected its accounting.

On March 24, 2021, Movant states that it reviewed the payment ledger that

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10:00 AM

CONT... Priscilla Jeanette Bueno

Chapter 13

Debtor attached to her opposition. Movant contends that the only payment not identified on its updated post-petition history is the very first payment due on 8/1/17. Movant's history reflects \$1,925.85 was received. According to Debtor's ledger \$1,944.85 was received, a difference of \$19. Movant states that it has requested Debtor's counsel to provide a copy of Debtor's 8/2017 payment so that Movant can research and credit the account, if appropriate. Movant also notes that Debtor's ledger at page 2 includes an additional credit in the amount of \$555.72 for funds in suspense on Movant's post-petition history attached to the Motion but that the suspense funds were already accounted for in the amount received and should not be reflected as an additional credit. Thus, after removing the suspense funds of \$555.72, Movant contends that the amount due as of March 1, 2021 is \$3,375.54 instead of \$2,819.82. If Debtor paid \$1,972.73 on 3/19/21, Movant asserts the amount due then would be \$1,402.81 ($\$849.09 + \$555.72 = \$1,402.81$), instead of \$847.09, as Debtor suggests.

With the parties' accounting being relatively close, an evidentiary hearing does not appear to be necessary here. Have the parties had an opportunity to discuss this matter, since the communications on March 24, 2021?

Appearance Required.

Party Information

Debtor(s):

Priscilla Jeanette Bueno

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Movant(s):

Nationstar Mortgage LLC

Represented By

Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

#4.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

Docket 79

Tentative Ruling:

Petition Date: 10/30/2018
Ch. 13 plan confirmed: 6/5/2019
Service: Proper. No opposition filed.
Property: 2010 Toyota Tundra
Property Value: \$0 (per debtor's schedules)
Amount Owed: \$
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$4,675 (approx. 14 payments of \$338.75)

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

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

Party Information

Debtor(s):

Rolando Drilon Quimson

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:19-11597 Dalton Roberto Toledo and Sancı Beth Solis

Chapter 13

#5.00 Motion for relief from stay

VW CREDIT LEASING, Ltd

Docket 45

Tentative Ruling:

Petition Date: 6/28/2019
Ch 13 plan confirmed: 10/18/2019
Service: Proper. Notice of non-opposition filed.
Property: 2018 Volkswagon Tiguan
Property Value: \$10,038 (per debtor's schedules)
Amount Owed: \$8,63.27 (LEASED)
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency:

Movant contends that the lease for this vehicle matured on 12/21/2020.
Debtors filed an notice of non-opposition on 3/18/21.

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):

Dalton Roberto Toledo

Represented By
Michael E Clark

Joint Debtor(s):

Sanci Beth Solis

Represented By

**United States Bankruptcy Court
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Wednesday, March 31, 2021

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10:00 AM

CONT... Dalton Roberto Toledo and Sancı Beth Solis

Chapter 13

Michael E Clark

Movant(s):

VW Credit Leasing, LTD

Represented By

Austin P Nagel

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:20-12263 Lindsey Brooke Giglio

Chapter 7

#6.00 Motion for relief from stay

PNELLAS FEDERAL CREDIT UNION

Docket 8

***** VACATED *** REASON: Ntc. of w/drawal filed 3/9/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lindsey Brooke Giglio

Represented By
Michael T Reid

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

10:00 AM

1:21-10135 Taylor August Freeman

Chapter 7

#7.00 Motion for relief from

HONDA LEASE TRUST

Docket 7

Tentative Ruling:

Petition Date: 1/28/2021

Ch: 7

Service: Proper. No opposition filed.

Property: 2019 Honda Civic

Property Value: \$15,675 (per Movant's evidence, NADA Guide)

Amount Owed: \$17,692.84

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$666.52 (2 payments of \$333.26)

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):

Taylor August Freeman

Represented By
Navid Kohan

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, March 31, 2021

Hearing Room 302

10:00 AM

1:21-10174 Irma Lopez Perez

Chapter 7

#8.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 12

Tentative Ruling:

Petition Date: 2/2/21

Ch: 7

Service: Proper. No opposition filed.

Property: 2019 Toyota Sienna

Property Value: \$24,000 (per debtor's amended schedules, filed 3/13/21)

Amount Owed: \$48,686

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$3,803.77 (5 payments, plus \$360.59 in late charges)

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

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Irma Lopez Perez

Represented By
Miguel A Munoz

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

10:00 AM

CONT... Irma Lopez Perez

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:21-10284 Alessandra Mortellaro

Chapter 7

#9.00 Motion for relief from stay

MECHANICS BANK AUTO FINANCE

Docket 9

Tentative Ruling:

Petition Date: 2/20/21

Ch: 7

Service: Proper. No opposition filed.

Property: 2017 Ford Explorer

Property Value: \$10,000 (per debtor's schedules)

Amount Owed: \$27,443.55

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$509.19

Movant states that the last payment received for this vehicle was on or about 12/24/20. Debtor indicated on Sch. A/B that they intended to surrender this 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):

Alessandra Mortellaro

Represented By
D Justin Harelik

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

Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

CONT... Alessandra Mortellaro

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 302

10:00 AM

1:21-10390 Rachid Ahmad Ghossein

Chapter 13

#10.00 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 22

Tentative Ruling:

On 3/9/2021, Debtor filed this chapter 13 case. Debtor had previous bankruptcy case that was dismissed within the previous year. The First Filing, 19-10574-MT, was a chapter 13 that was filed on 3/13/2019 and dismissed on 9/23/2020 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 lost his employment during the COVID-19 pandemic. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, he has obtained new full time employment. Debtor claims that the property is necessary for a successful reorganization because this is his family's 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):

Rachid Ahmad Ghossein

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 302

10:30 AM

1:18-10724 John Gordon Jones

Chapter 7

#11.00 Motion for entry of separate judgment on
order re: Attorney's Fees Award

Docket 168

Tentative Ruling:

Michael Worthington ("Movant"), former counsel for Debtor John Gordon Jones, sought an attorney's fees award pursuant to 11 USC 362(k)(1) which provides as follows: "...an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees,..." The Ninth Circuit has held that attorneys' fees under § 362(k) are limited to "those attorney fees related to enforcing the automatic stay and remedying the stay violation..." Snowden v. Check into Cash of Wash., Inc. (In re Snowden), 769 F.3d 651, 658 (9th Cir. 2014). Here, there is a court granted this request in a four (4) page order in length that summarizes the salient facts and provides what may be regarded as conclusions of fact and findings of law. Dkt. No. 161. The order is in three paragraphs at the end of last page. The award is for only costs or a sum certain fee. The Clerk has not prepared a separate judgment.

Movant now seeks a separate judgment on the previous order pursuant to Federal Rule of Civil Procedure 58. F.R.C.P 58(b)(1), applicable in bankruptcy proceedings through F.R.B.P., which reads:

(b) Entering Judgment

(1) Without the Court's Direction. Subject to Rule 54(b) and unless the court orders otherwise, the clerk must, without awaiting the court's direction, promptly prepare, sign, and enter the judgment when:

- (A) the jury returns a general verdict;
- (B) the court awards only costs or a sum certain; or
- (C) the court denies all relief.

"Judgment" as used and defined in F.R.C.P. 54(a) in these rules includes a decree and any order from which an appeal lies. A judgment should not include recitals of pleadings, a master's report, or a record of prior proceedings. Since the order in the present case does include a record of prior proceedings, it is feasible for

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the Movant to request entry of a separate judgment pursuant to Fed R Civ P 58(d) because the underlying motion was not one of the types exempted by section 58(a).

Movant relies on a Third Circuit case which held: "...in the context of civil cases, that documents containing the court's legal reasoning along with the disposition of the case do not constitute separate judgments within the meaning of Federal Rule of Civil Procedure 58." Illinois v. Montgomery Ward, LLC (In re Montgomery Ward Holding Corp.) 217 F.R.D. 326, 327-328. (Del. 2003). Creditor 's counsel filed an opposition attempts to distinguish the facts here with the Delaware Court's ruling – most notably that the Creditor was aware of the judgment and was not appealing.

There appears to be support for the position adopted in Illinois v. Montgomery Ward, LLC, position in the Ninth Circuit. Several Central District for California relied on In re Taumoepau, 523 F.3d 1213, 1217 (10th Cir. 2008), which found "[a] combined document denominated an 'Order and Judgment,' containing factual background, legal reasoning, as well as a judgment, generally will not satisfy the rule's prescription" in issuing a separate judgment pursuant to Fed. R. Civ. P. 58. See De Adams v. Hedgpeth, 2014 U.S. Dist. LEXIS 50565, fn 10 (C.D. Cal. 2014); Avila v. Superior Court, 2014 U.S. Dist. LEXIS 53257 (C.D. Cal. 2014). Similarly, the Seventh Circuit appears to have adopted the reasoning of the third circuit as well. See Rodriguez v. Melrose Park Police, 2003 U.S. Dist. Lexis 3684, *8 (N.D. Ill. 2003) ("The minute order in this case directs the reader to see the reverse side of the minute order, which contains legal reasoning. Because the order provides the reasons for the court's disposition, it does not satisfy Rule 58."); see also Hope v. U.S., 43 F.3d 1140, 1142 (7th Cir. 1994). Even though the facts might be different, the law strongly supports that a separate judgment is required.

The next objection relates to how the Movant is attempting to collect. Creditor's counsel asserts that the Movant is attempting to collect fees from the Creditor's counsel. The judgment is only against the creditor and not creditor's counsel. Creditor's counsel represents the Creditor, making it impermissible or, at a minimum hazardous, to communicate directly with the judgment debtor due to Cal Rule Prof Conduct 4.2 which provides as follows: "CRP 4.2 (a) In representing a client, a lawyer shall not communicate directly or indirectly about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer." Although the

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Movant no longer represents the Debtor in bankruptcy, there is a broad potential for conflict should he communicate directly with the creditor while Levin continues to be represented by creditor's counsel in the still open bankruptcy case. The Court finds that reaching out to creditor's counsel to collect on the order does not violate anything at this time.

The final argument advanced by creditor's counsel is that the Movant does not have standing bringing this motion because he no longer represents the Debtor. This argument is not persuasive because the Movant has an interest in bringing this motion for a separate judgment because the Court awarded him attorney's fees in its previous order. Perhaps the wording at the beginning of the Movant's motion is a bit confusing, but the Movant is within his right to assert this motion.

Accordingly, the Court GRANTS the motion for a separate judgment.

Apperance Required.

Party Information

Debtor(s):

John Gordon Jones

Represented By
Michael Jay Berger

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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1:20-11567 Hrachya Ternakalyan and Shushanik Lily Ternakalyan

Chapter 7

#12.00 Motion Objecting to Debtors' Claimed
Homestead Exemption and Order
Compelling Turnover of Property of the
Estate

Docket 72

*** VACATED *** REASON: Cont'd to 4/21/21 per order #91. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hrachya Ternakalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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1:16-11985 Samuel James Esworthy

Chapter 11

#13.00 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,
12/18/19; 2/11/20, 3/4/20; 6/24/20, 12/2/20

Docket 1

Tentative Ruling:

Having reviewed the status of the case and finding that Reorganized Debtor and creditor Bank New York Mellon have agreed to mediation in adversary 21-01007, the Court finds cause to continue this post-confirmation status conference to June 16, 2021, at 11:00 a.m., to provide time for the parties to complete mediation.

Parties to lodge Order re Mediation for adversary 21-01007.

APPEARANCES WAIVED ON 3/31/21

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

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11:00 AM

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

Chapter 11

#14.00 Confirmation Hearing
RE: Amended Chapter
11 Plan

Docket 179

***** VACATED *** REASON: Cont'd to 6/2/21 at 11:00 per order #207. If**

Tentative Ruling:

- NONE LISTED -

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
Roksana D. Moradi-Brovia

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

Chapter 11

#15.00 Ch. 11 Scheduling and Case
Management Conference

fr. 8/27/20, 11/18/20, 1/27/21

Docket 1

***** VACATED *** REASON: Cont'd to 6/2/21 at 11:00 per order #207. If**

Tentative Ruling:

- NONE LISTED -

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
Roksana D. Moradi-Brovia

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11:00 AM

1:18-11965 Ian Jacoby

Chapter 7

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

#16.00 Pre trial conference re complaint for:
willful and malicious injury

fr. 1/9/19, 10/23/19, 1/15/20; 3/11/20, 9/2/20

Docket 1

Tentative Ruling:

Having reviewed the status of the case and finding that an appeal of this Court's entry of summary judgment to Defendant is pending before the District Court, the Court finds cause to continue this adversary status conference to Sept. 1, 2021, at 11:00 a.m., to provide time for the appeal to be completed.

APPEARANCES WAIVED ON 3/31/21

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

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1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:21-01006 Zamora, Chapter 7 Trustee v. Rubio

#17.00 Status Conference Re: Complaint to Avoid and Recover Post-Petition Transfers, Fraudulent Transfers, and Preferential Transfers; to Preserve Avoided and Recovered Transfers for Benefit of the Bankruptcy Estate

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): **October 22, 2021**

Expert witness designation deadline (if necessary): **to be set at pretrial, if necessary**

Case dispositive motion filing deadline (MSJ; 12(c)): **October 29, 2021**

Pretrial conference: **December 15, 2021**

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : **December 1, 2021**

*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... Green Nation Direct, Corporation

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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):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Rosa Rubio	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Jeffrey S Kwong Richard P Steelman Jr Edward M Wolkowitz
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz Richard P Steelman Jr
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11:00 AM

1:19-11935 Maria Estela San Vicente

Chapter 11

Adv#: 1:19-01123 Saucedo v. San Vicente et al

#18.00 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)

fr. 12/18/19; 5/13/20; 10/7/20

Docket 1

Tentative Ruling:

Having reviewed the status of the case and finding that the parties anticipate completing state court litigation before this adversary can proceed, the Court finds cause to continue this adversary status conference to December 8, 2021, at 11:00 a.m., to provide time for the state court litigation to be completed.

APPEARANCES WAIVED ON 3/31/21

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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11:00 AM

1:19-11935 Maria Estela San Vicente

Chapter 11

Adv#: 1:19-01130 Saucedo v. San Vicente et al

#19.00 Status Conference re: Complaint to determine
dischargeability of debt

fr. 1/8/20; 10/7/20

Docket 1

Tentative Ruling:

Having reviewed the status of the case and finding that the parties anticipate completing state court litigation before this adversary can proceed, the Court finds cause to continue this adversary status conference to December 8, 2021, at 11:00 a.m., to provide time for the state court litigation to be completed.

APPEARANCES WAIVED ON 3/31/21

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):

Rosa Saucedo

Represented By
Jesse J Thaler

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1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01068 GOLDMAN v. Dardashti et al

#20.00 Status Conference Re:
Trustee's Complaint for Avoidance and
Recovery of Fraudulent Transfers

fr. 9/24/20; 10/7/20

Docket 1

***** VACATED *** REASON: Cont'd per stipulation to 9/22/21 at 11 a.m. -
hm**

Tentative Ruling:

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Giovanni Orantes

Defendant(s):

Shawn Dardashti

Pro Se

DOES 1 - 20, Inclusive

Pro Se

Joint Debtor(s):

Jenous Tootian

Represented By
Giovanni Orantes

Plaintiff(s):

AMY L GOLDMAN

Represented By
Scott E Gizer

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

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1:20-11099 Arthur Martiryan

Chapter 7

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

#21.00 Status Conference Re: Complaint for
Determination of Dischargeability of Debt
Under 11 U.S.C. Sec. 523

fr. 2/17/21

Docket 1

Tentative Ruling:

On February 4, 2021, default was entered by the Clerk's Office against Defendant. This status conference was thereafter continued from Feb. 17, 2021, to allow Plaintiff an opportunity to file a Motion for Default Judgment. Nothing has been filed since the last status conference. What is the status of this adversary proceeding?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Arthur Martiryan Pro Se

Defendant(s):

Arthur Martiryan Pro Se

Plaintiff(s):

JPMORGAN CHASE BANK, N.A. Represented By
Jillian A Benbow

Trustee(s):

Diane C Weil (TR) Pro Se

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11:00 AM

1:20-11601 Andrea Ricci

Chapter 13

Adv#: 1:20-01120 Hensarling et al v. Crooks

#22.00 Motion for Protective Order

Docket 11

Tentative Ruling:

Tonya Crooks ("Defendant" or "Debtor") is a 52% owner and the principal of an entity called Browgal, LLC (the "LLC"). The LLC produces beauty products. Ashley Hensarling, Sandra Hensarling and the LCC (collectively the "Plaintiffs") assert that they were defrauded. As a result of these allegations, Plaintiffs filed a shareholder derivative action on September 4, 2019 entitled Hensarling, et. al. v. Crooks, et. al., Los Angeles Superior Court Case No. 19STCV31236 (the "State Action") that included the Debtor and other defendants. The State Action is now on its second amended complaint and alleges causes of action for fraud, breach of fiduciary duty, accounting, adding and abetting breach of fiduciary duty, interference with prospective economic advantage, and unfair competition. Defendant denies that there are any grounds for these causes of action. Defendant is now representing herself pro se in the State Action – Defendant is represented by counsel in this bankruptcy matter.

Defendant filed Chapter 13 bankruptcy on September 2, 2020. The Plaintiffs filed a motion for relief of stay to pursue the State Action. The Court granted temporary relief for the purposes of continuing discovery. Plaintiffs filed their Complaint to Determine Non-Dischargeability of Debt under 11 U.S.C. §§ 523 (a)(2) (A), (a)(4) and (a)(6) ("Bankruptcy Complaint") on December 14, 2020. The State Action and the Bankruptcy Complaint involve the same operative facts and allegations, any difference between the two are minor or relate to relief sought.

Plaintiffs have made clear to the Court about their concerns with lack of discovery occurring in the State Action and their allegations that the Defendant is intentionally delaying discovery. Plaintiffs had filed a motion to compel in the State Action. Defendant's counsel (for the bankruptcy case) believed that the discover was beyond the temporary relief order and also sought confidential trade secret. The state court ultimately granted a substantial part of the Plaintiffs' motion to compel and required that the Defendant comply within ten days.

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Defendant now moves for a protective order from this Court to protect the production of documents that the state court ordered to be turned over in the State Action that the Defendant deems to be trade secrets. The Plaintiffs filed an opposition.

Protective Order Standard:

Parties seeking discovery are entitled to all information "reasonably calculated to lead to the discovery of admissible evidence." Fed.R.Civ.P. 26(b)(1). Rule 26(c) of the Federal Rules of Civil Procedure, made applicable through Fed. Rule Bankr. Procedure 7026, provides, in pertinent part:

(c) Protective Order

(1) **In General.** A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(A) forbidding the disclosure or discovery

This motion is littered with procedural and substantive problems for the Defendant. First, it is unlikely this Court has a basis for issuing a protective order. Fed. Rule Bankr. Procedure 7026(c)(1) reads: "A party or any person from whom discovery is sought may move for a protective order **in the court where the action is pending...**" The Defendant is not moving for a protective order for the recently filed adversary proceeding or even in the bankruptcy, rather, she is seeking a protective order from this Court to prevent discovery from occurring in the State Action that is pending in an entirely different court. The Court granted limited relief from the stay so that discovery could continue. The state court issued a ruling on the discovery matter in the State Action. To issue a protective order to stop the discovery of a case that is

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not before this Court goes against the Fed. R. Bankr Procedure 7026. On this basis alone there is grounds for denying the motion

Trade Secret Protection:

Fed. Rule Bankr. 7026(c)(G) states that a party may obtain a protective order to protect "trade secrets or other confidential research, development, or commercial information." To obtain a protective order based upon a trade secret, the party seeking protection "must first establish that the information sought is a trade secret and then demonstrate that its disclosure might be harmful." Travino v. ACB Am., Inc., 232 F.R.D. 612, 617 (N.D. Cal. 2006). The burden then shifts to the party seeking the discovery to demonstrate that the information is relevant and necessary to prepare the case for trial. Id. The court must then weigh the risk of disclosure of the trade secret to unauthorized parties with the risk that a protective order will impede prosecution or defense of the claims. Once the moving party has established relevance and necessity, "the discovery is virtually always ordered." Compaq Computer Corp., 163 F.R.D. 329, 338 (N.D. Cal. 1995).

"A trade secret is not simply any material the withholding party would rather keep confidential, but is: secret information essential to the continued operation of a business or industry [that] may be afforded some measure of protection against unnecessary disclosure." Bank of America, NA v. Hensley Props., L.P. 2008 U.S. Dist. LEXIS 111541 *20 (E.D. Cal 2008). "Where a business is the party seeking protection, it will have to show that disclosure would cause significant harm to its competitive and financial position. That showing requires specific demonstrations of fact, supported where possible by affidavits and concrete examples, rather than broad, conclusory allegations of harm." Contratto v. Ethicon, Inc., 227 F.R.D. 304, 307-08 (N.D. Cal. 2005).

The definition of a trade secret is broad. Forro Precision, Inc. v. Int'l Bus. Machines Corp., 673 F.2d 1045, 1057 (9th Cir. 1982). "[T]he definition of trade secret consists of three elements: (1) information, (2) that is valuable because it is unknown to others, and (3) that the owner has attempted to keep secret." Inteliclear, LLC v. ETC. Global Holdings, Inc., 978 F.3d 653, 657 (9th Cir. 2020); see also 18 U.S.C. §§ 1839(3).

To support the Court's previous findings, the Court notes that there is a valid

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state court order requiring the Defendant to turn over the documents she now wants protected. The issue of trade secrets is clearly raised by the Defendant' objections to production of documents. See Defendant's Ex. B. Despite these objections the state court still ordered that the Defendant turn over these documents – i.e. the state court did not believe the information was considered a trade secret. The underlying issue for this motion, whether the documents qualify as a trade secret, was effectively decided when the state court entered its order. What this motion for a protective order is trying to do is to overturn a decision rendered by a state court. This does not rise to the level of being barred by res judicata, issue preclusion, or the Rooker-Feldman Doctrine because an order on a discovery motion is not a final judgement, but it goes against the principles of federalism that are a pillar to our federal and state judiciary system. At very least, this motion can only be described as an improper appeal of a state court's decision and an end-run around the state court ruling.

Even if the Court were to overlook these issues, the Defendant still has not met her burden of showing why she is entitled to a protective order. Defendant asserts that customer and supplier lists and sales revenue information qualify as confidential commercial information. This is not entirely correct.

A consumer or supplier list can qualify as a trade secret where it has "economic value" and is not readily ascertainable to the public. VBS Distrib. V. Nutrivita Labs., Inc., 2020 U.S. Dist. Lexis 199775, * 8 (C.D. Cal. 2020); see also Hollingsworth Solderless Terminal Co. v. Turley, 622 F.2d 1324, 1332-33 (9th Cir. 1980) (setting out in detail how to analyze where a customer list is a trade secret); Applied Filter Tech, Inc. v. Westzel 209 U.S. Dist. Lexis 68533 (W.D. Wash. 2009) ("Trade secret protection will not generally attach to customer [and supplier] lists where the information is readily ascertained.") While Courts are reluctant to protect customer lists containing "mere identities and locations of customers where anyone could easily identify [them] as potential customers," a customer is protectable when it "would allow a competitor to direct its sales efforts to those customers who have already shown a willingness to use a unique type of service or product as opposed to a list of people who only might be interested." VBS Distrib. At *8

Here, the Defendant asserts that several parties to the State Action are direct competitors who could do harm to the Defendant's business. These allegations are not elaborated on nor are they substantiated. Nothing from the moving papers allows the

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Court to make any determination as to whether the Defendant's fears are valid or irrational. The Defendant merely rattles off a list of things that she believes are trade secrets. She does not show that these things even qualify as a trade secret under the applicable standard. The Defendant did not satisfy her threshold showing in any way on why she is entitled to a protective order.

There are two additional issues that strongly disfavor a protective order here. The first is the nature of the claims against the defendants in the State Action. There are serious allegations of fraud, misappropriation of funds, and breach of fiduciary duties. In order to actual prosecute this allegation it requires inquiry into Defendants' affairs and how they conducted business. The documents requested by Plaintiffs clearly relate how the Defendants were conducting business. The job of the Court is to weigh the balance of interests between the parties when determining whether a protective order is appropriate – i.e. the Court looks to the possible harm disclosure could cause versus the need to produce the documents. Here, the scale heavily tilts against the issuance of a protective order.

The second issue is, as the Plaintiffs point out, that the parties in the State Action entered into an elaborate stipulation and protective order for confidential and highly confidential information on September 18, 2020. See Plaintiffs' Ex. A. The only party that appears to have not entered into this agreement was the Defendant. Nothing suggests that the Defendant did not have the opportunity to assent to this stipulated protective order and the stipulation appears to provide adequate protection for sensitive material such as trade secrets. To not enter a stipulated protective order (which would have protected the very thing she complains about now), lose a motion to compel in the state court, and come to this Court complaining about the state court's decision on the very thing that could have been resolved by an agreement entered into by all the other parties undermines any notion of sincerity in the Defendant's position.

Accordingly, the Court DENIES the Defendant's motion.

Appereance Required.

Party Information

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Chapter 13

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Defendant(s):

Tonya Crooks

Represented By
Robert M Aronson
Alberto J Campaign

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

Plaintiff(s):

Ashely Hensarling

Represented By
Alberto J Campaign
Robert M Aronson

Browgal, LLC (in its derivative

Represented By
Alberto J Campaign
Robert M Aronson

Sandra Hensarling

Represented By
Alberto J Campaign
Robert M Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:21-01009 Nancy J. Zamora, Chapter 7 Trustee v. Aspiazu

#23.00 Motion to Dismiss Adversary Proceeding

fr. 3/31/21

Docket 4

***** VACATED *** REASON: Cont'd to 4/21/21 per order #11. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Pablo Aspiazu	Represented By Robert G Uriarte
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Plaintiff(s):

Nancy J. Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong Edward M Wolkowitz
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz Richard P Steelman Jr
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, April 1, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Videoconference URL: <https://cacb.zoomgov.com/j/1602357356>

Meeting ID: 160 235 7356

Password: 026750

Audioconference Tel. No.: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 235 7356

Password: 026750

Docket 0

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

Thursday, April 1, 2021

Hearing Room 302

9:30 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day One

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/8/20; 11/5/20, 11/9/20; 3/3/21

Docket 37

*** VACATED *** REASON: Cont. to 4/29, 4/30, 5/4 and 5/9/21

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Friday, April 2, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Meeting ID: 160 235 7356

Password: 026750

Audioconference Tel. No.: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 235 7356

Password: 026750

Docket 0

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

Friday, April 2, 2021

Hearing Room 302

9:30 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day Two

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21

Docket 37

*** VACATED *** REASON: Cont. to 4/29, 4/30, 5/4 and 5/9/21

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Wednesday, April 7, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602477285>
Meeting ID: 160 247 7285
Password: 7452665

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 247 7285
Password: 7452665

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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

Wednesday, April 7, 2021

Hearing Room 302

9:00 AM

CONT...

- NONE LISTED -

Chapter

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

Wednesday, April 7, 2021

Hearing Room 302

9:30 AM

1:19-12684 Claudia A. Rivas Gil

Chapter 13

#1.00 Motion for relief from stay

WELLS FARGO BANK, N.A., DBA
WELLS FARGO AUTO

fr. 2/10/21; 3/17/21

Docket 35

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matter was continued from March 17, 2021 because the debtor, appearing pro se, was attempting to work out the missing payments. . What is the status of this case?

Appearance Required

PRIOR TENTATIVE BELOW

Petition Date: 10/23/2019

Ch 13 plan confirmed: 11/13/2019

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

Property: 2013 Honda Civic

Property Value: not listed debtor's schedules

Amount Owed: \$6,605.76

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$2,257.72 (11 payments of \$232.52)

Movant alleges that the last payment received for this vehicle was on or about 1/16/2020.

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

Wednesday, April 7, 2021

Hearing Room 302

9:30 AM

CONT... Claudia A. Rivas Gil

Chapter 13

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).

Party Information

Debtor(s):

Claudia A. Rivas Gil

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 7, 2021

Hearing Room 302

10:00 AM

1:18-10382 John Edward Wilds and Lisa Irene Wilds

Chapter 13

#2.00 Motion for relief from stay

TOYOTA LEASE TRUST

Docket 110

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Toyota Lease Trust
Petition Date: 02/12/2018
Ch 13 plan confirmed: 11/27/2018
Service: Proper; Opposition filed.
Property: 2017 Lexus RX350
Property Value: \$0.00. (This is a leased car with payments of \$599.00) (Per Debtor's Schedules)
Amount Owed: \$25,022.07 (Per Movant's Papers (Lease Balance plus Purchase Option).
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: N/A

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the fair market value of the Property is declining and is not protected by an adequate equity cushion. Additionally, the lease has matured and the Movant gained possession of the Property on December 4, 2020.

Debtor opposes granting relief from the stay. Debtor asserts no payments are due and owing on the matured lease agreement as all lease payments in the amount of \$19,767.00 under the lease have been made. The amount due under the Proof of Claim No. 6 equals the amount paid per the Movant's Motion. Debtor did not exercise the purchase option at end of lease term to

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

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

CONT... John Edward Wilds and Lisa Irene Wilds Chapter 13

purchase the Property and returned the Property to Movant under terms of the lease agreement on December 4, 2020. The Chapter 13 Plan provisions provided for the assumption of the unexpired lease for the Property and that no cure amount was owed. Property as it has been returned to Movant under the conditions and terms of lease agreement and all payments under the lease agreement have been made.

What is movant's reply to debtor's response that the property has been relinquished and all lease payments made?

Appearance Required.

Party Information

Debtor(s):

John Edward Wilds

Represented By
Randall V Sutter

Joint Debtor(s):

Lisa Irene Wilds

Represented By
Randall V Sutter

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

#3.00 Motion for Relief from Stay

NATIONSTAR MORTGAGE LLC dba MR. COOPER

fr. 9/24/20

Docket 67

***** VACATED *** REASON: Stip., entered dismissing Motion for relief
12/9/20 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Petition Date: 07/06/2018
Plan Confirmed: 01/03/2019
Service: Proper. Opposition filed on 9/14/20.
Property: 13219 Azores Avenue, Sylmar California 91342
Property Value: \$ 580,000.00 (per debtor's schedules)
Amount Owed: \$ 597,155.62 (per Movant's declaration); \$3,789.00 to
Assessor Reginal Office.
Equity Cushion: 0%
Equity: \$0.00
Post-Petition Delinquency: \$72,232.95 (9 payments of \$3,491.00, 12 months
\$3,484.64, and less suspense account [\$1,001.73])

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, modification or annulment of co-debtor stay); 7 (waiver of the 4001(a)(3) stay). Movant alleges that it received the last postpetition payment on or about October 31, 2018.

The Debtor opposes the Movant's motion and expressed interest in possibly entering into a loan modification directly with the mortgage company. The Debtor is significantly behind on postpetition mortgage payments and there is

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

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

CONT... Fredy A. Caballero Chapter 13

no equity in the real property. Are parties amendable to discussing a possible loan modification?

Zoom.gov APPEARANCE REQUIRED

Party Information

Debtor(s):

Fredy A. Caballero

Represented By
Nathan 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**

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

1:18-12790 Frank Vincent Ciraci and Millicent Helen Whiteside

Chapter 13

#4.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING, INC.

Docket 53

***** VACATED *** REASON: Continued to May 19, 2021 at 10:00am per stipulation**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

VACATED. Continued to May 19, 2021 at 10:00am per stipulation. No Appearance Required.

Party Information

Debtor(s):

Frank Vincent Ciraci

Represented By
Steven L Bryson

Joint Debtor(s):

Millicent Helen Whiteside

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, April 7, 2021

Hearing Room 302

10:00 AM

1:19-11420 Vardan Karayan

Chapter 13

#5.00 Motion for relief from stay

TOYOTA LEASE TRUSTE

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Toyota Lease Trust
Petition Date: 06/05/2019
Ch 13 plan confirmed: 11/14/2019
Service: Proper; No Opposition filed.
Property: 2018 Toyota Camry Vin: 4T1B11HK6JU030613
Property Value: \$0.00. (This is a leased car with payment) (Per Debtor's Schedules)
Amount Owed: \$14,889.60 (Per Movant's Papers) .
Equity Cushion: N/A
Equity: N/A
Post-Petition Delinquency: N/A

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because there is not sufficient adequate equity to protect the Movant, the lease has matured and the Movant regained possession of the Property.

It appears that that the Debtor had the option of purchasing the Property at the end of the Lease that the Debtor did not execute.

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) as to the Property only. Movant may not proceed collecting from purchase option that Debtor did not enter into.

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

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

CONT... Vardan Karayan

Chapter 13

No Appearance Required.

Party Information

Debtor(s):

Vardan Karayan

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**

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

1:19-11753 Oleg Meerovich

Chapter 13

#6.00 Motion for relief from stay

WILMINGTON SAVINGS FUNDS SOCIETY

Docket 73

***** VACATED *** REASON: Continued to May 19, 2021 at 10:00am per stipulation.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

VACATED: Continued to May 19, 2021 at 10:00am per stipulation.

NO APPEARANCE REQUIRED ON APRIL 7, 2021.

Party Information

Debtor(s):

Oleg Meerovich

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 7, 2021

Hearing Room 302

10:00 AM

1:19-12077 Hakob Gevorgyan and Zhanna Sanamyan

Chapter 13

#7.00 Motion for relief from stay

HYUNDAI LEASE TITLING TRUST

Docket 39

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Hyundai Lease Titling Trust
Petition Date: 8/19/2019
Confirmation Date: 02/13/2020
Service: Proper; No Opposition filed.
Property: 2017 Kia Sportage, VIN: KNDPNCAC2H7049729
Property Value: \$15,000.00 (Per Debtor's Schedules) (Lease)
Amount Owed: \$32,811.67 (Per Movant's Papers) .
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$10,693.13.

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay). Movant asserts cause exists because the Debtor failed to make post petition payments and the lease has matured and the Debtor has returned the Property.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay).

MOVANT TO LODGE AN ORDER WITH THE COURT WITHIN 7 DAYS. 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, April 7, 2021

Hearing Room 302

10:00 AM

CONT... Hakob Gevorgyan and Zhanna Sanamyan

Chapter 13

Debtor(s):

Hakob Gevorgyan

Represented By
Raj T Wadhvani

Joint Debtor(s):

Zhanna Sanamyan

Represented By
Raj T Wadhvani

Movant(s):

Hyundai Lease Titling Trust

Represented By
Sheryl K Ith

Trustee(s):

Elizabeth (SV) F 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 7, 2021

Hearing Room 302

10:00 AM

1:19-12424 Hamila Salehi Tabaie

Chapter 13

#8.00 Motion for relief from stay

DAIMIER TRUST

Docket 57

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Creditor Diamler Trust
Petition Date: 9/25/2019
Confirmation Date: 01/03/2020
Service: Proper; No Opposition filed.
Property: 2018 Mercedes-Benz SL450R, VIN: WDDJK6GA3JF052730
Property Value: \$0 (Per Debtor's Schedules) (Lease)
Amount Owed: \$55,769.91 (Per Movant's Papers) .
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$.81

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay). Movant asserts cause exists for lifting because the Debtor has failed to provide proof of insurance and the lease has matured and the Debtor has not executed the purchase option and has not returned the car.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay).

MOVANT TO LODGE AN ORDER WITH THE COURT WITHIN 7 DAYS. 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, April 7, 2021

Hearing Room 302

10:00 AM

CONT... Hamila Salehi Tabaie

Chapter 13

Debtor(s):

Hamila Salehi Tabaie

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

10:00 AM

1:21-10230 Stephen R. Alcombright, Jr.

Chapter 7

#9.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 10

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Movant: Creditor Financial Services
Petition Date: 2/10/21
Ch 7 case
Service: Proper; No Opposition filed.
Property: BMW i3 s w/ Range Extender Hatchback 4D
Property Value: \$32,222.00. (Per Movant's Papers)
Amount Owed: \$43,444.04 (Per Movant's Papers) .
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: N/A

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay). Movant asserts that cause exists for lifting the stay because the Property is not protected by adequate equity cushion, Debtor has not been making payments, and the Property is leased and the Debtor has turned the Property over to the Movant.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); and 6 (waiver of 4001(a)(3) stay).

MOVANT TO LODGE AN ORDER WITH THE COURT WITHIN 7 DAYS. 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, April 7, 2021

Hearing Room 302

10:00 AM

CONT... Stephen R. Alcombright, Jr.

Chapter 7

Debtor(s):

Stephen R. Alcombright Jr.

Represented By
Kevin Tang

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 7, 2021

Hearing Room 302

10:30 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#10.00 Motion For Authority To Use Cash Collateral

Docket 785

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Service proper. No objections filed. Having reviewed Debtor's Motion for Authority to Use Cash Collateral, the Court finds that the proposed use of cash collateral is in the best interests of Debtor's estate and creditors, and is approved as requested.

DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 4-7-21

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, April 7, 2021

Hearing Room 302

10:30 AM

1:18-12707 Salvador Machuca

Chapter 7

- #11.00** Motion for Order:
(1) Authorizing Sale of Estates Right, Title and Interest in Real Property Free and Clear of Liens;
(2) Approving Overbid Procedure;
(3) Approving Payment of Real Estate Brokers Commissions and Related Closing Costs; and
(4) Finding Purchaser is a Good Faith Purchaser;
Memorandum of Points and Authorities and Declarations in Support Thereof

Docket 75

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On or about December 8, 2011, a grant deed was recorded, bearing recordation number 20111660184, whereby Elizabeth Smith transferred the real property located at 11066 De Haven Avenue, Pacoima, California 91331 (the "Property") to Salvador Machuca (the "Debtor"). Further, in connection with the Debtor obtaining title to the Property, Debtor's then spouse, Nora Torres ("Nora") executed an Interspousal Transfer Grant Deed (the "Interspousal Grant Deed") transferring her interest, community or otherwise, to the Debtor as his sole and separate property. The Interspousal Grant Deed was recorded December 8, 2011, bearing recordation number 20111660183. On or about April 2013, the Debtor obtained a loan secured by a deed of trust recorded against the Property (the "Deed of Trust"). The Deed of Trust was recorded against the Property on May 2, 2013, bearing recordation number 201306661266. Nora is not a party to the Deed of Trust.

In or about September 2013, Nora commenced an action for dissolution of marriage in the Los Angeles Superior Court, bearing case number PD056779 (the "Dissolution Action"). On March 17, 2017, the Court in the Dissolution Action filed a Judgment of Dissolution based on a stipulated judgment

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

Wednesday, April 7, 2021

Hearing Room 302

10:30 AM

CONT... Salvador Machuca

Chapter 7

between the Debtor and Nora (the "Judgment"). Pursuant to the terms of the Judgment, the Property, having always been the separate property of the Debtor, was disposed of to the Debtor as his sole and separate property.

On or about November 5, 2018 (the "Petition Date"), the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code, bearing case number 1:18-bk-12707 MT (the "Bankruptcy Case"). On January 4, 2019, the Court granted a motion to convert the Bankruptcy Case. Diane Weil ("Movant or Trustee") was appointed the Chapter 7 Trustee.

Diane Weil ("Movant or Trustee") Trustee moves pursuant to 11 U.S.C. §§ 105(a), 363(b), (f) and (m), and Rule 6004(a) of the Federal Rules of Bankruptcy Procedure, for an order (1) authorizing the Trustee to sell that certain real property located at 11066 De Haven Avenue, Pacoima, California 91331 (the "Property") free and clear of liens, encumbrances and claims; (2) approving the overbid procedure set forth in the Motion; (3) approving the payment of the real estate brokers' commissions and related closing costs; and (4) finding that the purchaser is a good faith purchaser (the "Motion").

The Trustee received an offer to purchase the Property from Oganesh John Khacheryan (the "Purchaser") for \$450,800.00, subject to overbid (the "Purchase Price"). This Motion is brought to authorize the sale of the Property to the Purchaser. The Trustee estimates that the net, non exempt sale proceeds from the sale of the Property will be approximately \$160,000.00. The condition of Property purchased "as-is." Broker's commission is 6 %.

The Trustee further moves the Court for an order authorizing the following overbid procedures: (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with written authority to participate in the overbid process; (2) an overbid will be defined as an initial overbid of \$5,000.00 above the Purchase Price, with each additional bid in increments of at least \$1,000.00; (3) overbidders (except for the Purchaser) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "A&A Escrow Services, Inc.," in the amount of \$13,800.00 (the "Deposit") and proof of ability to close escrow unconditionally in a form acceptable to the Trustee prior to the hearing on the Motion; (4) overbidders must purchase the Property on the same terms

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

Wednesday, April 7, 2021

Hearing Room 302

10:30 AM

CONT... Salvador Machuca

Chapter 7

and conditions as the Purchaser, and, if successful, will be required to execute a purchase agreement with no contingencies, with the same terms and conditions that Purchaser currently have in escrow; (5) the Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 15 calendar days of entry of an order confirming the sale; and (6) in the event the successful overbidder cannot timely complete the purchase of the Property, the Trustee shall be authorized to proceed with the sale to the next highest overbidder (as applicable).

Standard:

Section 363(b)(1) of the Bankruptcy Code provides that:

“The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.”

11 U.S.C. § 363(b)(1). The standard of review used in determining approval of a proposed sale of property is whether sound business reasons support the sale outside the ordinary course of business. In re Walter, 83 B.R. 14, 19 (9th Cir. BAP 1988); In re Lionel Corp., 722 F.2d 1063, 1066 (2d Cir. 1983). In order for a sale to be approved under section 363 of the Bankruptcy Code, the purchase price must be fair and reasonable. In re Coastal Indus., Inc., 63 B.R. 361 (Bankr. N.D. Ohio 1986).

Based upon the current real estate market and other sale transactions in the area, the Trustee believes that the sale price represents the fair market value of the Property. Indeed, the listing price for the Property was in the amount of \$399,950.00 and the Purchaser has agreed to purchase the Property for \$450,800.00. As a result, the Trustee believes that the estate will receive approximately \$160,000 from the sale. Thus, the Trustee submits that the proposed sale represents a sound exercise of the Trustee’s business judgment. The Court agrees that the sale is in the best interest of the estate.

The Bankruptcy Court has the power to authorize the sale of property free and clear of liens or interests. See 11 U.S.C. § 363(f); In re Gerwer, 898 F.2d 730, 733 (9th Cir. 1990). Section 363(f) of the Bankruptcy Code permits a

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sale of property “free and clear of any interest in such property of an entity other than the estate” if any one of the following five conditions is met:
(1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
(2) such entity consents;
(3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
(4) such interest is in bona fide dispute; or
(5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.
11 U.S.C. § 363(f).

With a sale price of \$450,800, less costs of sale (8% including brokers’ commissions of 6%) of \$36,064.00, the PennyMac Lien of \$226,981.92, and Debtor’s Exemption in the Property in the amount of \$26,800.00, the Trustee estimates that the net, non exempt sale proceeds will be approximately \$160,000.00. Thus, the Trustee has satisfied Section 363(f)(3) of the Bankruptcy Code.

Section 363(m) provides that “[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith” 11 U.S.C. § 363(m). As set forth in the Declaration of Oganeg John Khacheryan annexed hereto, there is no affiliation between the Purchaser and the Trustee, the Debtor, or the estate. Accordingly, the Court finds the Purchaser is a good faith buyer.

Additionally, the Court finds the broker’s fee of 6% is reasonable and the Court grants those fees.

Nora Torres, contends that she is entitled to half of the net proceeds from the sale of the Property because the Property is community property, and \$20,000.00 for past due child support arrearages. Trustee opposes this notion as an attempt to assert a lien on the Property and at best, that Nora’s improperly recorded Lis Pendens is subject to a bona fide dispute pursuant to 11 U.S.C. § 363(f)(4) and does not preclude the Trustee from proceeding with

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the Trustee's sale of the Property.

While section 363(f)(4) provides that the trustee may sell property of the estate free and clear of any interest if such interest is in "bona fide dispute," the court needs more information on whether this amount is in dispute. A bona fide dispute exists where there is an objective basis for either a factual or legal dispute as to the validity of the interest. 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." In re Octagon Roofing, 123 B.R. 583, 590 (Bankr. N.D. Ill. 1991). A substantial history of litigation over the validity of an interest is sufficient to establish that a bona fide dispute exists over such interest. See In re Daufuskie Island Props., LLC, 431 B.R. 626 (Bankr. D.S.C. 2010); In re Kellogg Taxe, 2014 Bankr. LEXIS 1033, 23 (Bankr. C.D. Cal. Mar. 17, 2014), but there does not appear to have been any litigation over the \$20,000 - just an agreement that the debtor was to pay it from the proceeds of the property.

The Trustee's Motion establishes that the Property has always been the Debtor's sole and separate property, from the date of purchase to the Petition Date, the Property was originally obtained in the Debtor's name alone and, as part of the Judgment, was awarded to the Debtor as his sole and separate property.

Ms. Torres did not provide any support that the Property went through transmutation. California Family Code Section 852, provides:

"(a) A transmutation of real or personal property is not valid unless made in writing by an express declaration that is made, joined in, consented to, or accepted by the spouse whose interest in the property is adversely affected.

(b) A transmutation of real property is not effective as to third parties without notice thereof unless recorded.

(c) This section does not apply to a gift between the spouses of clothing, wearing apparel, jewelry, or other tangible articles of a personal nature that is used solely or principally by the spouse to whom the gift is made and that is

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not substantial in value taking into account the circumstances of the marriage.

(d) Nothing in this section affects the law governing characterization of property in which separate property and community property are commingled or otherwise combined.

(e) This section does not apply to or affect a transmutation of property made before January 1, 1985, and the law that would otherwise be applicable to that transmutation shall continue to apply.”

California Family Code Section 852.

An “express declaration” is a writing signed by the adversely affected spouse “which expressly states that the characterization or ownership of the property is being changed.” Estate of MacDonald, 51 Cal.3d 262, 272 (1990) “Though no particular terminology is required, the writing must reflect a transmutation on its face, and must eliminate the need to consider other evidence in divining this intent.” (In re Marriage of Benson, 36 Cal.4th 1096, 1106–1107 (Ct. App. 2005) “The express declaration must unambiguously indicate a change in character or ownership of property. A party does not ‘slip into a transmutation by accident.’” In re Marriage of Starkman, 129 Cal.App.4th 659 (Ct. App. 2005).

Nothing suggests the Judgement satisfies the requirements for transmutation. While Ms. Torres appears not to be entitled to half of the sale proceeds, the question of whether she is owed \$20,000 plus whatever interest needs to be determined, perhaps through an evidentiary hearing.

Additionally, the domestic support obligation is not supported by a declaration. If Ms. Torres is able to substantiate this claim, then she is likely entitled to a claim against the bankruptcy estate and not the proceeds from sale. Torres must provide additional evidence, and perhaps the funds should be earmarked in some way to be sure that yet again, the child support obligation is not ignored.

Appearance Required.

Party Information

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Debtor(s):

Salvador Machuca

Pro Se

Trustee(s):

Diane C Weil (TR)

Represented By
Anthony A Friedman

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1:19-11422 Joe Kearney

Chapter 11

#12.00 Motion to Convert Case From Chapter 11
to 13.

Docket 203

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Debtor is a licensed general contractor who was retained by Patricia Leupold to do certain construction work at Ms. Leupold's residence. The Debtor used as his subcontractors various persons, including, without limitation, Miguel Ramos. Mr. Ramos was an uncontracted licensed contractor. Ms. Leupold filed that complaint entitled Patricia Leupold v. Joe Kearney Construction, et al., case number BC687549 (the "State Complaint") stemming from the work performed by the Debtor. The Debtor, who had approximately \$118,000 in other debt, including approximately \$42,000 owed to the IRS for 2012 taxes, then had no choice but to file this Chapter 13 bankruptcy on June 6, 2019.

On August 7, 2019, Ms. Leupold filed her proof of claim in the amount of \$1,362,223.89. On August 19, 2019, the Debtor filed his Objection to the Ms. Leupold proof of claim ("Claim Objection"). Thereafter, on January 22, 2020, Ms. Leupold filed her Motion for Partial Summary Judgment with respect to that portion of her claim for which the remedy was disgorgement of all monies paid by her to the Debtor, and interest thereon (the "Disgorgement Claim"). After briefing and argument, on March 17, 2020, as Docket # 86, this Court entered that certain Amended Order Granting Patricia Leupold's Motion for Partial Summary Judgment with Respect to Debtor's Motion for Order Disallowing Claim of Patricia Leupold (Claim #8-1) ("MSJ Order"). Pursuant to the MSJ Order, the disgorgement claim portion of Leupold's claim was ruled to be \$421,676.99 as of the petition date.

After the Court entered the MSJ Order, and prior to the confirmation of a chapter 13 plan, the Debtor filed his Motion to Convert Case to Chapter 11 on April 30, 2020 as Docket # 104. Debtor asserts that this was done to provide greater return

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to creditors. Since this conversion the Debtor has been facing difficulties – particularly health issues of both the Debtor and his wife – and the Debtor believes it is in the best interest of the estate to reconvert the case back to a Chapter 13 case. There are two bases for this position: 1) attorney fees in a chapter 11 are higher and 2) the United States Trustee fees are substantial. Ms. Leupold opposes this motion.

Standard:

Section 1112 governs conversion or dismissal of chapter 11 cases. According to 11 USC 1112(d): "The court may convert a case under this chapter to a case under chapter 12 or 13 of this title only if –

(1) the debtor requests such conversion;

(2) the debtor has not been discharged under section 1141(d) of title;
and

(3) if the debtor requests conversion to chapter 12 of this title, such conversion is equitable.

The Debtor in this case is requesting conversion and has not received a discharge under Section 1141(d). Subsection 1112(d)(3) is inapplicable since conversion to chapter 12 is not requested. Thus, the Debtor meets all of the requirements for conversion from chapter 11 to chapter 13.

The Court notes that section 1112(d) is permissive since it uses the word "may." However:

"In this bankruptcy case, the debtors and their counsel are in the driver's seat and may navigate this case as a Chapter 13, Chapter 11, or Chapter 7. If they wish to propose a confirmable plan they may seek to

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re-convert this case to one under Chapter 13 or Chapter 11. Reconversion may be done relatively quickly, requiring only that they draft a confirmable [plan and provide evidence to the court that they intend to prosecute confirmation of that plan in good faith."

In re De La Salle, 2011 Bankr. LEXIS 5621, 26 (E.D. Cal. 2011). There is further support that a debtor can reconvert a case in In Re Morgan-Busby, 272 B.R. 257 (9th Cir. BAP 2002) where the debtor filed a chapter 11 case, converted to a chapter 13, and reconverted chapter 11. There does not appear any issue that the Debtor can reconvert this case so long as the Debtor qualifies to seek relief under chapter 13.

The governing statute regarding conversion to Chapter 13 is 11 U.S.C. 109(e) which states in pertinent part: "Only an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debt of less than \$419,275 may be a debtor under Chapter 13 of this title." 11 U.S.C. 109(e). Only debt that is both noncontingent and liquidated on the date the petition is filed is counted toward the dollar limit set out in § 109(e).

A debt is liquidated if the amount of the debt is readily determinable. In re Slack, 187 F.3d 1070, 1073 (9th Cir. 1999); In re Nicholes, 184 B.R. 82, 89 (9th Cir. BAP 1995). Whether a debt is subject to "ready determination" depends on whether the amount is easily calculable or whether an extensive hearing is needed to determine the amount of the debt. In re Slack, 187 F3d 1070, 1074 (9th Cir. 1999); see also Nicholes, 184 B.R. at 89 ("The test for 'ready determination' is whether the amount due is fixed or certain or otherwise ascertainable by reference to an agreement or by a simple computation."). A debt can be "readily determined" if only a simple hearing is needed to determine its amount, as opposed to an extensive and contested hearing in which substantial evidence may be necessary to establish amounts or liability. In re Ho, 274 BR 867, 873 (9th Cir. BAP 2002).

The issue here relates to the disgorgement claim of \$421,676.99. Ms. Leupold argues the disgorgement claim was readily determinable because all it took to determine or calculate the claim was a motion for summary judgment which she contends qualifies as a simple hearing. The Debtor argues that there was no judgment or order determining the disgorgement claim at the petition date. Additionally, the Debtor asserts the claim was not readily determinable because the Court granted a

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smaller amount than Ms. Leupold initially sought.

While a motion for summary judgment is not full blown trial, it is anything but a "simple hearing." The summary judgment motion for Ms. Leupold's disgorgement claim sought not only to determine the value of this claim but that she was entitled to judgment as to this claim as a matter of law. If it were so clear that she was already entitled to her disgorgement claim and all that was being asked was to determine the value of this claim, then this motion for summary judgment would likely be considered a simple proceeding. Because the purpose of this motion was to determine whether Ms. Leupold was entitled to judgment as a matter of law, this type of hearing is more complex. Accordingly, the Court finds that the disgorgement claim debt was unliquidated at the petition date.

A debt is noncontingent if all events giving rise to liability occurred prior to the filing of the bankruptcy petition. In re Fostvedt, 823 F.2d 305, 306 (9th Cir. 1987); In re Nicholes, 184 B.R. 82, 88 (9th Cir BAP 1995). As the Ninth Circuit Court of Appeals held:

The rule is clear that a contingent debt is "one which the debtor will be called upon to pay only upon the occurrence or happening of an extrinsic event which will trigger the liability of the debtor to the alleged creditor."

Fostvedt at 306.

If "all events giving rise to liability occurred prior to the filing of the bankruptcy petition," the claim is not contingent. In re Nicholes, 184 B.R. at 88. A dispute over liability for a claim does not make the debt contingent. Id. at 89 (citing In re Dill, 30 B.R. 546, 549 (9th Cir. BAP 1983)); see also In re Fountain, 612 B.R. 743, 749 (9th Cir. BAP 2020).

Ms. Leupold asserts that just because the Debtor disputed her claim that does not mean that it was contingent. Debtor argues that the debt was contingent because the motion for summary judgment was an extrinsic event that triggered liability.

It is undisputed that the events for which liability to Ms. Leupold's disgorgement claim arise occurred long before the Debtor filed for bankruptcy. The case law from the Ninth Circuit has found that is enough to have the debt be deemed noncontingent and merely opposing or disputing liability of that debt does not make it contingent. The Court finds that the disgorgement claim is noncontingent; however, because the Court did not find the debt was liquidated, the disgorgement claim does not count against the chapter 13 debt limits and the Debtor is eligible to be in a chapter 13 plan.

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Ms. Leupold also objects to conversion on the grounds that because the disgorgement claim was awarded post-petition, that amount must be counted toward the 109(e) chapter 13 debt limit and cites to Matter of Nikoloutsos, 199 F.3d 233 (5th Cir. 2000). The Court is not persuaded by this argument for several reasons. Nikoloutsos is not binding on this Court. Additionally, the language of section 109(e) specifically refers to the "petition date." Finally, the Ninth Circuit in . Scovis v. Henrichsen (In Re Scovis), 249 F. 3d 975, 982 (9th Cir 2001) found that eligibility under 11 U.S.C.S. § 109(e) should be determined by the debtor's originally filed schedules.

The final argument advanced by Ms. Leupold is that the Debtor's concerns could be addressed within the parameters of a chapter 11 case. While this is the Debtor's case and he generally has a right on how to proceed, the Court notes that conversion pursuant to section 1112(d) is at the Court's discretion. Given the decline in the Debtor's circumstance and the substantial cost the estate would be burdened with from UST fees, the Court finds it is in the best interest of the bankruptcy estate for it to be reconverted to a chapter 13 case.

The Court GRANTS the Debtor's motion.

Appearance Required.

Party Information

Debtor(s):

Joe Kearney

Represented By

Robert M Aronson

Robert M. Aronson

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1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

- #13.00** Motion for Order Authorizing and Approving:
(A) The Adequacy of the Disclosure Statement Describing Plan of Reorganization Proposed by Hawkeye Entertainment, LLC;
(B) The Form, Scope, and Nature of Solicitation, Balloting, Tabulation, and Notices with Respect Thereto; and
(C) Related Confirmation Procedures, Deadlines and Notices; Memorandum of Points and Authorities; and Declaration in Support

Docket 290

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Background

Hawkeye Entertainment LLC (" Debtor") filed a voluntary petition under chapter 11 of the Bankruptcy Code on August 21, 2019 ("Petition Date"). The Debtor has remained in possession of its assets as a debtor and debtor in possession pursuant to Bankruptcy Code §§ 1107(a) and 1108. A Creditor's Committee has not been appointed in this Case.

The Debtor's most valuable asset, the Lease Agreement, dated July 17, 2009 ("2009 Lease") as modified by the First Amendment to Lease Agreement, dated August 19, 2014 ("First Amendment"), and any and all options and extensions thereunder and related thereto ("Options" and together with the 2009 Lease and First Amendment, the "Lease"), between (i) Lessor, Smart Capital Investments I, LLC, a California limited liability company, Smart Capital Investments II, LLC, a California limited liability company, Smart Capital Investments III, LLC, a California limited liability company, Smart Capital Investments IV, LLC, a California limited liability company, and Smart Capital Investments V, LLC, a California limited liability

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company, as successor-in-interest to New Vision Horizon, LLC (successor-in-interest to Pax America Development, LLC ("Pax")) (collectively "Landlord") and (ii) the Debtor, for the premises described in the Lease on the real property, commonly known as the Pacific Stock Exchange Building ("Property").

By the terms of the Lease for the Property, the Debtor is entitled to use the first four floors and the basement of the Building, which is in turn leased to a related company, W.E.R.M. Investments, LLC ("WERM" or "Subtenant"), that operates an entertainment venue from the Property, pursuant to a sublease, dated October 1, 2009 along with any and all extensions thereto. The Debtor is a holding company for the Lease, which is sublet to WERM.

Since the Covid-19 pandemic began in early 2020, the entertainment business has stalled and WERM has been unable to hold events due to the restrictions on gathering. With the decreasing Covid-19 numbers in 2021 and the development and widespread distribution of vaccines, WERM is hopeful that they will soon be able to resume events at the Property.

Plan Treatment:

• **Administrative Claims:**

- \$530,000.00 for Debtor's counsel. To be paid from the proceeds of the sale of Third Street property/lease, after fees approved by the Court.
- \$325 - \$650 per quarter (est.). To be paid until final decree entered.

• **Priority Tax Claims:**

- **Class 1** – Class 1 consists of the Allowed Claim of the SBA in connection with the SBA Financing pursuant to the SBA Loan Documents. The Holders of SBA Claims in this Class are unimpaired under the Plan and are not entitled to vote on the Plan. The lien to which the Holder of the SBA's Allowed Secured Claim is entitled pursuant to the SBA Security Agreement and the SBA Financing Statement shall remain in place and unaltered by the Plan. The legal, equitable, and contractual rights of the Holder of the SBA's Allowed Secured Claim is unaltered by the Plan. The Holder of the Allowed Secured Claim in Class 1 shall receive the treatment provided for in the SBA Note and the legal, equitable, and contractual rights under the SBA Loan Documents with respect to such Allowed

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Secured Claim shall remain unaltered by the Plan.

- With respect to the Class 1 Claim, WERM will make the payments due the SBA pursuant to the SBA Note. The SBA Note is in the amount of \$150,000 with interest to accrue at the rate of 3.75% per annum on funds advanced. Pursuant to the SBA Loan Documents, principal and interest installments of \$731.00 per month will commence twelve (12) months from the date of the SBA Note (August 1, 2020), with the balance of principal and interest due and payable thirty (30) years from the date of the SBA Note.

- **Class 2** – Class 2 consists of the Allowed Claims of the Holders of General Unsecured Claims. The Holders of Claims in this Class are impaired under the Plan and entitled to vote on the Plan. After the Effective Date, the Holders of the General Unsecured Claims in Class 2 will receive in full, final and complete satisfaction of its Allowed Claim the following:
 - Annual Contribution Payment(s). After the Effective Date (and after payment in full of the Administrative Claims, Classified Priority Claims), the Reorganized Debtor shall distribute to the Holders of Allowed General Unsecured Claims in Class 2, on a Pro Rata basis, Annual Contribution Payments (as defined in the Definition Section of the Plan) until such time as the Allowed General Unsecured Claims in Class 2 are paid in full.
 - Discount/Interest Rate from the Effective Date. The applicable rate to be applied to the General Unsecured Claims in Class 2 shall be simple interest calculated at the Libor Rate applicable as of the Confirmation Hearing Date, commencing from and after the Effective Date on the Allowed General Unsecured Claims in Class 2 (or such other applicable rate as found by the Bankruptcy Court).
 - Reservation of Defenses, Objections, Counterclaims and Other Rights. Any defenses, objections, counterclaims, rights, rights of offset or recoupment of the Debtor or the Estate with respect to such Claims shall vest in and inure to the benefit of the Reorganized Debtor.

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- Further Assurances. The Holders of the Allowed Class 2 Claims shall promptly execute and deliver any and all documents and take such other or further actions as are reasonably necessary, appropriate or requested by the Debtor and/or Reorganized Debtor to effectuate the provisions of the Plan.
- Seven POC's have been filed in the Case: Claim No. 1 by Franchise Tax Board in the amount of \$1,157.66 of which \$917.66 is claimed as a Priority Claim; Claim No. 2 by WERM in an unknown amount for any claims that may arise in connection with the Debtor in this case; Claim No. 3 by Rene Vardapour in the amount of \$145,000.00; Claim No. 4 by Robert Guichard in the amount of \$27,000.00; Claim No. 5 by Saybian Gourmet, Inc. in the amount of \$1,587,919.23; Claim No. 6 by Social Entertainment Group; in the amount of \$265,000.00; and Claim No. 7 by Laurentiu Badea in the amount of \$175,000.00.
 - Both Saybian Gourmet and Social Entertainment Group have agreed to subordinate their claims to the remainder of the General Unsecured Claims. Accordingly, General Unsecured Claims in the approximate amount of \$760,000 will be paid before the claims held by Saybian Gourmet and Social Entertainment Group.
 - General Unsecured Claims will be paid by contributions from WERM and from any fees collected from a Court award on the Assumption Fee Motion after payment of Professional Fee Claims and any other Administrative Expenses.
- **Class 3** – Class 3 consists of the Holders of the Interests in the Debtor. Such Holders shall retain their equity ownership Interests and voting Interests in the Reorganized Debtor, which shall remain unaltered by the Plan. The Plan leaves unaltered all legal, equitable, and contractual rights of the Interest Holders. Class 3 is unimpaired under the Plan.

Standard

References: In re A.C. Williams, 25 B.R. 173 (Bankr. N.D. Ohio 1982); See also In re Metrocraft, 39 B.R. 567 (Bankr. N.D.Ga. 1984); § 1125

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1. Before a disclosure statement may be approved after notice and a hearing, the court must find that the proposed disclosure statement contains "adequate information" to solicit acceptance or rejection of a proposed plan of reorganization. 11 U.S.C. § 1125(b).
2. "Adequate information" means information of a kind, and in sufficient detail, so far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization. 11 U.S.C. § 1125(a).
3. Courts have developed lists of relevant factors for the determination of adequate disclosure. *E.g.*, In re A.C. Williams, *supra*.
4. There is no set list of required elements to provide adequate information per se. A case may arise where previously enumerated factors are not sufficient to provide adequate information. Conversely, a case may arise where previously enumerated factors are not required to provide adequate information. In re Metrocraft Pub. Services, Inc., 39 B.R. 567 (Bankr. N.D.Ga. 1984). "Adequate information" is a flexible concept that permits the degree of disclosure to be tailored to the particular situation, but there is an irreducible minimum, particularly as to how the plan will be implemented. In re Michelson, 141 B.R. 715, 718-19 (Bankr. E.D.Cal. 1992).
5. The court should determine what factors are relevant and required in light of the facts and circumstances surrounding each particular case. In re East Redley Corp., 16 B.R. 429 (Bankr. E.D.Pa. 1982).
6. Relevant factors for evaluating the adequacy of a disclosure may include: (1) the events which led to the filing of a bankruptcy petition; (2) a description of the available assets and their value; (3) the anticipated future of the company; (4) the source of information stated in the disclosure statement; (5) a disclaimer; (6) the present condition of the debtor while in Chapter 11; (7) the scheduled claims; (8) the estimated return to creditors under a Chapter 7 liquidation; (9) the accounting method utilized to

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produce financial information and the name of the accountants responsible for such information; (10) the future management of the debtor; (11) the Chapter 11 plan or a summary thereof; (12) the estimated administrative expenses, including attorneys' and accountants' fees; (13) the collectibility of accounts receivable; (14) financial information, data, valuations or projections relevant to the creditors' decision to accept or reject the Chapter 11 plan; (15) information relevant to the risks posed to creditors under the plan; (16) the actual or projected realizable value from recovery of preferential or otherwise voidable transfers; (17) litigation likely to arise in a nonbankruptcy context; (18) tax attributes of the Debtor; and (19) the relationship of the debtor with affiliates." In re Reilly, 71 B.R. 132, 134 (Bankr. D. Mont. 1987); In re Fierman, 21 B.R. 314, 315 (Bankr. E.D. Pa. 1982)

7. LBR 3017-1(a) requires at least 42 days notice to all parties in interest.

Service

Interested parties must receive notice of the request for approval of a disclosure statement at least 42 days prior to the scheduled hearing. LBR 3017-1(a). This requirement has been satisfied.

Objections

No objections have been filed.

Analysis:

Having reviewed the Debtor's disclosure statement in light of the factors previously mentioned, the Court finds that the plan provides creditors adequate information. The disclosure state provides a detailed analysis regarding all aspects of the Debtor's operations so that claim holder can on make an informed decision on how to vote.

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Fixing Deadlines for Confirmation

At the hearing on this Motion, the Debtor seeks to establish, among other dates (i) the Balloting Deadline for receipt of ballots to accept or reject the Plan; (ii) the deadline for filing the Plan Ballot Summary with the Court; (iii) the date for the Confirmation Hearing; (iv) the last date for filing a memorandum in support of confirmation of the Plan; (v) the last dates for filing objections to confirmation of the Plan and responses thereto; and (vi) related procedures.

FRBP 3017(c) provides that, "[o]n or before approval of the disclosure statement, the court shall fix a time within which holders of claims and interests may accept or reject the plan." Generally, only holders of allowed claims or interests are entitled to vote to accept or reject a proposed plan of reorganization. See Bankruptcy Code § 1126(a). The Debtor, therefore, has proposed the procedures set forth in the Motion to ensure that only the votes of holders of Allowed Claims are counted in the tabulation of ballots on the Plan. The Debtor submits that the proposed procedures are reasonable and appropriate under the circumstances. Having independently reviewed the proposed procedures the Court finds that the procedures are reasonable and appropriate.

FRBP 3017(c) provides that "[o]n or before approval of the disclosure statement, the court ... may fix a date for the hearing on confirmation." FRBP 3017(c). Similarly, FRBP 3020(b) provides that "[a]n objection to confirmation of the plan shall be filed and served ... within a time fixed by the court," FRBP 3020(b), and FRBP 2002(b) provides that the plan proponent must provide at least twenty-five days notice of the deadline for filing such objections. The Court will set the appropriate deadlines at the hearing.

Appearance Required.

Party Information

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

Wednesday, April 7, 2021

Hearing Room 302

10:30 AM

CONT... Hawkeye Entertainment, LLC

Chapter 11

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 303 Calendar**

Wednesday, April 7, 2021

Hearing Room 303

10:30 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#13.01 Case Management Conference

fr. 3/11/20; 5/13/20, 7/17/20, 7/23/20; 10/13/20; 4/8/21

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Appearance Required.

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, April 7, 2021

Hearing Room 302

10:30 AM

1:19-11819 John Raymond Nardolilli

Chapter 7

#14.00 Trustee's Final Report and Applications for
Compensation and Deadline to Object

Trustee:
Nancy Zamora

Attorney for Trustee:
Law Offices of Wesley H. Avery, APC

Accountant:
LEA Accountancy, LLP

Docket 77

Matter Notes:

- 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.

Movant to Lodge Order with the Court within 7 days.

No Appearance Required.

Party Information

Debtor(s):

John Raymond Nardolilli

Pro Se

Trustee(s):

Nancy J Zamora (TR)

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, April 7, 2021

Hearing Room 302

10:30 AM

1:20-11148 Fayyaz Aly Dammanwalla and Meena Fayyaz

Chapter 7

#15.00 Trustee's Final Report and Applications
for Compensation and Deadline to
Object

Trustee:
Nancy Zamora

Attorney for Trustee:
Roquemore, Pringle & Moore, Inc.

Accountant for Trustee:
Grobstein Teeple, LLP

Docket 91

Matter Notes:

- 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.

Movant to Lodge Order with the Court within 7 days.

No Appearance Required.

Party Information

Debtor(s):

Fayyaz Aly Dammanwalla

Represented By
Raj T Wadhvani

Joint Debtor(s):

Meena Fayyaz Dammanwalla

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, April 7, 2021

Hearing Room 302

10:30 AM

CONT... Fayyaz Aly Dammanwalla and Meena Fayyaz

Chapter 7

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, April 7, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci and Tonya Crooks

Chapter 13

#16.00 Motion for relief from stay

ASHLEY HENSARLING

fr. 12/9/20, 12/16/20

Docket 24

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling: The Court partially granted RFS so that discovery could proceed in the State Court and the Adversary Proceeding against Debtor Crooks. What is the status of discovery? Is further relief from stay required?

Apperance Required.

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

Movant(s):

Ashley Hensarling

Represented By
Alberto J Campain

Trustee(s):

Elizabeth (SV) F 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 7, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci and Tonya Crooks

Chapter 13

#17.00 Motion for relief from stay

BROWGAL, LLC

fr. 12/9/20, 12/16/20

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling: The Court partially granted RFS so that discovery could proceed in the State Court and the Adversary Proceeding against Debtor Crooks. What is the status of discovery? Is further relief from stay required?

Appereance Required.

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

Movant(s):

Browgal, LLC

Represented By
Alberto J Campain

Trustee(s):

Elizabeth (SV) F 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 7, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci and Tonya Crooks

Chapter 13

#18.00 Motion for relief from stay

SANDRA HENSERLING

fr. 12/9/20, 12/16/20

Docket 26

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Tentative Ruling: The Court partially granted RFS so that discovery could proceed in the State Court and the Adversary Proceeding against Debtor Crooks. What is the status of discovery? Is further relief from stay required?

Apperance Required

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Joint Debtor(s):

Tonya Crooks

Represented By
Robert M Aronson

Movant(s):

Sandra Hensarling

Represented By
Alberto J Campaign

Trustee(s):

Elizabeth (SV) F 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 7, 2021

Hearing Room 302

11:00 AM

1:20-11984 Lindsay Marie Pacifico

Chapter 7

#19.00 Motion for relief from stay

BROWGAL LLC

fr. 12/16/20

Docket 15

Matter Notes:

Movant _____

Respondent _____

Grant _____ Deny _____ Stip/AP _____

Opposition filed _____yes _____no

Moot _____ withdrawn _____ Deny F/F to appear _____

Continued _____

Submitted on the tentative _____

Order to be submitted by: Plaintiff/Movant - Defendant/Respondent - Court

Evidentiary Hearing _____

Tentative Ruling:

Apperance Required.

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Lindsay Marie Pacifico

Chapter 7

Party Information

Debtor(s):

Lindsay Marie Pacifico

Represented By
Navid Kohan

Movant(s):

Browgal, LLC

Represented By
Alberto J Campain

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 7, 2021

Hearing Room 302

11:00 AM

1:20-11984 Lindsay Marie Pacifico

Chapter 7

#20.00 Motion for relief from stay

SANDRA HENSARLING

fr. 12/16/20

Docket 16

Matter Notes:

Movant _____

Respondent _____

Grant _____ Deny _____ Stip/AP _____

Opposition filed _____yes _____no

Moot _____ withdrawn _____ Deny F/F to appear _____

Continued _____

Submitted on the tentative _____

Order to be submitted by: Plaintiff/Movant - Defendant/Respondent - Court

Evidentiary Hearing _____

Tentative Ruling:

Apperance Required.

Party Information

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Lindsay Marie Pacifico

Chapter 7

Debtor(s):

Lindsay Marie Pacifico

Represented By
Navid Kohan

Movant(s):

Sandra Hensarling

Represented By
Alberto J Campain

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 7, 2021

Hearing Room 302

11:00 AM

1:20-11984 Lindsay Marie Pacifico

Chapter 7

#21.00 Motion for relief from stay

ASHLEY HENSARLING

fr. 12/16/20

Docket 17

Matter Notes:

Movant _____

Respondent _____

Grant _____ Deny _____ Stip/AP _____

Opposition filed _____yes _____no

Moot _____ withdrawn _____ Deny F/F to appear _____

Continued _____

Submitted on the tentative _____

Order to be submitted by: Plaintiff/Movant - Defendant/Respondent - Court

Evidentiary Hearing _____

Tentative Ruling:

Apperance Required.

Party Information

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Lindsay Marie Pacifico

Chapter 7

Debtor(s):

Lindsay Marie Pacifico

Represented By
Navid Kohan

Movant(s):

Ashley Hensarling

Represented By
Alberto J Campain

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 7, 2021

Hearing Room 302

11:00 AM

1:21-10293 PB 6 LLC

Chapter 11

#22.00 Chapter 11 Case Mgmt Conference

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Description of Debtor: The Debtor is the California limited liability company and is the owner and developer a real estate project commonly known as 5137-5149 ½ Colfax Avenue, Los Angeles, California (the "Project"). The Project consists of approximately 18,800 square feet of land that has been subdivided into 12 single-family residential lots for development. Currently, however, there are no housing units on the lot.

The Debtor's construction loan was arranged by Fundrise Lending, LLC, as a \$8,200,000.00 facility secured by a first deed of trust, the lender alleges that approximately \$4,100,000.00 is owned under this loan. Several disputes have arisen in connection with the construction loan.

Cause of Chapter 11 Filing: Disagreement regarding the amounts owed to the Debtor's construction lenders and the foreclosure sale of the Debtor's real estate project precipitated the instant Chapter 11 and the case was filed to provide breathing space so that the construction project may be completed and the resulting assets monetized for the benefit of the creditors and constituents of the estate.

Goals: The Debtor shall complete the construction project for resale and pay claims in accordance with a Chapter 11 Plan. Debtor may also sell or refinance the property.

Single Asset: The Debtor contends that in its current state it is residential real property with no units on it and therefore may be excluded from "single asset real estate" designation.

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... PB 6 LLC

Chapter 11

Debtor has no Cash Collateral.

Deadlines: Deadline to File Original Disclosure Statement and Original Chapter Plan; The Debtor shall file its Original Disclosure and Plan prior to expiration of exclusivity period. Proposed Bar Date: The Debtor proposes that the claims bar date be set at the instant status conference and that the general claims bar date be set at July 1, 2021. The Debtor respectfully requests that no bar date for avoidance action or objections to claims be filed at this time.

Appearance Required.

Party Information

Debtor(s):

PB 6 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, April 7, 2021

Hearing Room 302

11:00 AM

1:16-11985 Samuel James Esworthy

Chapter 11

Adv#: 1:21-01007 Esworthy v. The Bank of New York Mellon fka The Bank of New Yo

#23.00 Status Conference Re: Complaint for
Violation of Third Amended Plan of
Reorganization

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Plaintiff filed this complaint for violation on February 01, 2021. No answer has been filed.

Dates :

Discovery cut-off (all discovery to be completed*): August 1, 2021

Expert witness designation deadline (if necessary): per rule

Case dispositive motion filing deadline (MSJ; 12(c)): August 11, 2021

Pretrial conference: September 1, 2021 at 10:00am

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

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

Meet and Confer

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Samuel James Esworthy

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.

Appearance Required.

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

Defendant(s):

The Bank of New York Mellon fka
BAYVIEW LOAN SERVICING,

Pro Se
Pro Se

Plaintiff(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, April 7, 2021

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #24.00** Pre-trial 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; 12/11/19, 9/30/20,
1/27/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

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

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Nazaret Kechejian

Chapter 13

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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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 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01090 Zamora, Chapter 7 Trustee v. Vasquez

#25.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

***** VACATED *** REASON: Second Summons issued per Trustee new
hrg. 5/19/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Plaintiff brought this cause of action for avoidance and recovery of preferential transfers (11 U.S.C. §§ 547(b), 550(a), AND 551). No answer was filed.

It appears that the Plaintiff may have served the wrong person and will ask the Court to issue an alias summons.

Plaintiff requests that the Court continues the status conference for 90 days so that the Plaintiff can investigate this matter further. The Court will continue the status conference to April 7, 2021 at 11:00am.

No Appearance Required

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Brayan Vasquez Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By

Richard P Steelman Jr

Jeffrey S Kwong

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01092 Zamora, Chapter 7 Trustee v. Osorio

#26.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

***** VACATED *** REASON: Issued Second Summons per Trustee new
hearing 5/19/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Plaintiff brought this cause of action for avoidance and recovery of preferential transfers (11 U.S.C. §§ 547(b), 550(a), AND 551). No answer was filed.

It appears that the Plaintiff may have served the wrong person and will ask the Court to issue an alias summons.

Plaintiff requests that the Court continues the status conference for 90 days so that the Plaintiff can investigate this matter further. The Court will continue the status conference to April 7, 2021 at 11:00am.

No Appearance Required

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Guadalupe Osorio Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee

Represented By

Richard P Steelman Jr

Jeffrey S Kwong

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01094 Zamora, Chapter 7 Trustee v. Guillen

#27.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Plaintiff has settled the bankruptcy estate's claims against the Defendant. A settlement agreement is being prepared by Plaintiff's counsel, and will be sent to Defendant when ready. After the settlement agreement is executed, the Plaintiff will file a motion for approval of the settlement pursuant to Federal Rule of Bankruptcy Procedure 9019.

Continued to June 9, 2021 at 11:00am

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Julio Guillen Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01096 Zamora, Chapter 7 Trustee v. Barahona

#28.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

This matter was continued from January 6, 2021. At that hearing the Defendant made an appearance at that hearing after the Court Clerk previously entered default.

Since the Last Status Conference, Plaintiff's counsel sent multiple emails (on January 11, February 2, February 23, March 4, and March 18, 2021) to the email address given by Defendant and/or his agent to Plaintiff's counsel at the Last Status Conference, in an attempt to speak with Defendant about the complaint and the claims therein against him. However, Plaintiff's counsel has not received a response to his emails. Defendant's extended deadline to file an answer or respond to the complaint has expired and, if Plaintiff's counsel does not receive a response from Defendant before the status conference, Plaintiff intends to request that the Court Clerk enter Defendant's default, and proceed with filing a motion for default judgment.

The Court finds cause to continue this matter to June 9, 2021 at 11:00am.
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, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Miguel Barahona Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01097 Zamora, Chapter 7 Trustee v. Valdivia

#29.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Having reviewed the *Notice of Settlement (Subject to Court Approval)*, filed by Defendant on April 6, 2021, the Court finds cause to continue this status conference to **June 9, 2021, at 11:00 a.m.** to allow time for any 9019 motion(s) to be resolved.

APPEARANCES WAIVED ON 4/7/2021

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Pedro Valdivia Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
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, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01110 Zamora, Chapter 7 Trustee v. Consumer Business Alliance, Inc.

#30.00 Stauts Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
transfers; and (2) Turnover of Security
Deposit.

fr. 1/6/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Plaintiff has settled the bankruptcy estate's claims against the Defendant. A settlement agreement is being prepared by Plaintiff's counsel, and will be sent to Defendant when ready. After the settlement agreement is executed, the Plaintiff will file a motion for approval of the settlement pursuant to Federal Rule of Bankruptcy Procedure 9019.

Continued to June 9, 2021 at 11:00am

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Consumer Business Alliance, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:21-01009 Nancy J. Zamora, Chapter 7 Trustee v. Aspiazu

#31.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of
Preferential Transfers

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Plaintiff has settled the bankruptcy estate's claims against the Defendant. A settlement agreement is being prepared by Plaintiff's counsel, and will be sent to Defendant when ready. After the settlement agreement is executed, the Plaintiff will file a motion for approval of the settlement pursuant to Federal Rule of Bankruptcy Procedure 9019.

Continued to June 9, 2021 at 11:00am

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Pablo Aspiazu Pro Se

Plaintiff(s):

Nancy J. Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
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, April 7, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, April 7, 2021

Hearing Room 302

11:00 AM

1:20-11063 Joby John Harte

Chapter 7

Adv#: 1:20-01081 Garcia, Jr v. Harte

#32.00 Order to Show Cause why this Adversary Proceeding should not be Dismissed Under Local Rule 7016-1(g)

Docket 4

***** VACATED *** REASON: Court will discharge OSC**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

VACATED. The Court has reviewed the reponse filed by Plaintiff's counsel. The Court will discharge the OSC and set a status conference for May 19, 2021 at 11:00am. Counsel for both parties must attend the status conference on May 19, 2021. Parties must submit a status report no later than May 12, 2021. The report should be in accordance with Local Rule form F 7016-1.STATUS.REPORT.

No Appearance Required.

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

Defendant(s):

Joby John Harte

Pro Se

Plaintiff(s):

Ricardo Rene Garcia Jr

Represented By
Ben J Meiselas

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 7, 2021

Hearing Room 302

11:00 AM

1:20-11983 Vahid Naziri

Chapter 7

Adv#: 1:21-01011 Talaie v. Naziri

#33.00 Status Conference re: Complaint seeking to determine dischargeability of debt pursuant to 11 u.s.c. section 523(a)(6)

Docket 1

***** VACATED *** REASON: Another summons was requested - Doc. #6.
Summons was issued and set for 5/19/21 at 11:00 a.m. - Doc. #7. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vahid Naziri

Represented By
Levi Reuben Uku

Defendant(s):

Vahid Naziri

Pro Se

Plaintiff(s):

Mohammad Talaie

Represented By
Nicholas S Nassif

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 7, 2021

Hearing Room 302

11:00 AM

1:20-12138 Anatoliy Chizmar

Chapter 13

Adv#: 1:21-01001 Gogiberidze v. Chizmar et al

#34.00 Status Conference re: Counterclaim by
Anatoliy Chizmar against Irakli Gogiberidze

Docket 3

***** VACATED *** REASON: Moot Main Case was Dismissed (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Alla Tenina

Defendant(s):

Anatoliy Chizmar

Pro Se

Roes 1 through 10, Inclusive

Pro Se

Plaintiff(s):

Irakli Gogiberidze

Represented By
Aleksandr Gruzman

Trustee(s):

Elizabeth (SV) F 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 7, 2021

Hearing Room 302

1:00 PM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc. et al

#35.00 Motion to Dismiss Adversary Proceeding First Amended Counter-Claim

fr. 2/9/21, 3/10/21

Docket 193

***** VACATED *** REASON: Stip. cont. to 5/19/21 @1pm (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Vacated. Continued to May 19, 2021 at 1:00pm.
No appearance required.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Aaron Cue

Pro Se

Highbury Asia Inc.

Pro Se

Metro Aerospace

Pro Se

Amplespares Corp.

Pro Se

Mercy Ministry

Pro Se

Joy Air LLC

Pro Se

AMC Industries, LLC

Pro Se

DOES 1 through 10

Pro Se

Aaron Cue

Pro Se

Mariz Cue

Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

1:00 PM

CONT... Majestic Air, Inc.

Chapter 11

Highbury Asia Inc.	Pro Se
Metro Aerospares	Pro Se
Amplespares Corp.	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Lufthansa Technik Philippines, Inc.	Represented By Dawn M Coulson Scott D Cunningham Andrew C Johnson
Mariz Cue	Pro Se

Movant(s):

Highbury Asia Inc.	Pro Se
Mercy Ministry	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Metro Aerospares	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger
Majestic Air, Inc.	Pro Se
Majestic Air, Inc.	Pro Se
Hiongbo Cue Cue	Pro Se

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

Wednesday, April 7, 2021

Hearing Room 302

1:00 PM

CONT... Majestic Air, Inc. Chapter 11

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

Hiongbo Cue Cue

Pro Se

Majestic Air, Inc.

Represented By
Stella A Havkin

AMC Industries, LLC

Pro Se

Plaintiff(s):

Tessie Cue

Represented By
Stella A Havkin

Majestic Air, Inc.

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Wednesday, April 7, 2021

Hearing Room 302

1:00 PM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#36.00 Status Conference Re: Third Amended Complaint
Objecting to Proof of Claim No. 3; and
for Contractual Indemnification

fr. 3/5/19; 6/11/19; 7/16/19; 8/20/19; 9/24/19,
12/17/19, 12/23/19; 2/11/20; 4/7/20; 6/23/20,
7/7/20, 7/21/20; 9/15/20, 10/27/20; 2/9/21, 3/10/21

Docket 159

***** VACATED *** REASON: Stip. cont. to 5/19/21 @1pm (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Vacated. Continued to May 19, 2021 at 1:00pm.
No appearance required.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Pro Se

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

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, April 7, 2021

Hearing Room 302

1:00 PM

1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#37.00 Status Conference re: Counterclaim by
Lufthansa Technik Philippines, Inc.

fr. 12/22/20; 2/9/21, 3/10/21

Docket 163

***** VACATED *** REASON: Stip. cont. to 5/19/21 @1pm (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Vacated. Continued to May 19, 2021 at 1:00pm.
No appearance required.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Represented By
Dawn M Coulson
Scott D Cunningham
Andrew C Johnson

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger

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

Wednesday, April 7, 2021

Hearing Room 302

1:00 PM

CONT...

Majestic Air, Inc.

Stella A Havkin

Chapter 11

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

Wednesday, April 7, 2021

Hearing Room 302

1:00 PM

1:16-11538 Majestic Air, Inc.

Chapter 11

#38.00 Status and Case Management Conference

fr. 8/4/16(xfr from Judge Tighe's calendar); 8/30/16,
9/27/16; 10/25/16; 11/15/16, 2/21/17, 5/16/17; 6/27/17,
8/29/17, 1/23/18; 6/19/18, 9/18/18; 12/4/18; 2/12/19; 5/7/19
6/11/19; 7/16/19; 8/20/19; 9/24/19, 12/17/19; 12/23/2019;
2/11/20, 4/7/20; 6/23/20; 7/7/20, 7/21/20, 9/15/20, 10/27/20,
12/22/20 (cont'd from GM calendar); 2/9/21, 3/10/21

Docket 1

***** VACATED *** REASON: Vacated. Continued to May 19, 2021 at
1:00pm.
No appearance required.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Vacated. Continued to May 19, 2021 at 1:00pm.
No appearance required.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

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

Thursday, April 8, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613748749>

Meeting ID: 161 374 8749

Password: 920152

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 374 8749

Password: 920152

Docket 0

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

Thursday, April 8, 2021

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#1.00 Case Management Conference

fr. 3/11/20; 5/13/20, 7/17/20, 7/23/20; 10/13/20

Docket 0

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, April 14, 2021

Hearing Room 302

11:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

Adv#: 1:19-01129 Weil v. The Pyramid Center, Inc.

#1.00 Pretrial Conference re: Amended Complaint to Avoid Fraudulent Transfers

fr. 1/15/20, 2/5/20, 3/4/20; 6/10/20, 12/2/20, 2/3/20 ,2/10/21

Docket 9

***** VACATED *** REASON: Cont'd to 6/16/21 at 11:00 per Order #48. If**

Party Information

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Defendant(s):

The Pyramid Center, Inc.

Represented By
Michael H Raichelson

Plaintiff(s):

Diane Weil

Represented By
David Seror
Jorge A Gaitan

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jorge A Gaitan

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

Wednesday, April 14, 2021

Hearing Room 302

11:00 AM

1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01046 Mazakoda, Inc. v. Melamed et al

#2.00 Pre-trial conference re: complaint objecting to discharge pursuant to 11 U.S.C. sec 727(3)(3), 727(a)(4)(A); 727(a)(4)(D). and 727(a)(5)

fr. 6/17/20; 7/8/20; 7/15/20, 8/19/20;

Docket 1

***** VACATED *** REASON: Stip. order cont. to 7/28/21 @11am (eg)**

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Giovanni Orantes

Defendant(s):

Shawn Sharon Melamed

Pro Se

Jenous Tootian

Pro Se

Joint Debtor(s):

Jenous Tootian

Represented By
Giovanni Orantes

Plaintiff(s):

Mazakoda, Inc.

Represented By
Scott E Gizer

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

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

Friday, April 16, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607021801>
Meeting ID: 160 702 1801
Password: 619282

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 702 1801
Password: 619282

Docket 0

Courtroom Deputy:

- NONE LISTED -

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

Friday, April 16, 2021

Hearing Room 302

9:30 AM

1:20-10443 Gilbert J Gonzaga

Chapter 7

Adv#: 1:20-01048 Hagen-Olson v. Gonzaga et al

#1.00 TRIAL - DAY 1
Re: Complaint to determine
dischargeability

fr. 7/1/20, 9/30/20; 12/9/20, 3/10/21

Docket 1

Courtroom Deputy:

The Court resolved the matter at trial. Plaintiff failed to meet burden.
Judgment in favor of Defendant.

Party Information

Debtor(s):

Gilbert J Gonzaga

Represented By
Kevin T Simon

Defendant(s):

Gilbert J Gonzaga

Pro Se

Chona Sangco Chua Gonzaga

Pro Se

GCNJ Global Enterprises, Inc.

Pro Se

GCNJ Enterprises, Inc.

Pro Se

Fantastic Sams Newbury LLP

Pro Se

Joint Debtor(s):

Chona Sangco Chua Gonzaga

Represented By
Kevin T Simon

Plaintiff(s):

Leah Kathleen Hagen-Olson

Represented By
Bret G Anderson

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

Friday, April 16, 2021

Hearing Room 302

9:30 AM

CONT... Gilbert J Gonzaga

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, April 20, 2021

Hearing Room 302

8:30 AM
1:00-00000

Chapter

#0.00 The 8:30 am Reaffirmation Agreement calendar will be conducted remotely, using ZoomGov video and audio. By Judge Barash

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605461706>

Meeting ID: 160 546 1706

Password: 434088

Telephone Conference Lines: **1 (669) 254-5252** or **1 (646) 828-7666**

Meeting ID: 160 546 1706

Password: 434088

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM
CONT...

Chapter

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

1:20-11469 Barry C. Irick

Chapter 7

**#0.01 Pro se Reaffirmation Agreement with
Kinecta Federal Credit Union**

fr. 12/15/20, 1/19/21, 2/16/21; 3/16/21

Docket 11

Tentative Ruling:

This matter was continued from 3/16/21 so that the Reaffirmation Agreement filed on 3/8/21, ECF doc. 16, purporting to treat the same debt obligation, The newly filed reaffirmation agreement is #0.02 on Judge Tighe's reaffirmation calendar for today. This matter, related to ECF doc. 11, appears to be moot, given the filing of doc. 16.

The reaffirmation agreement filed on the docket for this case as ECF doc. 11 is DENIED as MOOT.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Barry C. Irick

Represented By
Nathan A Berneman

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, April 20, 2021

Hearing Room 302

8:30 AM

1:20-11469 Barry C. Irick

Chapter 7

**#0.02 Reaffirmation Agreement with
Kinecta Federal Credit Union**

Docket 16

Tentative Ruling:

Petition date: 8/17/2020

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: "LINE OF CREDIT"

Debtor's valuation of property (Sch. B): not listed on Sch. B

Amount to be reaffirmed: \$1,529.56

APR: 9.990%

Contract terms: \$80.00 per month for indeterminate term. Reaffirmation, Part I, para. G

Monthly Income (Schedule I): \$6,848.50

Monthly expenses: (Schedule J): \$6,827

Disposable income: \$21.50

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 explains that because the bankruptcy has alleviated his debt, he will be better able to manage his monthly budget and continue this payment. Creditor has also agreed that, upon receipt of an order approving this reaffirmation, it will report all payments to credit reporting agencies for Debtor's account.

Debtor has a right to rescind agreement anytime prior to discharge, or until May 8, 2021, whichever is later.

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Barry C. Irick

Chapter 7

Party Information

Debtor(s):

Barry C. Irick

Represented By
Nathan A Berneman

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, April 20, 2021

Hearing Room 302

8:30 AM

1:20-12176 Kelly Contreras and Robert Alfonso Garcia, Jr.

Chapter 7

#0.03 Pro se Reaffirmation Agreement with
American Honda Finance Corporation
(2019 Honda Civic
Vin #2HGFC3A66KH752010)

Docket 18

Tentative Ruling:

Petition date: 12/9/2020

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 Honda Civic (VIN ending 2010)

Debtor's valuation of property (Sch. B): \$0 (LEASE)

Amount to be reaffirmed: \$9,297

APR: 0% (fixed)

Contract terms: \$419.74 per month for 22 months

Monthly Income (Schedule I): \$2,492.50

Monthly expenses: (Schedule J): \$3,491.54

Disposable income: <\$994.04>

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

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Kelly Contreras and Robert Alfonzo Garcia, Jr. Chapter 7

rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explained that she needs a vehicle to work and that she intends to use the earnings from her income to make this payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 25, 2021, whichever is later.

Party Information

Debtor(s):

Kelly Contreras

Represented By
Nathan A Berneman

Joint Debtor(s):

Robert Alfonzo Garcia Jr.

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**

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

1:20-12176 Kelly Contreras and Robert Alfonso Garcia, Jr.

Chapter 7

#0.04 Pro se Reaffirmation Agreement with
American Honda Finance Corporation
(2019 Honda Civic
Vin #2HGFC2F61KH532057)

Docket 19

Tentative Ruling:

Petition date: 12/9/2020

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 Honda Civic (VIN ending 2057)

Debtor's valuation of property (Sch. B): \$0 (LEASE)

Amount to be reaffirmed: \$13,197.36

APR: 0% (fixed)

Contract terms: \$549.89 per month for 24
months

Monthly Income (Schedule I): \$2,492.50

Monthly expenses: (Schedule J): \$3,491.54

Disposable income: <\$994.04>

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, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Kelly Contreras and Robert Alfonzo Garcia, Jr. 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?

Debtor explained that she needs a vehicle to work and that she intends to use the earnings from her income to make this payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 25, 2021, whichever is later.

Party Information

Debtor(s):

Kelly Contreras

Represented By
Nathan A Berneman

Joint Debtor(s):

Robert Alfonzo Garcia Jr.

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**

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

1:20-12237 Jasmine Tara Marie Boyle

Chapter 7

#0.05 Reaffirmation Agreement with Toyota Motor
Credit Corporation

fr. 3/16/21

Docket 9

Tentative Ruling:

CONTINUED FROM 3-16-21

Petition date: 12/18/2020

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 RAV-4

Debtor's valuation of property (Sch. B): \$14,536

Amount to be reaffirmed: \$27,654.18

APR: 8.9% (fixed)

Contract terms: \$545.04 per month for 63 months

Monthly Income (Schedule I): \$1,701.24

Monthly expenses: (Schedule J): \$2,490

Disposable income: <\$788.76>

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, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Jasmine Tara Marie Boyle

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?

Debtor states in Part D that she has experienced an increase in the amount of work she is able to do & she attests that she is able to make this payment. This payment is provided for on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 30, 2021, whichever is later.

Party Information

Debtor(s):

Jasmine Tara Marie Boyle	Pro Se
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Trustee(s):

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

1:21-10118 Nikita Mordasov

Chapter 7

**#0.06 Pro se Reaffirmation Agreement with
Andrews Federal Credit Union**

Docket 9

Tentative Ruling:

Petition date: 1/26/21

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

Discharge?: No

Property: 2015 Ford Escape

Debtor's valuation of property (Sch. B): \$10,000

Amount to be reaffirmed: \$4,284.65

APR: 2.24% (fixed)

Contract terms: \$423.48 per month for 11 months

Monthly Income (Schedule I): \$2,063

Monthly expenses: (Schedule J): \$2,050

Disposable income: \$13.00

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

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

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Nikita Mordasov

Chapter 7

This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until May 10, 2021, whichever is later.

Party Information

Debtor(s):

Nikita Mordasov

Represented By
Gregory M Shanfeld

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, April 20, 2021

Hearing Room 302

8:30 AM

1:21-10268 Linda M. Bergman

Chapter 7

**#0.07 Pro se Reaffirmation Agreement with
Nationstar Mortgage LLC d/b/a Mr. Cooper**

Docket 9

Tentative Ruling:

Petition date: 2/18/21

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: 21355 San Jose St., Chatsworth, CA 91311

Debtor's valuation of property (Sch. B): \$737,000

Amount to be reaffirmed: \$189,008

APR: 3.125% (fixed)

Contract terms: \$3,231.95 per month for 105 months

Monthly Income (Schedule I): \$5,824.65

Monthly expenses: (Schedule J): \$5,750

Disposable income: \$74.65

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?

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Linda M. Bergman

Chapter 7

Debtor provided no statement in support of this reaffirmation. A \$2,700 payment is listed on Sch. J as a "rental or home ownership expenses for your residence" for the first mortgage

Debtor has a right to rescind agreement anytime prior to discharge, or until May 16, 2021, whichever is later.

Party Information

Debtor(s):

Linda M. Bergman

Represented By
R Grace Rodriguez

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, April 20, 2021

Hearing Room 302

8:30 AM

1:21-10301 Shirley Ann Kenninger

Chapter 7

**#0.08 Pro se Reaffirmation Agreement with
Golden 1 Credit Union**

Docket 40

Tentative Ruling:

Petition date: 2/24/21

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

Discharge?: No

Property: 2015 Toyota Camry

Debtor's valuation of property (Sch. B): \$7,500

Amount to be reaffirmed: \$5,631

APR: 4.44% (fixed)

Contract terms: \$177.66 per month for 34 months

Monthly Income (Schedule I): \$3,300

Monthly expenses: (Schedule J): \$3,269

Disposable income: \$31.00

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

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

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

Tuesday, April 20, 2021

Hearing Room 302

8:30 AM

CONT... Shirley Ann Kenninger

Chapter 7

This payment is provided for in Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until June 2, 2021, whichever is later.

Party Information

Debtor(s):

Shirley Ann Kenninger

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, April 20, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607021801>
Meeting ID: 160 702 1801
Password: 619282

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 702 1801
Password: 619282

Docket 0

***** VACATED *** REASON: ***TRIAL VACATED*****

Tentative Ruling:

- NONE LISTED -

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

Tuesday, April 20, 2021

Hearing Room 302

9:30 AM

1:20-10443 Gilbert J Gonzaga

Chapter 7

Adv#: 1:20-01048 Hagen-Olson v. Gonzaga et al

#1.00 TRIAL - DAY 2
Re: Complaint to determine
dischargeability

fr. 7/1/20, 9/30/20; 12/9/20, 3/10/21

Docket 1

***** VACATED *** REASON: Trial resolved on 4/16/21 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert J Gonzaga

Represented By
Kevin T Simon

Defendant(s):

Gilbert J Gonzaga

Pro Se

Chona Sangco Chua Gonzaga

Pro Se

GCNJ Global Enterprises, Inc.

Pro Se

GCNJ Enterprises, Inc.

Pro Se

Fantastic Sams Newbury LLP

Pro Se

Joint Debtor(s):

Chona Sangco Chua Gonzaga

Represented By
Kevin T Simon

Plaintiff(s):

Leah Kathleen Hagen-Olson

Represented By
Bret G Anderson

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

Tuesday, April 20, 2021

Hearing Room 302

9:30 AM

CONT... Gilbert J Gonzaga

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, April 21, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1619976903>
Meeting ID: 161 997 6903
Password: 7285137

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 997 6903
Password: 7285137

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, April 21, 2021

Hearing Room 302

9:30 AM

1:16-12373 Candice Hedrick

Chapter 13

#1.00 Motion for relief from stay

COMMUNITY LOAN SERVICING, LLC, fka
BAYVIEW LOAN SERVICING, LLC

fr. 2/10/21

Docket 35

***** VACATED *** REASON: Vacated Pursuant to Stipulation. Continued
to June 16 at 9:30am.**

Tentative Ruling:

Vacated Pursuant to Stipulation. Continued to June 16 at 9:30am.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Candice Hedrick

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 21, 2021

Hearing Room 302

9:30 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

#2.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

fr. 3/31/21

Docket 79

Tentative Ruling:

This hearing was continued from 3-31-21 so that Debtor could incorporate the arrears into his plan. Nothing has been filed regarding this Motion since the previous hearing. What is the status of this motion?

APPEARANCE REQUIRED

3-31-21 TENTATIVE BELOW

Petition Date: 10/30/2018

Ch. 13 plan confirmed: 6/5/2019

Service: Proper. No opposition filed.

Property: 2010 Toyota Tundra

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

Amount Owed: \$

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$4,675 (approx. 14 payments of \$338.75)

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

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

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

Wednesday, April 21, 2021

Hearing Room 302

9:30 AM

CONT... Rolando Drilon Quimson

Chapter 13

Debtor(s):

Rolando Drilon Quimson

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, April 21, 2021

Hearing Room 302

9:30 AM

1:19-11045 John S. Singler

Chapter 13

#3.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST
COMPANY

fr. 3/17/21

Docket 52

***** VACATED *** REASON: Vacated pursuant to APO.**

Tentative Ruling:

VACATED PURSUANT TO APO.

No Appearance Required.

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Movant(s):

Deutsche Bank National Trust

Represented By
Nancy L Lee
Jennifer C Wong

Trustee(s):

Elizabeth (SV) F 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 21, 2021

Hearing Room 302

10:00 AM

1:18-10018 Betty D Frey

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 111

Tentative Ruling:

Petition Date: 1/4/2018

Ch. 13 Plan confirmed: 11/27/2018

Service: Proper. Opposition filed.

Property: 18245 San Jose St., Northridge, CA 91326

Property Value: \$900,000 (per debtor's schedules)

Amount Owed: \$1,140,657

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: 115,476

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 believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment received on 7/31/2020.

Debtor filed an Opposition, requesting to enter into an APO for any delinquency. Are parties open to entering into an APO?

Appearance Required

Party Information

Debtor(s):

Betty D Frey

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, April 21, 2021

Hearing Room 302

10:00 AM

CONT... Betty D Frey

Chapter 13

Movant(s):

Deutsche Bank National Trust

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, April 21, 2021

Hearing Room 302

10:00 AM

1:18-11327 Mary Culp

Chapter 13

#5.00 Motion for relief from stay

CALIBER HOME LOANS, INC.

Docket 48

Tentative Ruling:

Petition Date: 5/23/2018
Ch. 13 Plan Confirmed: 1/3/2019
Service: Proper. Opposition filed.
Property: 16414 W. Nicklaus Dr., Sylmar, CA 91342
Property Value: \$561,972 (per Debtor's Mtn. to Continue Stay)
Amount Owed: \$331,291
Equity Cushion: 60.0% (Movant holds 1st position lien)
Equity: \$0.00 (property encumbered by junior liens)
Post-confirmation Delinquency: \$26,561.61 (11 payments of \$2,416.61, less
suspense balance of \$20.86)

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 believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment of \$2,416.61 was received on 4/20/2020.

Debtor opposes the Motion, explaining that she fell behind with the mortgage payments due to financial hardship caused by COVID-19. Debtor states that her counsel reached out to Movant to negotiate an APO and/or a forbearance that would add the delinquency to the principal. Have the parties had an opportunity to discuss a consensual resolution?

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 21, 2021

Hearing Room 302

10:00 AM

CONT... Mary Culp

Chapter 13

Debtor(s):

Mary Culp

Represented By
Michael Jay Berger

Movant(s):

Caliber Home Loans, Inc.

Represented By
Darlene C Vigil
Andrea L Betts
Christina J Khil

Trustee(s):

Elizabeth (SV) F 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 21, 2021

Hearing Room 302

10:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

#6.00 Motion for relief from stay

LAKEVIEW LOAN SERVICING, LLC

Docket 70

Tentative Ruling:

Petition Date: 10/30/2019

Ch: 7

Service: Proper. Opposition filed.

Property: 5641 Lake Lindero Dr., Agoura Hills, CA 91301

Property Value: \$778,000 (per Movant's reference to Debtor's schedules);
\$875,000 (per Debtor's evidence ISO Opposition)

Amount Owed: \$596,202.43

Equity Cushion: Movant's position 23.3% Debtor's position: 31.8%

Equity: Movant's position \$119,557 Debtor's position: \$278,797.57

Delinquency: \$71,851.61 (20 payments of \$3,544.34)

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 believes cause exists for lifting the stay because the Debtor has missed several payments in this chapter 7 case. Movant asserts that the last payment of \$3,544.34 was received on 7/15/2019.

Debtor opposes the Motion, arguing that the value of the Property is \$875,000 per a declaration of a broker filed in support of the Opposition, and that Movant's deduction of the cost of sale from the equity cushion calculation is improper. According to Debtor's value and calculation, the equity cushion of 31.8% is sufficient to protect Movant's claim, under Ninth Circuit law.

The parties differ on the value of the Property and whether 8% cost of sale is appropriately included in the equity cushion calculation. Even using Movant's calculation of 23.3%, the equity cushion available to Movant is sufficient to protect its claim. "Although the existence of a junior lien may be relevant in

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

Wednesday, April 21, 2021

Hearing Room 302

10:00 AM

CONT... Reynaldo Rene Vizcarra Chapter 7

determining 'equity' under § 362(d)(2), it cannot be considered in determining whether the interest of a senior lienholder is adequately protected." In re Mellor, 734 F.2d 1396, 1400-01 (9th Cir. 1984).

Debtor does not dispute that he is delinquent on his mortgage payments. Have the parties discussed whether an adequate protection order is appropriate here?

Appearance Required

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Joseph C Delmotte
Christina J Khil

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 21, 2021

Hearing Room 302

10:00 AM

1:19-12945 Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

#7.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING

Docket 34

Tentative Ruling:

Petition Date: 11/22/2019
Ch. 13 plan confirmed: 2/13/2020
Service: Proper. No opposition filed.
Property: 7504 Shoup Ave.
Property Value: \$587,959 (per debtor's schedules)
Amount Owed: \$365,573
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$18,131.54 (6 payments of \$2,253.25; 2 payments of \$2,306.02)

Movant requests relief under 11 U.S.C. 362(d)(1) 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). There appears to be sufficient equity to protect Movant's claim. Have the parties had an opportunity to discuss whether an APO is appropriate here?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Roderick Panopio

Represented By
Susan Jill Wolf

Joint Debtor(s):

Cecilia Veneracion Panopio

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, April 21, 2021

Hearing Room 302

10:00 AM

CONT... Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

Movant(s):

Select Portfolio Servicing Inc., as

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, April 21, 2021

Hearing Room 302

10:00 AM

1:20-12142 Khachatur Manucharyan

Chapter 7

#8.00 Motion for relief from stay

YAMAHA MOTOR FINANCE CORP.

Docket 26

Tentative Ruling:

Petition Date: 12/03/2020

Ch: 7

Service: Proper. No opposition filed.

Property: 2018 Yamaha Kodiak 450

Property Value: \$5,040 (per Movant's evidence; not listed on Schedules)

Amount Owed: \$8,643

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$6,775 (36 payments of \$176)

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):

Khachatur Manucharyan

Represented By
Anita Khachikyan

Movant(s):

Yamaha Motor Finance Corp.

Represented By
Karel G Rocha

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

Wednesday, April 21, 2021

Hearing Room 302

10:00 AM

CONT... Khachatur Manucharyan

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 21, 2021

Hearing Room 302

10:30 AM

1:19-10359 Brian Wesley Aherne and Cheryl Marie Aherne

Chapter 7

#9.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Amy L. Goldman

Attorney for Trustee:
Lewis Brisbois Bisgaard & Smith LLP

Accountant for Trustee:
Karl Anderson

Docket 68

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 4/21/2021.

Party Information

Debtor(s):

Brian Wesley Aherne

Represented By
Steven A Simons

Joint Debtor(s):

Cheryl Marie Aherne

Represented By
Steven A Simons

Trustee(s):

Amy L Goldman (TR)

Represented By
Lovee D Sarenas
Maria L Garcia

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

Wednesday, April 21, 2021

Hearing Room 302

10:30 AM

1:20-11567 Hrachya Ternkalyan and Shushanik Lily Ternakalyan

Chapter 7

#10.00 Motion Objecting to Debtors' Claimed
Homestead Exemption and Order
Compelling Turnover of Property of the
Estate

fr. 3/31/21

Docket 72

***** VACATED *** REASON: Continued to 5/5/21 at 10:30 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hrachya Ternkalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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

Wednesday, April 21, 2021

Hearing Room 302

10:30 AM

1:20-11969 Laura Primiano

Chapter 7

#11.00 Order to Show Cause Why Daniel Gamez should not be Held in Civil Contempt and Sanctioned for Failing to Comply with a Court Order.

Docket 23

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Laura Primiano

Represented By
Daniel Gamez

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 21, 2021

Hearing Room 302

11:00 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#12.00 Post-confirmation Status Conference
Confirmed: 8/14/18
Continued from 12/9/2020

Docket 1

Tentative Ruling:

Based on the status report, no appearance on April 21, 2021 is required. The request to close the case will be granted, Debtor should submit the appropriate motion and order.

The status conference will be continued to June 30, 2021 at 10:30 am so that this can be accomplished. Debtor to give notice of continued status conference.

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, April 21, 2021

Hearing Room 302

11:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:20-01008 Weil v. Kim et al

#13.00 Status Conference Re: Complaint
for Avoidance and Recovery of
Fraudulent Transfer.

fr. 4/1/20, 10/7/20, 1/13/21

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): July 31, 2021

Pretrial conference: September 1, 2021, at 11:00 a.m.

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : August 18, 2021

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

Meet and Confer

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

Discovery Motion Practice:

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

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

Wednesday, April 21, 2021

Hearing Room 302

11:00 AM

CONT... Harold H Choe

Chapter 7

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):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

John Kim

Pro Se

Lucy Kim

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, April 21, 2021

Hearing Room 302

11:00 AM

1:18-10313 Harold H Choe

Chapter 7

Adv#: 1:20-01009 Weil v. Kim et al

#14.00 Status Conference Re: Complaint
for Avoidance and Recovery of Fraudulent
Transfer

fr. 4/1/20, 10/7/20, 1/13/20

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): July 31, 2021

Pretrial conference: September 1, 2021, at 11:00 a.m.

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : August 18, 2021

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

Meet and Confer

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

Discovery Motion Practice:

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, April 21, 2021

Hearing Room 302

11:00 AM

CONT... **Harold H Choe**

Chapter 7

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):

Harold H Choe

Represented By
Young K Chang

Defendant(s):

Brian Kim

Pro Se

Emily Kim

Pro Se

Brian's Shave Ice Two, Inc.

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, April 21, 2021

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #14.01** Pre-trial 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; 12/11/19, 9/30/20,
1/27/21, 4/7/21

Docket 1

Tentative Ruling:

Continued from April 7, 2021, to discuss witness arrangements, exhibit submission and whether trial proceeds May 13/14 or whether any party should proceed on June 8 & 10 in person due to witness challenges

APPEARANCE REQUIRED

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 21, 2021

Hearing Room 302

11:00 AM

CONT... Nazaret Kechejian Chapter 13

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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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 21, 2021

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC v. CALPAC MANAGEMENT, INC., a California corporation

- #15.00** Status Conference Re: First Amended Complaint
for:
1 - Violation of 18 U.S.C. Sec. 1962(C);
2 - Violation of 18 U.S.C. Sec. 1962(D)
by Conspiracy;
3 - Fraud - Intentional Misrepresentation;
4 - Fraud - Concealment
5 - Negligent Misrepresentation;
6 - Violation of Cal. Bus. & Prof.
Code Sections 17200, ET. Seq.;
7 - For Disallowance of Claim;
8 - Declaratory Relief/Injunction

Docket 3

Tentative Ruling:

Based on the Stipulation filed by the parties on April 16, 2021, this status conference is continued to July 1, 2021 at 11:00 a.m.

No appearance required on April 21, 2021

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a	Pro Se
MED EQUITY LLC, a California	Pro Se
JOSHUA RAYMOND KUKINI, an	Pro Se
RYAN JUSTIN YOUNG, an	Pro Se

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

Wednesday, April 21, 2021

Hearing Room 302

11:00 AM

CONT... PB-1, LLC
FCI Lender Services, Inc., a

Pro Se

Chapter 11

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Wednesday, April 21, 2021

Hearing Room 302

11:00 AM

1:19-11935 Maria Estela San Vicente

Chapter 11

#16.00 Post Confirmation Hearing

fr. 11/6/19; 6/24/20, 10/28/20, 12/16/20; 12/18/20

Docket 31

Tentative Ruling:

Appearance Required

Party Information

Debtor(s):

Maria Estela San Vicente

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, April 21, 2021

Hearing Room 302

1:00 PM

1:20-11983 Vahid Naziri

Chapter 7

Adv#: 1:21-01011 Talaie v. Naziri

#17.00 Motion to Dismiss Adversary Proceeding

Docket 3

Tentative Ruling:

Mohammad Talaie ("Plaintiff") was business partners with Vahid Naziri ("Defendant") in a business known as Taha International Food ("Taha"). Plaintiff filed for an involuntary dissolution of the partnership in the Los Angeles Superior Court. On July 28, 2017, the State Court issued a preliminary injunction giving the Plaintiff control of Taha. The next day the Defendant went to the place of business and allegedly committed an assault and battery against the Plaintiff.

On November 4, 2020, the Defendant filed a bankruptcy petition. On February 9, 2021, the Plaintiff commenced this adversary proceeding seeking to determine the debt arising from the battery and assault is non-dischargeable under Section 523(a)(6).

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

In resolving a Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001).

"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

**United States Bankruptcy Court
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Wednesday, April 21, 2021

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1:00 PM

CONT... **Vahid Naziri**

Chapter 7

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. Id. at 679.

If the running of the statute of limitations of a claim in the complaint is clear, then the issue may be raised by a motion to dismiss or on summary judgment. Jablon v. Dean Witter & Co., 614 F.2d 677, 682 (9th Cir. 1980); see also Graham v. Taubman, 610 F.2d 821 (9th Cir. 1979).

Here, the Defendant's entire motion is based on the notion that the Plaintiff is time barred from pursuing an action based on battery and assault. See CCP § 335.1 ("Within two years: An action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another."). More than two years has passed since the alleged assault and battery took place; therefore, the Defendant argues the Plaintiff is barred from pursuing these causes of actions.

The Plaintiff opposes this motion on the grounds that he is not barred by the statute of limitations because he commenced a cause of action for assault and battery in the state court on September 8, 2017. Plaintiff's Exhibit 1 in Opposition. According to the Plaintiff, trial in that action should have occurred in early April 2021. As a matter of law, that action tolled any statute of limitations.

Having reviewed the complaint, the Court finds that the Plaintiff has satisfied the burden of pleading sufficient facts to support a claim of the debt being non-dischargeable under Section 523(a)(6). The Defendant's assertion that the Plaintiff is barred by the statute of limitations is incorrect on both the law and the facts. The Plaintiff commenced a state court case for assault and battery well within the time limitation provided for in CCP § 335.1. The trial in that case appears to be imminent. Further, the Plaintiff commenced this adversary proceeding within the deadline for

**United States Bankruptcy Court
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San Fernando Valley
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Wednesday, April 21, 2021

Hearing Room 302

1:00 PM

CONT...

Vahid Naziri

Chapter 7

opposing the discharge of a debt. It is questionable how the Defendant in good faith could argue that the Plaintiff missed the statute of limitations. Despite an imminent trial in the state court, the Defendant's motion to dismiss fails to mention this critical fact. The motion shows a lack of candor to the Court.

The Court DENIES the MOTION.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Vahid Naziri

Represented By
Levi Reuben Uku

Defendant(s):

Vahid Naziri

Represented By
Levi Reuben Uku

Plaintiff(s):

Mohammad Talaie

Represented By
Nicholas S Nassif

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 21, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:21-01009 Nancy J. Zamora, Chapter 7 Trustee v. Aspiazu

#18.00 Motion to Dismiss Adversary Proceeding

fr. 3/31/21

Docket 4

Tentative Ruling:

In a status report filed on 3/24/21 indicated that parties have reached a settlement agreement and that the Plaintiff is preparing a settlement agreement. As of this date no 9019 motion has been filed. What is the status of this case?

Apperance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Pablo Aspiazu Represented By
Robert G Uriarte

Plaintiff(s):

Nancy J. Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, April 21, 2021

Hearing Room 302

1:00 PM

CONT... Green Nation Direct, Corporation

Chapter 7

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

Tuesday, April 27, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610594082>

Meeting ID: 161 059 4082

Password: 8901599

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 059 4082

Password: 8901599

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:14-12567 Terry Byrd Pitt

Chapter 13

#16.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19, 2/25/20, 4/28/20; 8/25/20,
10/27/20, 2/23/21; 3/16/21

Docket 34

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #46. If**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:14-15223 Saul O Aviles

Chapter 13

#17.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 12/17/19, 4/28/20; 8/25/20; 12/15/20

Docket 65

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

fr. 6/23/20, 9/22/20; 12/15/20, 2/23/21; 3/16/21

Docket 163

***** VACATED *** REASON: Voluntarily dismissed by Trustee (doc. 183) -
hm**

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, April 27, 2021

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

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

Docket 139

***** VACATED *** REASON: cont. 5/25/21 @11am**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:15-12045 Raul P Pavia

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

fr. 10/27/20; 12/15/20, 2/23/21

Docket 64

***** VACATED *** REASON: Ntc. of w/drawal filed 3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul P Pavia

Represented By
Eliza Ghanooni

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, April 27, 2021

Hearing Room 302

11:00 AM

1:15-12349 Marjan Bahman

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

fr. 12/15/20; 3/16/21

Docket 81

***** VACATED *** REASON: Ntc. of w/drawal filed 3/29/21**

Tentative Ruling:

- NONE LISTED -

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
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Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:16-10063 Amado Zepeda

Chapter 13

#22.00 Trustee's Motion to Dismiss Case due to Expiration of the Plan

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amado Zepeda

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
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Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#23.00 Trustee's Motion to Dismiss Case Trustee's
Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit
all Tax Refunds

fr. 2/23/21; 3/16/21

Docket 64

***** VACATED *** REASON: Ntc. of w/drawal filed 4/7/21**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21; 1/26/21; 3/16/21

Docket 141

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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 27, 2021

Hearing Room 302

11:00 AM

1:16-11417 Farshid Tebyani

Chapter 13

#25.00 Trustee's Motion to Dismiss Case .

fr. 10/27/20; 1/26/21; 3/16/21

Docket 90

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #112. If**

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 27, 2021

Hearing Room 302

11:00 AM

1:16-11945 Misak Sionovich Melikyan and Ruzanna Boyadshyan

Chapter 13

#26.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan Failure to Submit all Tax Refunds

fr. 12/15/20, 2/23/21

Docket 69

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #77. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misak Sionovich Melikyan

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Ruzanna Boyadshyan Melikyan

Represented By
Sanaz Sarah 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, April 27, 2021

Hearing Room 302

11:00 AM

1:16-12160 Hernan Alberto Orantes and Maria Del Rocio Sanchez

Chapter 13

#27.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

Docket 95

***** VACATED *** REASON: cont. 5/25/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hernan Alberto Orantes

Represented By
Eric Bensamochan

Joint Debtor(s):

Maria Del Rocio Sanchez

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

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

Docket 145

***** VACATED *** REASON: cont. 5/25/21 @11am**

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, April 27, 2021

Hearing Room 302

11:00 AM

1:16-13236 Francisco Montes and Elizabeth F Montes

Chapter 13

**#29.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 2/23/21

Docket 100

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #104. If**

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, April 27, 2021

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

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

Docket 142

***** VACATED *** REASON: Ntc. of w/drawal filed 4/7/21**

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, April 27, 2021

Hearing Room 302

11:00 AM

1:16-13379 Francisco Rodriguez

Chapter 13

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

Docket 48

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

#32.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 12/17/19, 2/25/20, 4/28/20; 8/25/20, 9/22/20, 10/27/20; 12/15/20; 1/26/21; 3/16/21

Docket 36

***** VACATED *** REASON: w/drawn 4/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

**#33.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21, 2/23/21; 3/16/21

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

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

fr. 12/17/19, 2/25/20,4/28/20, 7/21/20, 9/22/20, 10/27/20; 11/17/20
1/26/21

Docket 145

***** VACATED *** REASON: cont. 6/22/21 @11am**

Tentative Ruling:

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

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 27, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

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

fr.9/22/20; 11/17/20; 1/26/21, 2/23/21

Docket 46

***** VACATED *** REASON: cont. 5/25/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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 27, 2021

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

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

fr. 2/23/21

Docket 100

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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

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

Docket 92

***** VACATED *** REASON: cont. 6/22/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro 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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Movant(s):

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 27, 2021

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

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

fr. 7/30/19, 9/24/19, 11/19/19, 12/17/19,
2/25/20, 4/28/20, 7/21/20, 10/27/20; 1/26/21

Docket 50

***** VACATED *** REASON: cont. 6/22/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele	Pro Se
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Movant(s):

Elizabeth (SV) F Rojas (TR)	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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 11/19/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20, 2/23/21

Docket 85

***** VACATED *** REASON: cont. 6/22/21 @11am**

Tentative Ruling:

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, April 27, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 12/17/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20, 2/23/21

Docket 89

***** VACATED *** REASON: cont. 6/22/21 @11am**

Tentative Ruling:

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, April 27, 2021

Hearing Room 302

11:00 AM

1:18-10533 Marvin Eleid

Chapter 13

#42.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20; 6/23/20;
8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21

Docket 45

Tentative Ruling:

Party Information

Debtor(s):

Marvin Eleid

Represented By
Steven Abraham Wolvek

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 27, 2021

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

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

fr. 11/17/20; 1/26/21, 2/23/21; 3/16/21

Docket 86

***** VACATED *** REASON: Ntc. of w/drawal filed 4/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Gevorkian

Represented By
Robert T Chen

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 27, 2021

Hearing Room 302

11:00 AM

1:18-10979 Irina G Dzhalalyants

Chapter 13

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

fr. 10/27/20; 12/15/20, 2/23/21

Docket 45

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #56. If**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:18-11112 Mario Mauricio Gil and Edelina Chavez Cuayzon

Chapter 13

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

fr. 12/15/20, 2/23/21; 3/16/21

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Mauricio Gil

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Edelina Chavez Cuayzon

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, April 27, 2021

Hearing Room 302

11:00 AM

1:18-12231 Manouchehr Kouchakali

Chapter 13

#46.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr. 2/23/21

Docket 85

***** VACATED *** REASON: Trustee file a w/drawal - Doc. #100. If**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:18-12549 Moshe Cohen

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21; 3/16/21

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D. Resnik

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 27, 2021

Hearing Room 302

11:00 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

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

fr. 2/23/21; 3/16/21

Docket 76

***** VACATED *** REASON: Ntc. of w/drawal filed 4/7/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rolando Drilon Quimson

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:18-12909 Jennifer Martin

Chapter 13

#49.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr. 2/23/21

Docket 53

*** VACATED *** REASON: Ntc. of w/drawal filed 4/7/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Martin

Represented By
Phillip Myer - SUSPENDED -

Trustee(s):

Elizabeth (SV) F 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 27, 2021

Hearing Room 302

11:00 AM

1:18-12941 Christie F Omnes

Chapter 13

#50.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Refunds

fr. 2/23/21

Docket 40

***** VACATED *** REASON: Ntc. of w/drawal filed 4/12/21**

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-10003 Edwin E. Vidanez

Chapter 13

#51.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit
all Tax Returns

fr. 2/23/21; 3/16/21

Docket 38

***** VACATED *** REASON: Ntc. of w/drawal filed 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin E. Vidanez

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 27, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 10/27/20; 12/15/20, 2/23/21

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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 27, 2021

Hearing Room 302

11:00 AM

1:19-10664 Bridget G Moran Smith

Chapter 13

#53.00 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; 12/17/19, 2/25/20, 4/28/20; 6/23/20; ,8/25/20, 10/27/20; 1/26/21, 2/23/21

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bridget G Moran Smith

Represented By
Kevin T Simon

Movant(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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-10781 Daniel Correa

Chapter 13

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

fr. 3/31/20, 4/28/20; 6/23/20, 9/22/20; 11/17/20; 1/26/21,
2/23/21

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Correa

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:19-10784 David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 13

#55.00 Motion to Dismiss Case for Failure to Make
Plan Payments F Rojas

fr. 1/26/21; 3/16/21

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Thomas Djolakian

Represented By
Elena Steers

Joint Debtor(s):

Olivia Lucille Djolakian

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

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

fr. 10/27/20; 11/17/20, 2/23/21

Docket 66

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:19-11885 Joanne Sherry Block and Paul Henry Block

Chapter 13

**#57.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 2/23/21

Docket 36

***** VACATED *** REASON: cont. 5/25/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Sherry Block

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Paul Henry Block

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20, 2/23/21; 3/16/21

Docket 41

Tentative Ruling:

- NONE LISTED -

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21; 3/16/21

Docket 32

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:19-12311 Manuel Medina

Chapter 13

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

fr. 2/23/21

Docket 47

***** VACATED *** REASON: Moot case dismissed**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Medina

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 27, 2021

Hearing Room 302

11:00 AM

1:19-12586 Digna Soriano Gallagher

Chapter 13

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

fr. 12/15/20, 2/23/21

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Digna Soriano Gallagher

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-12880 Danielle Mignon Watson

Chapter 13

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

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danielle Mignon Watson

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#63.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr.2/23/21; 3/16/21

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

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 27, 2021

Hearing Room 302

11:00 AM

1:19-13004 Galina Tovmasian

Chapter 13

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

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Galina Tovmasian

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-13021 Peter Clayton Purcell

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21; 3/16/21

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Clayton Purcell

Represented By
David S Hagen

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 27, 2021

Hearing Room 302

11:00 AM

1:19-13061 Madeleine De Bois

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21; 3/16/21

Docket 24

***** VACATED *** REASON: Ntc. of w/drawal filed 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Madeleine De Bois

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, April 27, 2021

Hearing Room 302

11:00 AM

1:19-13135 Nicole Tanice Shepherd

Chapter 13

**#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21; 3/16/21

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

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 27, 2021

Hearing Room 302

11:00 AM

1:20-10457 Lidia Ovando Aguila

Chapter 13

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

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lidia Ovando Aguila

Represented By
Dana M Douglas

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

1:21-10173 Heather Dawn Bottorff

Chapter 13

#69.00 Motion RE: Objection to Claim Number 1 by Claimant American Express National Bank.

Docket 25

Tentative Ruling:

Debtor objects to the \$1,791.67 claim filed by American Express National Bank("Claimant"). On February 12, 2021, Claimant filed a proof of claim 1 (the "PoC"), indicating that the obligation on which the claim is premised is a credit card obligation and the "last payment date" was October 2012. Objection to Claim, Ex. 1. On February 2, 2021, Debtor filed this chapter 13 case and does not dispute Claimant's assertion of the last payment date. Debtor contends that because no payments have been made on this account since 2012, this obligation is beyond the four-year statute of limitations under CCP 337.

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].

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

Per In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... **Heather Dawn Bottorff**

Chapter 13

claim and its documentation. In re Heath, 331 B.R. at 435, 437-38. Section 502 deems a claim allowed and directs that the bankruptcy court “shall” allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., id., 331 B.R. at 437-38. “If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it.” Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, “creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection.” In re Heath, 331 B.R. at 436. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

“The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated.” 11 U.S.C. §502(b).

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).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, Collier on Bankruptcy § 502.02, at 502–22 (15th ed. 1991).

Service proper per address provided on Proof of Claim no. 1. No response filed.

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... Heather Dawn Bottorff

Chapter 13

Objection SUSTAINED; Claim no. 1 is disallowed .

APPEARANCE WAIVED ON 4/27/21.
DEBTOR TO LODGE ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Heather Dawn Bottorff

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, April 27, 2021

Hearing Room 302

11:00 AM

1:21-10173 Heather Dawn Bottorff

Chapter 13

#70.00 Motion RE: Objection to Claim Number 2 by Claimant Jefferson Capital Systems, LLC.

Docket 26

Tentative Ruling:

Debtor objects to the \$1,581.90 claim filed by Jefferson Capital Systems, LLC ("Claimant"). On February 18, 2021, Claimant filed a proof of claim 2 (the "PoC"), indicating that the obligation on which the claim is premised is a credit card obligation and the "last payment date" was January 4, 2013. Objection to Claim, Ex. 1. On February 2, 2021, Debtor filed this chapter 13 case and does not dispute Claimant's assertion of the last payment date. Debtor contends that because no payments have been made on this account since 2013, this obligation is beyond the four-year statute of limitations under CCP 337.

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].

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

Per In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... **Heather Dawn Bottorff**

Chapter 13

claim and its documentation. In re Heath, 331 B.R. at 435, 437-38. Section 502 deems a claim allowed and directs that the bankruptcy court “shall” allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., id., 331 B.R. at 437-38. “If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it.” Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, “creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection.” In re Heath, 331 B.R. at 436. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

“The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated.” 11 U.S.C. §502(b).

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).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, Collier on Bankruptcy § 502.02, at 502–22 (15th ed. 1991).

Service proper per address provided on Proof of Claim no. 2. No response filed.

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... Heather Dawn Bottorff

Chapter 13

Objection SUSTAINED; Claim no. 2 is disallowed .

APPEARANCE WAIVED ON 4/27/21.
DEBTOR TO LODGE ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Heather Dawn Bottorff

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, April 27, 2021

Hearing Room 302

11:00 AM

1:21-10173 Heather Dawn Bottorff

Chapter 13

#71.00 Motion RE: Objection to Claim Number 4 by Claimant American Express National Bank.

Docket 27

Tentative Ruling:

Debtor objects to the \$1,869.28 claim filed by American Express National Bank ("Claimant"). On February 19, 2021, Claimant filed a proof of claim 4 (the "PoC"), indicating that the obligation on which the claim is premised is a credit card obligation and the "last payment date" was November 2012. Objection to Claim, Ex. 1. On February 2, 2021, Debtor filed this chapter 13 case and does not dispute Claimant's assertion of the last payment date. Debtor contends that because no payments have been made on this account since 2012, this obligation is beyond the four-year statute of limitations under CCP 337.

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].

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

Per In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... Heather Dawn Bottorff

Chapter 13

claim and its documentation. In re Heath, 331 B.R. at 435, 437-38. Section 502 deems a claim allowed and directs that the bankruptcy court “shall” allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., id., 331 B.R. at 437-38. “If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it.” Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, “creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection.” In re Heath, 331 B.R. at 436. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

“The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated.” 11 U.S.C. §502(b).

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).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, Collier on Bankruptcy § 502.02, at 502–22 (15th ed. 1991).

Service proper per address provided on Proof of Claim no. 4. No response filed.

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

Tuesday, April 27, 2021

Hearing Room 302

11:00 AM

CONT... Heather Dawn Bottorff

Chapter 13

Objection SUSTAINED; Claim no. 4 is disallowed .

APPEARANCE WAIVED ON 4/27/21.
DEBTOR TO LODGE ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Heather Dawn Bottorff

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, April 27, 2021

Hearing Room 302

11:00 AM

1:21-10556 Norvard Tavadjian

Chapter 13

#72.00 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 12

Tentative Ruling:

On March 31, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-10556-MT, was a chapter 13 that was filed on 6/10/2020 and dismissed on 12/24/2020 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 for because, at the time of dismissal, he did not have the funds for the proposed step up plan. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, the amount of the homestead exemption permitted under California law increased, so now he does not have to propose a step up plan because of nonexempt equity. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence, and source of income.

Service proper. No opposition filed.

MOTION GRANTED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED as Motion was served on regular notice.

Party Information

Debtor(s):

Norvard Tavadjian

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, April 27, 2021

Hearing Room 302

11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

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

Docket 80

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**

Wednesday, April 28, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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Video/audio web address: <https://cacb.zoomgov.com/j/1608967054>
Meeting ID: 160 896 7054
Password: 7778114

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 896 7054
Password: 7778114

Docket 0

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

Wednesday, April 28, 2021

Hearing Room 302

9:30 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#1.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20, 2/24/21

Docket 51

***** VACATED *** REASON: Cont'd to 5/5/21 at 9:30 a.m. per order #57.
If**

Party Information

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Movant(s):

Wilmington Trust, National

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, April 28, 2021

Hearing Room 302

11:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

- #2.00** 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, 12/11/19, 4/1/20, 6/24/20; 10/7/20; 12/9/20, 2/24/21

Docket 47

***** VACATED *** REASON: Cont'd to 5/5/21 at 11:00 a.m. per order #125. lf**

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Defendant(s):

WELLS FARGO BANK

Represented By
Bernard J Kornberg

DIAMOND TRADING COMPANY

Represented By
Daniel J McCarthy

DIAMOND TRADING COMPANY

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, April 28, 2021

Hearing Room 302

11:00 AM

CONT... R.J. Financial, Inc.
ROMANO'S JEWELERS

Chapter 7

Represented By
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By
Daniel J McCarthy

MBNM FINANCIAL, INC

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

OPEN BANK

Represented By
John H Choi
Tony K Kim

Plaintiff(s):

David Seror

Represented By
Rosendo Gonzalez

Trustee(s):

David Seror (TR)

Represented By
Robyn B Sokol
Michael W Davis
Travis M Daniels
Rosendo Gonzalez

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

Wednesday, April 28, 2021

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11:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

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

Wednesday, April 28, 2021

Hearing Room 302

11:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

- #3.00** Status Conference Re: Complaint for
Quiet Title
1 - To Determine the Extent and Validity of
Liens on Real Property;
2 - Quiet Title - Fraud
3 - Fraud
4 - Violation of Home Equity Sales Contract
Act California Civil Code, Sec. 1695
5 - Breach of Contract
6 - Negligence
7 - Declaratory Relief

[Re Property located at:
19237 Charles St.
Tarzana, CA 91356]

Docket 1

***** VACATED *** REASON: Cont'd to 5/5/21 at 11:00 a.m. per order #3.
If**

Party Information

Debtor(s):

Svetlana Buzina	Pro Se
-----------------	--------

Defendant(s):

Cardenas Three LLC, a California	Pro Se
Franklin Advantage, Inc.	Pro Se
Charles Street Investments, Inc.	Pro Se
Charles Street Investment, LLC.	Pro Se
Inaam Rasheed Naem, an	Pro Se

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

Wednesday, April 28, 2021

Hearing Room 302

11:00 AM

CONT... Svetlana Buzina

Chapter 13

Plaintiff(s):

Svetlana Buzina

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) 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, April 29, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609564310>

Meeting ID: 160 956 4310

Password: 674462

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 956 4310

Password: 674462

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, April 29, 2021

Hearing Room 302

10:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#1.00 Motion of Smart Capital Investments
for Reconsideration of Fee Order
pursuant to FRBP rule 9024, or in
the Alternative, Granting Stay Pending Appeal

Docket 300

Tentative Ruling:

On July 17, 2009, Hawkeye Entertainment, LLC (the "Debtor") entered into a lease agreement ("Lease Agreement") with Pax America Development, LLC ("PAX"). The Property is now owned by Smart Capital, LLC ("Landlord" or "Smart Capital"). There have been ongoing disputes between Smart Capital and Debtor for years. This culminated in Smart Capital's service of a Notice of Default and Three-Day Notice on Debtor. The Debtor responded by filing this chapter 11 case followed by a motion to assume the Lease Agreement and Sublease, to deem the Debtor and W.E.R.M. Investment, LLC ("W.E.R.M." or "Sublessor") not to be in breach or default and authorizing the Debtor to enter into a revised sublease with W.E.R.M. (Docket #21) ("Assumption Motion"). The Landlord opposed the Assumption Motion, alleging defaults under the Lease Agreement, an inability to provide adequate assurance of future performance and seeking denial of any modification of the sublease. After a lengthy period of discovery, the Court conducted a trial, found that the Debtor was not in default of the Lease, and granted the Assumption Motion.

The Debtor filed a motion requesting attorney fees and costs ("Attorney's Fee Motion") on November 6, 2020, and Landlord opposed. The Court conducted an initial hearing on the Attorney's Fee Motion on December 2, 2020. The Court continued the matter and ordered further. The parties timely filed their supplemental briefs. Prior to conducting the continued hearing on January 29, 2021, the Court posted a tentative ruling. After the Court conducted the continued hearing it took the Attorney's Fee Motion under advisement. Shortly thereafter the Court issued a memorandum decision granting \$605,937.40 in fees and costs. The Court also did not

**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

CONT... Hawkeye Entertainment, LLC

Chapter 11

impose a stay pending appeal.

The Landlord has filed this reconsideration motion pursuant to Federal Rule of Civil Procedure 60, and Debtor opposes.

Federal Rule of Civil Procedure 60:

Under Rule 9024 of the Federal Rules of Bankruptcy Procedure, "Rule 60 F.R.Civ.P. applies" in bankruptcy cases. Under Rule 60 of the Federal Rules of Civil Procedure, the court may grant relief from a judgment or order pursuant to a motion that is timely filed. FED. R. CIV. P. 60(b). "A motion to alter or amend a judgment must be filed within a reasonable time – and for reasons (1), (2), and (3) no more than a year after the entry of judgment or order or the date of the proceeding." FED. R. CIV. P. 60(c). Rule 60(b) Grounds for Relief from a Final Judgment, Order, or Proceeding states:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

The Landlord asserts three bases for reconsideration: 1) the Court's

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

Thursday, April 29, 2021

Hearing Room 302

10:00 AM

CONT... Hawkeye Entertainment, LLC

Chapter 11

calculation of the start date for which fees can be sought, 2) the award of October 2020 fees, and 3) the effective date of the ruling.

As to the start date of the Court's calculation, the Landlord argues that the fees associated with the Assumption Motion that occurred prior to the Landlord filing its opposition to that motion should not be included. The Landlord argues that a prior tentative ruling by the Court suggested that this became an action against the Debtor when Smart Capital filed an opposition to the Debtor's motion. The memorandum decision and order lack similar language. The Landlord asserts that this is a mistake or inadvertence on the part of the Court.

The purpose of a tentative ruling is to provide the parties with insight into the Court's reasoning and how the Court is likely to rule. After a hearing, the Court may adopt its tentative ruling or rule entirely differently. Here, the Court chose not to adopt its tentative ruling. After reviewing the record and hearing oral argument the Court changed several aspects of its tentative ruling – one aspect is the language the Landlord noted here. The Court chose not to include the earlier language in its final ruling; therefore, the Court finds no basis for reconsideration under Rule 60 as to this point. A tentative ruling is a tool designed to focus oral argument; changes made after the argument indicate that it was successful in refocusing on specific issues for purposes of a final ruling. Smart Capital's reliance on a tentative after the actual ruling is misplaced.

The next issue raised by the Landlord is that the Court mistakenly erred when it included the October 2020 fees and costs in the final attorney fee award. The Debtor's original motion failed to include the October 2020 timesheets; however, it included these fees and costs in its calculation for the total award it sought from the Court. The Debtor's supplemental brief includes the October and November timesheets, but the Landlord's supplemental response was due prior to the Debtor's supplemental brief. The Landlord argues that it should be allowed to review and address the October 2020 time sheets. The Debtor argues that this is merely a delay tactic.

The Court was aware of this issue when it drafted its memorandum decision. When reviewing the timesheets, it became apparent that the October 2020 timesheets

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San Fernando Valley
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Courtroom 302 Calendar**

Thursday, April 29, 2021

Hearing Room 302

10:00 AM

CONT... Hawkeye Entertainment, LLC

Chapter 11

were not attached to the original motion but were attached to the supplemental brief. The Debtor also included the timesheets for November 2020. The Court did not include these fees when calculating the attorney's fees award because these fees were not sought in the original motion, but the Court did include the October 2020 fees. Even though the Court performed an independent review of the Debtor's timesheets and the Landlord had an opportunity to raise these concerns at the continued hearing date, the Landlord should still be afforded the opportunity to raise any objections it may have to the October 2020 fees. They did not have an adequate opportunity to comment on the October fees. Accordingly, the Court will reduce the attorney's fee award to \$415, 491.64 to eliminate the October fees for now. The Landlord has had ample opportunity by now to review the October fees. The Court directs the Landlord to submit a supplemental brief detailing precisely the concerns it has with the Debtor's counsel's timesheets for October 2020 no later than May 7, 2021. The Court will review the Landlord's brief and the Court will rule on the papers shortly thereafter.

The final basis for reconsideration is that the Court should stay the proceeding. In the Court's tentative ruling, the Court was inclined to stay the fee award until the resolution of the appeal. The Landlord argues cause exists under Rule 60 under the "any other reason that justifies relief" prong. The Landlord believes that the appellate court could change the outcome of the Assumption Motion that would alter the Court's ruling on the Attorney's Fees Motion. As stated already, the Court did not adopt the tentative ruling. After hearing the Debtor's argument, the Court agreed that the issue of a stay was required to be brought through a motion, needed more information, and intentionally chose not to stay the proceeding at the time. No cause exists for reconsidering this issue.

Federal Rule of Bankruptcy Procedure 8007:

In the alternative, the Landlord moves for a stay under Federal Rule of Bankruptcy Procedure 8007. Federal Rule of Bankruptcy Procedure 8007 governs a motion to stay a bankruptcy court's order on appeal. Fed. R. Bankr. P. 8007. "Motions for stay pending appeal or for other relief pending appeal must ordinarily be presented to the bankruptcy court in the first instance, before the movant may seek relief from the [Bankruptcy Appellate Panel] or the district court, as the case may be." In re Ho, 265 B.R. 603, 604 (B.A.P. 9th Cir. 2001). In deciding whether to issue a stay pending

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Chapter 11

an appeal under Federal Rule of Bankruptcy Procedure 8007, courts consider four factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." Hilton v. Braunskill, 481 U.S. 770, 776 (1987); see also In re North Plaza, LLC, 395 B.R. 113, 119 (S.D. Cal. 2008) (using these four factors in evaluating a motion for stay pending appeal from a bankruptcy court decision). "The party moving for a stay has the burden on each of these elements." In re Irwin, 338 B.R. 839, 843 (E.D. Cal. 2006).

As the Supreme Court has explained, a stay pending appeal

"is not a matter of right, even if irreparable injury might otherwise result." Virginian R. Co., 272 U.S. 658, 672 (1926). It is instead "an exercise of judicial discretion," and "[t]he propriety of its issue is dependent upon the circumstances of the particular case." *Id.*, at 672-673.; see Hilton v. Braunskill 481 U.S. 770, 777 (1987) ("[T]he traditional stay factors contemplate individualized judgments in each case"). The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion....

The first two factors of the traditional standard are the most critical. It is not enough that the chance of success on the merits be "better than negligible." ... By the same token, simply showing some "possibility of irreparable injury," Abbassi v. INS, 143 F.3d 513, 514 (9th Cir. 1998), fails to satisfy the second factor.

Nken v. Holder, 556 U.S. 418, 434-35 (2009).

Likelihood of Success on the Merits:

"While it is not necessary for [movant] to show that it is more likely than not that it will win on the merits, 'at a minimum' the petitioner must show that there is a 'substantial case for relief on the merits.'" In re Blixseth, 509 B.R. 701, 706 (Bankr. D. Mont. 2014) (quoting Lair v. Bullock, 697 F.3d 1200, 1204 (9th Cir. 2012)). "[I]t is not enough that the likelihood of success on the merits is 'better than negligible' or that there is a 'mere possibility of relief.'" Lair, 697 F.3d at 1204.

The Landlord believes it could prevail on appeal on both the Assumption Motion and the Attorney's Fee Motion. While the Court understands the Landlord's

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argument and belief for why the ruling on the Assumption Motion will be overturned on appeal, many of these arguments have been raised before in various different forms. The Court finds that the Landlord has not satisfied the likelihood of success on the merits prong as to the Assumption Motion.

The Landlord's position as to the ruling on the Attorney's Fees Motion is a bit of a closer call. Even though this particular issue is a matter of first impression, there is ample support in how the Court ruled in Ninth Circuit law. See e.g. Bos v. Bd. Of Trustees, 818 F.3d 486, 488 (9th Cir. 2016); Penrod v. AmeriCredit Financial Services, Inc. 802 F.3d 1084 (9th Cir. 2015). Because the Ninth Circuit has ruled on issues similar to those raised here in different contexts, the Landlord has not met its burden of proof of showing a likelihood of success on appeal. At the same time, Ninth Circuit law on the specific distinctions between bankruptcy law and California law governing attorney's fee awards on contract actions is still limited. The Debtor is correct, however, that it is unfair for it to be paying rent where the landlord owes such sums to it. The questions raised about financial solvency on both sides lead to a concern about how to prevent irreparable harm to either side while the appeal is pending.

Irreparably Harmed:

The Ninth Circuit Court of Appeals has held that the movant has a higher burden regarding the second factor, irreparable injury. Leiva-Perez v. Holder, 640 F.3d 962, 968 (9th Cir. 2011). In Leiva-Perez, the Ninth Circuit explained that "on a stay application, a court often cannot reasonably determine whether the petitioner is more likely than not to win on the merits, but typically it is easier to anticipate what would happen as a practical matter following the denial of a stay." Id. As a threshold requirement, the movant must always show that irreparable harm is probable. Id., at 965 (It is a "bedrock requirement that stays must be denied to all petitioners who did not meet the applicable irreparable harm threshold, regardless of their showing on the other stay factors."). Conversely, however, "even certainty of irreparable harm has never *entitled* one to a stay." Id.

The Landlord argues that it will be irreparably harmed if a stay is not in effect because if the Landlord paid the total of the attorney's fees to the Debtor and the appellate court overturned this Court's previous rulings then there would be no way for the Landlord to recover. The Landlord questions the Debtor's liquidity and whether the Debtor could return the attorney fee award if required to do so. Debtor

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CONT... Hawkeye Entertainment, LLC

Chapter 11

argues that the Landlord will not be prejudiced and that this is merely a delay tactic being used so that the Landlord can deplete its resources. According to the Debtor, through its related party WERM, it has demonstrated an ability to satisfy rental obligations and shows that the Debtor could return an attorney's fee award if need be. Debtor has provided more information and assurance of future payment in the course of the case than the Landlord here, although the burden of proof is on the Landlord on a stay motion.

Harm to the Debtor:

The Landlord argues that the Debtor is a holding company of the Lease Agreement. WERM pays the Debtor's obligations under the Lease Agreement, such as rent, to the Landlord. The Landlord argues that the Debtor's business model would not be disrupted. The Debtor raises several issues on how it would be harmed by a stay but one of them in particular is rather compelling. The Debtor raises serious concerns about the liquidity of the Landlord. While evidentiary objections were raised to the Debtor's proffered evidence, no evidence has been submitted with the stay motion to indicate the financial ability of the Landlord to pay the fee award at a later date. The Debtor argues a prolonged stay could jeopardize its ability to collect on the attorney fee award. Additionally, there is a concern of the value of the Property and the number of liens already on the Property. The Court can hold an evidentiary hearing to address the objections raised by the Landlord but even the language of the Landlord's reply raises questions whether it might have liquidity problems. The Landlord's reply does not substantively address the accuracy of the Debtor's positions as to this point which causes the Court concern. It appears a prolonged stay without some level of security is likely to harm the Debtor..

Given the situation presented and best judgment of the likelihood of success and prediction of harm, the court would be willing to stay payment of the attorney fees pending appeal solely if the Debtor pays monthly rent into an escrow account until the likely total attorney fee award amount is met. The fees and costs owed to the Debtor could be paid out of that account once the appeal is completed. This provides certainty to the debtor and avoids actions taken solely to delay or the risk that the fees will not be recovered.

Public Interest:

"Generally, the public interest weighs against a stay, and in favor of moving forward with the case." In re Stage Coach Venture, LLC, 2017 Bankr. LEXIS 468 *18 (Bankr. C.D. Cal. 2017). There is a public interest in awarding a party the prompt payment of the costs to which it is entitled. See e.g., Apple Inc. V. Samsung Elecs.

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CONT... Hawkeye Entertainment, LLC

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Co., 2015 U.S. Dist. LEXIS 111276, *95 (N.D. Cal. 2015) ("Recognizing that the prevailing party has an interest in the prompt payment of its taxable costs and in light of the need to finally bring the litigation before this Court to an end, the Court finds that there is no basis to defer a decision on the bill of costs pending Samsung's appeal.").

There is no question that a quick and efficient resolution to the Attorney's Fees Motion is in the public interest; however, there are multiple other factors to consider here. First the number of issues on appeal which could alter the amount of the attorney fee award. Additionally, the liquidity of both parties is unknown. This is further complicated when the party moving for a stay has not provided the prevailing party any security of payment – such as a bond. Accordingly, the Court finds this factor favors not staying the proceeding

Conclusion:

As articulated previously, the Court will reduce the attorney fee award to \$415,491.64 and allow the Debtor to seek attorney's fees and costs for October 2020. The Landlord must file a supplemental brief describing the issues the Court has with the October 2020 time sheets by May 7, 2021. The Court denies the rest of the Landlord's reconsideration motion. The stay motion will be granted only upon payment of the rent into an account to set aside for fees.

Apperance Required.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

Movant(s):

Smart Capital Investments I, LLC,

Represented By
Steven Werth

**United States Bankruptcy Court
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Chief Judge Maureen Tighe, Presiding
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Thursday, April 29, 2021

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 11

#2.00

Trial - Day One

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/8/20; 11/5/20, 11/9/20; 3/3/21;
3/30/21

Docket 37

Tentative Ruling:

Appearance Required.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Friday, April 30, 2021

Hearing Room 302

10:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

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Meeting ID: 160 956 4310

Password: 674462

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 956 4310

Password: 674462

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Friday, April 30, 2021

Hearing Room 302

10:30 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day Two

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21;
3/30/21

Docket 37

Tentative Ruling:

APPERANCE REQUIRED

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Monday, May 3, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

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Password: 998796

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Meeting ID: 161 829 1449

Password: 998796

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Monday, May 3, 2021

Hearing Room 302

9:30 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC et al v. CALPAC MANAGEMENT, INC., a California

#1.00 Show Cause Why a Preliminary Injunction
Should not Issue.

fr. 3/4/21

Docket 1

***** VACATED *** REASON: Continued to June 29, 2021 at 10:00am**

Tentative Ruling:

VACATED Continued to June 29, 2021 at 10:00am. No Appearance
Required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a Pro Se

MED EQUITY LLC, a California Pro Se

JOSHUA RAYMOND KUKINI, an Pro Se

RYAN JUSTIN YOUNG, an Pro Se

FCI Lender Services, Inc., a Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Monday, May 3, 2021

Hearing Room 302

11:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#2.00 Post-Confirmation Status Conference and
Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19, 7/18/19
12/11/19, 3/11/20, 8/26/20, 8/27/20; 10/7/20; 12/18/20,
1/13/21; 3/17/21

Docket 1

***** VACATED *** REASON: Continued to June 29, 2021.**

Tentative Ruling:

VACATED Continued to June 29, 2021 at 10:00am. No 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**

Tuesday, May 4, 2021

Hearing Room 302

11:00 AM

1:00-00000

Chapter

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Password: 674462

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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

Tuesday, May 4, 2021

Hearing Room 302

11:00 AM

CONT...

- NONE LISTED -

Chapter

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

Tuesday, May 4, 2021

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day Three

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21;
3/30/21;

Docket 37

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Wednesday, May 5, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1612748141>
Meeting ID: 161 274 8141
Password: 338252

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 274 8141
Password: 338252

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 5, 2021

Hearing Room 302

9:30 AM

1:17-11995 Priscilla Jeanette Bueno

Chapter 13

#1.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC
D/B/A MR. COOPER

fr. 3/31/21

Docket 77

*** VACATED *** REASON: Vacated Pursuant to APO

Tentative Ruling:

Vacated Pursuant to APO.
No Apperance Required.

Party Information

Debtor(s):

Priscilla Jeanette Bueno

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

Nationstar Mortgage LLC

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, May 5, 2021

Hearing Room 302

9:30 AM

1:17-12226 Stephen Haskell Powers

Chapter 13

#2.00 Motion for relief from stay
CITIBANK N.A.

fr. 10/14/20; 12/9/20, 3/10/21

Docket 57

***** VACATED *** REASON: Movant's atty filed a voluntary dismissal of
matter - doc. #83. If**

Tentative Ruling:

VACATED.
No Apperance Required,

Party Information

Debtor(s):

Stephen Haskell Powers

Represented By
Raj T Wadhvani

Movant(s):

Citibank, N.A., as Trustee

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, May 5, 2021

Hearing Room 302

9:30 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#3.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20, 2/24/21, 4/28/21

Docket 51

*** VACATED *** REASON: Matter Continued to June 30, 2021 at
9:30am

Tentative Ruling:

VACATED. Matter Continued to June 30, 2021 at 9:30am.
No Appereance Required.

Party Information

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Movant(s):

Wilmington Trust, National

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, May 5, 2021

Hearing Room 302

9:30 AM

1:18-12653 Rolando Drilon Quimson

Chapter 13

#3.01 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

fr. 3/31/21, 4/21/21

Docket 79

Tentative Ruling:

This hearing was continued from 4-21-21 to work out an APO
APPEARANCE REQUIRED

3-31-21 TENTATIVE BELOW

Petition Date: 10/30/2018

Ch. 13 plan confirmed: 6/5/2019

Service: Proper. No opposition filed.

Property: 2010 Toyota Tundra

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

Amount Owed: \$

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$4,675 (approx. 14 payments of \$338.75)

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

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT
HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

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, May 5, 2021

Hearing Room 302

9:30 AM

CONT... Rolando Drilon Quimson

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 5, 2021

Hearing Room 302

10:00 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

#4.00 Motion for relief from stay

The Bank of New York Mellon fka
The Bank of New York Trustee

Docket 2533

Tentative Ruling:

Movant: The Bank of New York Mellon
Petition Date: 01/09/2012
Chapter 7 (Previously Chapter 11. Converted on 3/14/2012)
Service: Proper. No Opposition filed.
Property: 13773 Algranti Ave, Sylmar, CA 91342
Property Value: \$702,000.00 (per Movant's papers).
Amount Owed: \$1,169,175.26 (per Movant's papers)
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$ 677,987.26(151 payments of \$4,512.85)

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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); and 7 (waiver of the 4001(a)(3) stay). Movant asserts that there is no adequate assurance and that the property is not necessary for reorganization.

The Debtor is delinquent on of post-petition payments and there is no equity in the house. The Court finds cause for lifting the automatic stay.

Disposition: GRANT 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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); and 7 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to lodge order with the Court within 7 days.

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

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Owner Management Service, LLC

Chapter 7

Party Information

Debtor(s):

Owner Management Service, LLC

Pro Se

Trustee(s):

David Seror (TR)

Represented By

Richard Burstein
Michael W Davis
David Seror
David Seror (TR)
Steven T Gubner
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Talin Keshishian
Jorge A Gaitan
Robyn B Sokol
Jessica Wellington

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

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

1:16-12563 Shirley Chavarro

Chapter 13

#5.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC.

Docket 67

Tentative Ruling:

Movant: US BANK NATIONAL ASSOCIATION

Petition Date: 08/31/2016

Confirmation Date: 1/26/2017

Service: Proper. No Opposition filed.

Property: 19350 Sherman Way #232, Reseda, CA 91335

Property Value: \$240,000.00(per Debtor's schedules).

Amount Owed: \$260,437.31 (per Movant's papers)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$ 10,933.53 (1 payments of \$1,053.39, 9 payments of \$998.26, postpetition advances or other charges \$900.00, less \$4.20 suspense account).

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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (Codebtor Stay) and 7 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting stay because the Debtor has missed several post-petition payments. The last payment the movant received was on January 13, 2021.

Disposition: GRANT 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); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (Codebtor Stay) and 7 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to lodge an order with the Court within 7 days.

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

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Shirley Chavarro

Chapter 13

Party Information

Debtor(s):

Shirley Chavarro

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 5, 2021

Hearing Room 302

10:00 AM

1:17-11205 Shahla Hariri

Chapter 13

#6.00 Motion for relief from stay

MTGLQ INVESTORS, LP

Docket 96

Tentative Ruling:

Movant: MTGLQ Investors, LP.

Petition Date:05/05/2017

Chapter 13 plan confirmed: 06/29/2018

Service: Proper. Opposition filed on 4/20/21.

Property: 24143 Kittridge Street, West Hills, CA 91307

Property Value: \$710,000.00 (per debtor's schedules)

Amount Owed: \$686,806.46 (Per Movant's

Equity Cushion: 3.2%

Equity: \$23,193.54

Post-confirmation Delinquency: \$44,761.92 (4 Payments \$3,960.97, 7

Payments of \$3,963.78, Attorney's Fees and Costs \$1,238.00, Less

Suspense Account \$66.42)

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 argues cause exists for lifting the stay because the Debtor has not been making postpetition payments. Movant alleges that the last payment it received was on or about 3/10/2020 of the amount of \$3,935.97.

Debtor opposes this motion for relief of stay because the Debtor has been involved in a loan modification with the Lender as a result of payments arising during the Covid 19 pandemic. The Motion stated that the Movant never received the documents. Debtor's counsel resent these documents to the Movant. On this basis, the Debtor believes that the Court should deny this motion.

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

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Shahla Hariri

Chapter 13

Did the Movant receive the Loan Modification papers? Does this resolve the motion for relief from stay?

Appearance Required.

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**

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

1:20-10517 Mojgan Mostafavi

Chapter 13

#7.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 33

***** VACATED *** REASON: Vacated per APO entered at Docket No. 36**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mojgan Mostafavi

Represented By
Devin Sawdayi

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, May 5, 2021

Hearing Room 302

10:00 AM

1:20-12142 Khachatur Manucharyan

Chapter 7

#8.00 Motion for relief from stay

ACAR LEASING LTD d/b/a
GM FINANCIAL LEASING.

Docket 29

Tentative Ruling:

Movant: ACAR Leasing LTD dba GM Financial Leasing
Petition Date: 12/03/2020
Chapter 7 Case
Service: Proper. No Opposition filed
Property: 2018 Chevrolet Tahoe, VIN: 1GN5CAKC8JR174769
Property Value: \$0 (Lease) (per Debtor's Schedules)
Amount Owed: \$33,712.09 (per Movant's papers)
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$3,487.59 (5 payments of \$ 697.52)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the lease has matured and the Property has not been returned nor has the Debtor exercised the purchase option per the contract. The last payment was received on 12/07/2020.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to submit an order with the Court 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, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Khachatur Manucharyan

Chapter 7

Debtor(s):

Khachatur Manucharyan

Represented By
Anita Khachikyan

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 5, 2021

Hearing Room 302

10:00 AM

1:21-10022 Diorling Y. Gomez-Garcia

Chapter 13

#9.00 Motion for relief from stay

ALLY FINANCIAL

Docket 21

Tentative Ruling:

Movant: Ally Financial
Petition Date: 01/12/2021
Case Dismissed on 4/29/21
Service: Proper. No Opposition filed
Property: 2017 Hyundai Accent ; VIN No.KMHCT4AE9HU172954
Property Value: \$2,500.00 (Per Debtor's Schedules)
Amount Owed: \$12,216.21 (per Movant's papers)
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$ 577.52 (2 payments of \$288.76)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the Movant recovered the Property pre-petition.

The Debtor's bankruptcy case was dismissed on 4/29/21 for failure to make plan payments.

Disposition: DENY relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay) as moot.

No Appearance Required. Movant to submit an order with the Court 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, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Diorling Y. Gomez-Garcia

Chapter 13

Debtor(s):

Diorling Y. Gomez-Garcia

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 5, 2021

Hearing Room 302

10:00 AM

1:21-10087 Angelo Giovanni Toledo

Chapter 13

#10.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 14

Tentative Ruling:

Movant: Santander Consumer USA Inc.
Petition Date: 01/20/2021
Case dismissed on 4/29/21
Service: Proper. No Opposition filed
Property: 2017 Toyota Tundra, VIN: 5TFUY5F13HX658132
Property Value: \$32,400.34
Amount Owed: \$30,832.80 (per Movant's papers)
Equity Cushion: 5%
Equity: \$1,567.54
Post-Petition Delinquency: \$ 1,971.96 (3 payments of \$790.98)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the Movant recovered the Property pre-petition.

On April 29, 2021, the Debtor's bankruptcy case was dismissed for failure to appear at 341 meeting of creditors.

Disposition: DENY relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay) as moot.

No Appearance Required. Movant to submit an order with the Court 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, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Angelo Giovanni Toledo

Chapter 13

Debtor(s):

Angelo Giovanni Toledo

Represented By
Steven A Alpert

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F 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 5, 2021

Hearing Room 302

10:00 AM

1:21-10184 Martha Delatorre

Chapter 13

#11.00 Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 31

Tentative Ruling:

Movant: Santander Consumer USA Inc.
Petition Date: 02/03/2021
Chapter 13 Plan Not Confirmed
Service: Proper. No Opposition filed
Property: 2017 Mercedes-Benz GLS, VIN: 4JGDF6EE0HA932403
Property Value: Not Listed on Debtor's Schedules (Appears to be a lease)
Amount Owed: \$44,778.28 (per Movant's papers)
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$ 803.18 (1 payments of \$803.13)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the Movant recovered the Property pre-petition.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to submit an order with the Court within 7 days. Movant: Santander Consumer USA Inc.

Petition Date: 02/03/2021
Chapter 13 Plan Not Confirmed
Service: Proper. No Opposition filed
Property: 2017 Mercedes-Benz GLS, VIN: 4JGDF6EE0HA932403
Property Value: Not Listed on Debtor's Schedules (Appears to be a lease)

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Martha Delatorre

Chapter 13

Amount Owed: \$44,778.28 (per Movant's papers)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$ 803.18 (1 payments of \$803.13)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the Movant recovered the Property pre-petition.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to submit an order with the Court within 7 days.

Party Information

Debtor(s):

Martha Delatorre

Represented By
Kenneth H J Henjum

Trustee(s):

Elizabeth (SV) F 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 5, 2021

Hearing Room 302

10:00 AM

1:21-10332 Edgar Hairapetyan

Chapter 13

#12.00 Motion for relief from stay

SANTANDER CONSUMER INC.dba
CHRYSLER CAPITAL

Docket 24

Tentative Ruling:

Movant: Santander Consumer USA Inc. dba Chrysler Capital as servicer for
CCAP Auto Lease

Petition Date: 02/26/2021

Chapter 13 Plan Not Confirmed

Service: Proper. No Opposition filed

Property: 2020 Ram 1500, VIN: 1C6SRFJT6LN123441

Property Value: \$0.00 (per Debtor's schedules) (Property is Leased).

Amount Owed: \$56,795.10 (per Movant's papers)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$ 727.06 (1 payments of \$727.06)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). The Movant asserts that cause exists because the Debtor has missed post-petition payments and the Movant recovered the Property pre-petition.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to submit an order with the Court 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, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Edgar Hairapetyan

Chapter 13

Debtor(s):

Edgar Hairapetyan

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, May 5, 2021

Hearing Room 302

10:00 AM

1:21-10436 Diana Hyacinth Santiago

Chapter 7

#13.00 Motion for relief from stay

AIR FORCE FEDERAL CREDIT UNION

Docket 10

Tentative Ruling:

Movant: Air Force Federal Credit Union
Petition Date: 03/15/21
Chapter 7
Service: Proper. No Opposition filed
Property: 2016 Volvo XC90 ; VIN #: YV4A22PK4G1028693.
Property Value: \$23,000.00 (per Debtor's schedules).
Amount Owed: \$41,039.93 (per Movant's papers)
Equity Cushion: 0%
Equity: \$0
Post-Petition Delinquency: \$ 699.57 (1 payments of \$699.57)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting stay because the Debtor has missed several post-petition payments and the Debtor filed a statement of intention that indicates the Debtor intends to surrender the Property.

Disposition: GRANT relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); and 6 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to Lodge an order with the Court within 7 days.

Party Information

Debtor(s):

Diana Hyacinth Santiago

Represented By

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

Wednesday, May 5, 2021

Hearing Room 302

10:00 AM

CONT... Diana Hyacinth Santiago

Chapter 7

Kevin Tang

Movant(s):

Air Force Federal Credit Union

Represented By
Garry A Masterson

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 5, 2021

Hearing Room 302

10:00 AM

1:21-10644 Ricardo Garcia

Chapter 13

#13.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 13980 Ginger Ln, San Fernando, CA 91340 .

Docket 12

Tentative Ruling:

On April 13, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-12128-MT, was a chapter 13 that was filed on 11/30/2020 and dismissed on 2/24/21 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 he now has the income to sustain the plan. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, his personal issues with his spouse are no longer affecting his ability to perform on the proposed plan, and that there is sufficient equity in Debtor's real property to protect the secured creditor's claim. 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):

Ricardo Garcia

Represented By
Yelena Gurevich

Trustee(s):

Elizabeth (SV) F 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 5, 2021

Hearing Room 302

10:30 AM

1:09-20447 Law Offices of Masry & Vititoe

Chapter 11

#14.00 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, 10/23/19, 12/2/20; 2/3/21, 2/10/21; 3/17/21

Docket 1

Tentative Ruling:

Given the submission of motion for final decree, this will be continued to June 2 at 10:30 am

No Appearance Required.

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, May 5, 2021

Hearing Room 302

10:30 AM

1:20-11063 Joby John Harte

Chapter 7

#15.00 Trustee's Motion for Turnover of Rents of \$18,000.00 Owed by Debtor

Docket 81

Tentative Ruling:

On June 15, 2020, Debtor filed a voluntary chapter 7 petition. The primary asset of the Estate was residential real property at 6215 Gentry Avenue, North Hollywood, California 91606 (the "Real Property"). As of the Petition Date, the Real Property was occupied by tenants who leased the Real Property pursuant to a written lease dated April 10, 2019 (the "Lease") that provided for monthly rent of \$3,600.00. On September 23, 2020, the Court entered an order approving Trustee's employment of Rodeo Realty, Inc. as Estate broker who confirmed that that Tenant was in possession of the Real Property in August 2020. Although Trustee instructed Debtor in August 2020 to leave the Real Property vacant, Debtor instead moved in after the tenants vacated the Real Property.

In August and September 2020, Trustee explains that she demanded that the Real Property be vacated and that the rents collected by Debtor (the "Tenant Rents") be turned over to her as property of the bankruptcy Estate. Debtor refused to comply.

Thereafter, Trustee and Debtor, through Debtor's counsel, negotiated a compromise (the "Compromise") that provided for Debtor to tender a settlement payment of \$120,000.00 (the "Settlement Payment") to, among other things, allow Debtor to retain the Real Property. On October 20, 2020, the Court entered an Order Approving Compromise, ECF doc. no. 51. At Debtor's request, Trustee extended the deadline for tender of the Settlement Payment until January 8, 2021. Trustee contends that Debtor defaulted under the Compromise and finally moved out of the Real Property on or about January 23, 2021.

On November 12, 2020, Debtor filed amended schedules to disclose and exempt the Tenant Rents of \$9,600.00 that Debtor collected from Tenants for the postpetition period, ECF doc. 58. Debtor informed Trustee that he had

**United States Bankruptcy Court
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Wednesday, May 5, 2021

Hearing Room 302

10:30 AM

CONT... **Joby John Harte**

Chapter 7

made no mortgage payments for the Real Property since March 2020. Additionally, Trustee maintains that Debtor did not make any payments to the Estate for Debtor's use and possession of the Real Property. During January 2021 and thereafter, Trustee states that she made repeated demands on Debtor and Debtor's counsel, both by email and telephone, for Debtor to tender rents to the Estate based on the five months of September 2020 through January 2021 that Debtor occupied the Real Property (the "Debtor Rents"). Based on the monthly rent of \$3,600.00 in the Lease, the Rents for the five months equal \$18,000.00.

Trustee argues that the postpetition rents are property of the Estate. As of the Petition Date, the Real Property was property of the Estate pursuant to 11 U.S.C. §541. Trustee notes that Debtor did not disclose the existence of the Lease or of any rents in his initial schedules. Pursuant to 11 U.S.C. §541(a) (1), property of the Estate includes "all legal or equitable interests of the debtor in property as of the commencement of the case."

The Bankruptcy Code Requires Debtor to turnover the postpetition rents to Trustee. Debtor has a duty to "cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title," 11 U.S.C. § 521(a)(3), and to "surrender to the trustee all property of the estate . . ." 11 U.S.C. §521(a)(4). As discussed above, all postpetition rents, both the Tenant Rents and the Debtor Rents are property of the Estate, subject to Debtor's claimed and allowed exemption in the Tenant Rents. Trustee is correct that it is Debtor's duty pursuant to the Bankruptcy Code is to turn over any non-exempt portion of the Rents, or the equivalent amount in certified funds.

Service proper. No opposition filed. Having reviewed the Trustee's Motion, the Court finds grounds to order Debtor to turnover of property of the estate any non-exempt portion of the Rents. Trustee's Motion is GRANTED.

APPEARANCE REQUIRED ON 5/5/2021

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

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

Wednesday, May 5, 2021

Hearing Room 302

10:30 AM

CONT... Joby John Harte

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 5, 2021

Hearing Room 302

10:30 AM

1:20-11567 Hrachya Ternkalyan and Shushanik Lily Ternakalyan

Chapter 7

#16.00 Motion to Convert Case From Chapter 7 to 13.

fr. 5/5/21

Docket 74

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):

Hrachya Ternkalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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

Wednesday, May 5, 2021

Hearing Room 302

10:30 AM

1:20-11567 Hrachya Ternkalyan and Shushanik Lily Ternakalyan

Chapter 7

#17.00 Motion Objecting to Debtors' Claimed
Homestead Exemption and Order
Compelling Turnover of Property of the
Estate

fr. 3/31/21, 4/21/21

Docket 72

Tentative Ruling:

EXEMPTION OBJECTION GRANTED AND CONTINUED TO MAY 19 AT
10:30 FOR 2D PART

Party Information

Debtor(s):

Hrachya Ternkalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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

Wednesday, May 5, 2021

Hearing Room 302

11:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

- #18.00** 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, 12/11/19, 4/1/20, 6/24/20; 10/7/20; 12/9/20, 2/24/21, 4/28/21

Docket 47

Tentative Ruling:

coninued to June 30 at 11 am
APPEARANCE REQUIRED

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Defendant(s):

WELLS FARGO BANK

Represented By
Bernard J Kornberg

MBNM FINANCIAL, INC

Represented By
Daniel J McCarthy

OPEN BANK

Represented By
John H Choi
Tony K Kim

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

Wednesday, May 5, 2021

Hearing Room 302

11:00 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

CALIFORNIA DIAMONDS Represented By
Daniel J McCarthy

BRANDEN & COMPANY, INC 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

ROMANO'S JEWELERS 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

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

Wednesday, May 5, 2021

Hearing Room 302

11:00 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, May 5, 2021

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

#19.00 JPMorgan Chase Bank N.A.'s Motion to
Dismiss Second Amended Complaint

fr. 12/9/20; 2/10/21, 3/10/21

Docket 120

***** VACATED *** REASON: Dismissed per Order Granting Stipulation
(ECF doc. 150) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By
Joseph E Addiego

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph E Addiego
Monder Khoury

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

Wednesday, May 5, 2021

Hearing Room 302

11:00 AM

CONT... David B. Rosen

Chapter 11

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, May 5, 2021

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

#20.00 Status Conference RE: Second Amended
Complaint For: 1. Declaratory Relief (As To Chase);
2. Contempt For Violation Of Court Order
(As To Chase; 3. Violation Of The Respa
(As To Nationstar); 4. Negligence In The
Handling And Management Of Debtors
Account (As To Nationstar);
5. Attorney Fees And Costs
(As To All Defendants)

fr. 12/9/20; 2/10/21, 3/10/21

Docket 117

***** VACATED *** REASON: Dismissed per Order Granting Stipulation
(ECF doc. 150) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David B. Rosen

Represented By
Louis J Esbin

Defendant(s):

Wilmington Savings Fund Society,

Represented By
Sonia Plesset Edwards
Arnold L Graff

Selene Finance LP

Represented By
Sonia Plesset Edwards
Arnold L Graff

Chase Bank NA a National Banking

Pro Se

Nationstar Mortgage, aka Mr.

Represented By

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

Wednesday, May 5, 2021

Hearing Room 302

11:00 AM

CONT... David B. Rosen

Chapter 11

JPMORGAN CHASE BANK, N.A.

Joseph E Addiego

Represented By
Joseph E Addiego
Monder Khoury

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, May 5, 2021

Hearing Room 302

11:00 AM

1:20-11196 Tadeh Ahani Avanesians

Chapter 7

Adv#: 1:20-01114 ATS, Inc. v. Avanesians

#21.00 Status Conference Re: Complaint
to Determine the Dischargeability of Debt,
and to Deny Discharge

fr. 1/20/21,1/27/21; 3/3/21, 3/10/21

Docket 1

Tentative Ruling:

Discovery cut-off (all discovery to be completed*): _____ 8/31/21 _____

Expert witness designation deadline (if necessary): _____ Any plans? _____

Case dispositive motion filing deadline (MSJ; 12(c)): __ 9/3/21 _____

Pretrial conference: __ 11/3 at 11 am _____

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : __ 10/21/21 _____

*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, May 5, 2021

Hearing Room 302

11:00 AM

CONT... Tadeh Ahani Avaneessians

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):

Tadeh Ahani Avaneessians

Represented By
Sevan Gorginian

Defendant(s):

Tadeh Ahani Avaneessians

Pro Se

Plaintiff(s):

ATS, Inc.

Represented By
Dennis E McGoldrick

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 5, 2021

Hearing Room 302

11:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

- #22.00** Status Conference Re: Complaint for
Quiet Title
1 - To Determine the Extent and Validity of
Liens on Real Property;
2 - Quiet Title - Fraud
3 - Fraud
4 - Violation of Home Equity Sales Contract
Act California Civil Code, Sec. 1695
5 - Breach of Contract
6 - Negligence
7 - Declaratory Relief

[Re Property located at:
19237 Charles St.
Tarzana, CA 91356]

fr. 4/28/21

Docket 1

Tentative Ruling:

continued to June 30, 2021 at 11 am

Party Information

Debtor(s):

Svetlana Buzina	Pro Se
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Defendant(s):

Cardenas Three LLC, a California	Pro Se
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Franklin Advantage, Inc.	Pro Se
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Charles Street Investments, Inc.	Pro Se
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Charles Street Investment, LLC.	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 5, 2021

Hearing Room 302

11:00 AM

CONT... **Svetlana Buzina**
Inaam Rasheed Naeem, an

Pro Se

Chapter 13

Plaintiff(s):

Svetlana Buzina

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F 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 5, 2021

Hearing Room 302

11:05 AM

1:19-11422 Joe Kearney

Chapter 11

#23.00 Trial - Day 4

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21;
3/30/21; 5/4

Docket 37

*** VACATED *** REASON: to be heard on 5/6/21 @ 11 am

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Thursday, May 6, 2021

Hearing Room 302

11:00 AM
1:00-00000

Chapter

#1.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609564310>
Meeting ID: 160 956 4310
Password: 674462

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 956 4310
Password: 674462

Docket 0

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

Thursday, May 6, 2021

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 11

#2.00 Trial - Day 4

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21;
3/30/21; 5/4

Docket 37

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson
Robert M. Aronson

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

Friday, May 7, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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Meeting ID: 160 956 4310

Password: 674462

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 956 4310

Password: 674462

Docket 0

Matter Notes:

- NONE LISTED -

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

Friday, May 7, 2021

Hearing Room 302

10:00 AM

CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

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

Friday, May 7, 2021

Hearing Room 302

10:00 AM

1:19-11422 Joe Kearney

Chapter 11

#1.00 Trial - Day 4

Re: Motion to Disallow Claims of Patricia Leupold (claim # 8-1)

fr. 10/22/19, 12/17/19, 3/4/20; 6/24/20, 10/9/20; 11/6/20, 11/10/20; 3/3/21;
3/30/21; 5/4

Docket 37

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On 3/4/20, Partial Summary Judgment was granted in Favor of Plaintiff's Eighth Cause of Action ("Disgorgement Claim"). There are 8 remaining causes of action. The 6/24/20 hearing is a Status Conference regarding the remaining Claims Objection. The parties were to discuss mediation in the interim. Nothing has been filed since 3/4/20 concerning the status of the remaining claims.

TELEPHONIC APPEARANCE REQUIRED

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Movant(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M Aronson
Robert M Aronson
Robert M. Aronson
Robert M. Aronson

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

Friday, May 7, 2021

Hearing Room 302

10:00 AM

CONT...

Joe Kearney

Robert M. Aronson

Chapter 11

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

Monday, May 10, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607113310>

Meeting ID: 160 711 3310

Password: 436528

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 711 3310

Password: 436528

Docket 0

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

Monday, May 10, 2021

Hearing Room 302

10:00 AM

1:21-10082 Claudia Cadena

Chapter 7

#1.00 Evidentiary Hearing
RE: [1] Chapter 7 Involuntary
Petition Against Claudia Cadena

Docket 1

***** VACATED *** REASON: Cont. to 7/29/21 @3pm (eg)**

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

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

Thursday, May 13, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613823736>
Meeting ID: 161 382 3736
Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 382 3736
Password: 271190

Docket 0

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

Thursday, May 13, 2021

Hearing Room 302

9:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 1

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; 12/11/19, 9/30/20,
1/27/21

Docket 1

***** VACATED *** REASON: Cont'd to 6/8/21 at 10:00 a.m. per hearing
held on 4/21/21 - Day 1 of the Trial will be held in-person.**

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**

Thursday, May 13, 2021

Hearing Room 302

9:00 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**

Friday, May 14, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613823736>

Meeting ID: 161 382 3736

Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 382 3736

Password: 271190

Docket 0

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

Friday, May 14, 2021

Hearing Room 302

9:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 2

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; 12/11/19, 9/30/20,
1/27/21

Docket 1

***** VACATED *** REASON: Cont'd to 6/10/21 at 9:30 a.m. per hearing held on 4/21/21 - Day 2 of the Trial will be held via Zoom.**

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**

Friday, May 14, 2021

Hearing Room 302

9:00 AM

CONT... Nazaret Kechejian

Chapter 13

Dimitri Liudkovski 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**

Tuesday, May 18, 2021

Hearing Room 302

8:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610468895>
Meeting ID: 161 046 8895
Password: 723495

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 046 8895
Password: 723495

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 18, 2021

Hearing Room 302

8:30 AM

1:21-10168 Robert M. Friedman and Nikki Lynne Friedman

Chapter 7

**#1.00 Pro se Reaffirmation Agreement with
Sierra Credit Corporation
(2013 BMW)**

Docket 26

Tentative Ruling:

Petition date: 2/2/21

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

Discharge?: No

Property: 2013 BMW 650i

Debtor's valuation of property (Sch. B): \$25,000

Amount to be reaffirmed: \$28,162.12

APR: 14.99%

Contract terms: \$848.07 per month for 43 months

Monthly Income (Schedule I): \$11,950

Monthly expenses: (Schedule J): \$14,791.48

Disposable income: <\$2,841.48>

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

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

Tuesday, May 18, 2021

Hearing Room 302

8:30 AM

CONT... **Robert M. Friedman and Nikki Lynne Friedman**
will be able to afford the payments in Part D?

Chapter 7

Debtors state that their real estate business is getting better. As things are opening back up, Debtors state that their numbers at work will get better. On their Sch. J, Debtors state that they hope that they may be able to draw an additional \$2,000 per month once COVID circumstances are over.

Debtor has a right to rescind agreement anytime prior to discharge, or until June 28, 2021, whichever is later.

Party Information

Debtor(s):

Robert M. Friedman

Represented By
Nathan A Berneman

Joint Debtor(s):

Nikki Lynne Friedman

Represented By
Nathan A Berneman

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, May 18, 2021

Hearing Room 302

8:30 AM

1:21-10168 Robert M. Friedman and Nikki Lynne Friedman

Chapter 7

#2.00 Pro se Reaffirmation Agreement with
Sierra Credit Corporation
(2014 Land Rover)

Docket 27

Tentative Ruling:

Petition date: 2/2/21

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 Land Rover

Debtor's valuation of property (Sch. B): \$33,000

Amount to be reaffirmed: \$25,793

APR: 14.99%

Contract terms: \$821.87 per month for 40 months

Monthly Income (Schedule I): \$11,950

Monthly expenses: (Schedule J): \$14,791.48

Disposable income: <\$2,841.48>

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, May 18, 2021

Hearing Room 302

8:30 AM

CONT... Robert M. Friedman and Nikki Lynne Friedman
will be able to afford the payments in Part D?

Chapter 7

Debtors state that their real estate business is getting better. As things are opening back up, Debtors state that their numbers at work will get better. On their Sch. I, Debtors state that they hope that they may be able to draw an additional \$2,000 per month from their real estate business, once COVID circumstances are over.

Debtor has a right to rescind agreement anytime prior to discharge, or until June 28, 2021, whichever is later.

Party Information

Debtor(s):

Robert M. Friedman

Represented By
Nathan A Berneman

Joint Debtor(s):

Nikki Lynne Friedman

Represented By
Nathan A Berneman

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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1:21-10453 Mayra C. Bonilla

Chapter 7

#3.00 Reaffirmation Agreement with
Bridgecrest Credit Company LLC

Docket 11

Tentative Ruling:

Petition date: 3/17/21

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 Kia Optima

Debtor's valuation of property (Sch. B): \$8,250

Amount to be reaffirmed: \$17,745

APR: 28.58%

Contract terms: \$518.07 per month for 67 months

Monthly Income (Schedule I): \$5,285.78

Monthly expenses: (Schedule J): \$5,262.00

Disposable income: \$23.78

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?

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CONT... Mayra C. Bonilla

Chapter 7

In Part D, Debtor indicates that her monthly expenses are \$4,720.15, while on Sch. J her expenses are listed as \$5,262.00, including this payment. Debtor does not explain why her expenses are lower in the reaffirmation agreement.

Debtor has a right to rescind agreement anytime prior to discharge, or until June 5, 2021, whichever is later.

Party Information

Debtor(s):

Mayra C. Bonilla

Represented By
R Grace Rodriguez

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

8:30 AM

1:21-10474 Clive Lerrick Brooks

Chapter 7

#4.00 Pro se Reaffirmation Agreement with
Ford Motor Credit Company LLC
(2018 Ford Escape)

Docket 12

Tentative Ruling:

Petition date: 3/22/21

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

Discharge?: No

Property: 2018 Ford Escape

Debtor's valuation of property (Sch. B): \$14,316

Amount to be reaffirmed: \$19,307.44

APR: 3.90%

Contract terms: \$479.93 per month for 43 months

Monthly Income (Schedule I): \$1,740

Monthly expenses: (Schedule J): \$1690

Disposable income: \$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

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CONT... Clive Lerrick Brooks

Chapter 7

will be able to afford the payments in Part D?

Debtor does not explain how she will make this payment. This payment is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until June 27, 2021, whichever is later.

Party Information

Debtor(s):

Clive Lerrick Brooks

Represented By
Elena Steers

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607466272>
Meeting ID: 160 746 6272
Password: 709633

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 746 6272
Password: 709633

Docket 0

Tentative Ruling:

- NONE LISTED -

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9:30 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#1.00 Motion for relief from stay

METROPOLITAN LIFE INSURANCE CO.

fr. 10/28/20; 12/9/20; 3/10/21

Docket 44

Tentative Ruling:

This matter was continued from March 10, 2021, so that parties could work out a loan modification. As of this date no loan modification has been entered into. What is the status of this case?

Appearance Required.

Previous Tentative Ruling

Petition Date : 10/06/2019

Confirmation Date: 04/16/2020

Service: Proper. Opposition filed on 10/9/2020 (Docket No. 48)

Property: 7718 Maestro Avenue, Los Angeles, California 91304

Property Value: \$ 900,000 (per debtor's schedules)

Amount Owed: \$462,609.56 (per Movant's declaration)

Equity Cushion: 48.59%

Equity: \$437,390.44

Post-Petition Delinquency: \$24,009.37 (22 payments of \$2,090.85, \$1,030.00, less suspense account \$19.98).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification) and 7 (waiver of the 4001(a)(3) stay). Movant alleges that the Debtor has missed postpetition payments. The last partial postpetition payment occurred on 2/27/20.

The Debtor opposes this motion and asserts that the Movant is not taking additional payments into account. Further, the Debtor attempted to get a hardship modification or Covid relief but the lender failed to follow through.

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CONT... Stuart Malin and Patricia Malin

Chapter 13

There is substantial equity in the Property, have the parties discussed entering into an APO or entering into a Loan Modification?

Appearance Required.

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By
Steven Abraham Wolvek

Movant(s):

Metropolitan Life Insurance

Represented By
Daniel K Fujimoto
Christopher Giacinto
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:30 AM

1:19-12684 Claudia A. Rivas Gil

Chapter 13

#2.00 Motion for relief from stay

WELLS FARGO BANK, N.A., DBA
WELLS FARGO AUTO

fr. 2/10/21; 3/17/21; 4/7/21

Docket 35

***** VACATED *** REASON: VACATED pursuant to APO**

Tentative Ruling:

Vacated Pursuant to Apo. No Apperance Required.

Party Information

Debtor(s):

Claudia A. Rivas Gil

Represented By
Laleh Ensafi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:16-12695 Sonia E Mole

Chapter 13

#3.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

Docket 106

Tentative Ruling:

Movant: Logix Federal Credit Union

Petition Date : 9/15/16

Confirmation Date: 11/27/18

Service: Proper. Opposition filed on 109 (Docket No. 109)

Property: 14815 San Fernando Mission Blvd., Mission Hills, CA 91345

Property Value: \$ 300,000.00 (per debtor's schedules)

Amount Owed: \$136,512.15 (per Movant's declaration)

Equity Cushion: 54.49%

Equity: \$163,487.85

Post-Petition Delinquency: \$2,759.58 (3 payments of \$1,137.72, less suspense account \$653.58).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-debtor stay) and 7 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting the stay because the Debtor has missed post petition payments. The last payment received by the Debtor was on April 9, 2021.

Debtor opposes the motion arguing that the Property is necessary for an effective reorganization because the loss of the home would result in significant costs to the estate. Further, Debtor asserts that more payments have been made to the Movant that have not been accounted for. Debtor's declaration states that on May 6, 2021, that she made a payment of \$2,500.00 and the remainder of the payment plus the May mortgage payment will be divided and paid over a 6th month period in the amount of \$243.26.

The Court notes that exhibit 2 that is referred to by the Debtor's declaration is not a receipt of the \$2,500.00 payment. Did the Movant receive a payment of

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CONT... Sonia E Mole

Chapter 13

this amount on May 6, 2021? There is substantial equity in the Property, are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Sonia E Mole

Represented By
Elena Steers
Edmond Richard McGuire

Movant(s):

Logix Federal Credit Union

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:18-10909 Yefim Len and Nellya Len

Chapter 13

#4.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

Docket 61

Tentative Ruling:

Movant: Specialized Loan Servicing

Petition Date : 4/13/18

Confirmation Date: 1/15/19

Service: Proper. Opposition filed on March 22, 2021 (Docket No. 64)

Property: 21808 Delany Ln, Canoga Park, CA 91304

Property Value: \$ 483,550.00 (Per Debtor's Schedules)

Amount Owed: \$368,722.50 (Per Movant's Papers)

Equity Cushion: 23.75%

Equity: \$114,827.50

Post-Petition Delinquency: \$8,945.10 (4 payments of \$2,236.42).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); and 7 (waiver of the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has missed postpetition payments. The last payment the Movant asserts it received was on April 1, 2021.

Debtors opposes this motion on the grounds that they were under the impression that missing payments had been deferred. Debtors have attached a letter approving them for deferral of payments due to Covid 19. Debtor's Ex. 1.

Does the letter deferring payments resolve the RFS motion. If not, then there is substantial equity in the home, are parties amendable to APO?

Appurtenance Required.

Party Information

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CONT... Yefim Len and Nellya Len

Chapter 13

Debtor(s):

Yefim Len

Represented By
Elena Steers

Joint Debtor(s):

Nellya Len

Represented By
Elena Steers

Movant(s):

Specialized Loan Servicing, LLC

Represented By
Austin P Nagel

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:18-12790 Frank Vincent Ciraci and Millicent Helen Whiteside

Chapter 13

#5.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING, INC.

fr. 4/7/21

Docket 53

Tentative Ruling:

Movant: Select Portfolio Servicing, Inc.
Petition Date: 11/16/2018
Ch 13 plan confirmed: 06/04/2019
Service: Proper; Opposition filed.
Property: 23055 Ostronic Dr., Woodland Hills, CA 91367
Property Value: \$860,000.00 (Per Debtor's Schedules)
Amount Owed: \$458,939.44 (Per Movant's Papers).
Equity Cushion: 46.63%
Equity: \$401,060.56
Post-Petition Delinquency: \$17,412.00 (8 post-petition payment of \$17,412.00)

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); 3 (option to enter into forbearance agreement); and 7 (waiver of 4001(a)(3) stay). Movant asserts that cause exists for lifting the automatic stay because the Debtor has missed post petition payments. The last payment was received on October 5, 2020.

Debtor opposes this motion on the grounds that he disputes allegations/evidence contained in the motion. Specifically, there is a loan modification agreement in effect that lowered the monthly payments and the Movant has failed to acknowledge existing modification agreements in place for deferral of mortgage payments due to Covid 19.

According to the Debtor's exhibits, there appears to have been a deferral

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CONT... Frank Vincent Ciraci and Millicent Helen Whiteside Chapter 13

agreement that ended on January 31, 2021. Has the Debtor made payments since January 31, 2021? There is a significant equity cushion in the Property. Are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Frank Vincent Ciraci

Represented By
Steven L Bryson

Joint Debtor(s):

Millicent Helen Whiteside

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#6.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 57

Tentative Ruling:

Movant: Wilmington Savings Fund Society

Petition Date : 3/28/19

Not Confirmed

Service: Proper. No Opposition.

Property: 10141 Nevada Avenue, (Chatsworth Area), Los Angeles, California 91311

Property Value: \$ 721,000.00 (per debtor's schedules)

Amount Owed: \$1,290,839.35 (Movant's Claim \$303,298.35)

Equity Cushion: 0%

Equity: \$0.00

Post-Petition Delinquency: \$19,172.07 (8 payments of \$1,752.370; 3 payments of \$1,732.30; less suspense account \$43.79).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-Debtor Stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has failed to pay postpetition payments. According to the Movant, the last payment occurred on September 29, 2020.

Disposition: GRANT relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-Debtor Stay); and 7 (waiver of the 4001(a)(3) stay).

No Appearance Required. Movant to lodge an order with the Court within 7 days.

Party Information

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CONT... Mary Kristin Burak

Chapter 13

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Movant(s):

Wilmington Savings Fund Society,

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-11753 Oleg Meerovich

Chapter 13

#7.00 Motion for relief from stay

WILMINGTON SAVINGS FUNDS SOCIETY

fr. 4/7/21

Docket 73

*** VACATED *** REASON: Vacated per APO

Tentative Ruling:

Vacated Pursuant to APO. No Appearance Required.

Party Information

Debtor(s):

Oleg Meerovich

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-12155 Gary Alan Kurtz

Chapter 13

#8.00 Motion for relief from stay

JPMORGAN CHASE BANK N.A.

Docket 127

Tentative Ruling:

Movant: JP Morgan Chase

Petition Date : 08/27/19

Confirmation Date: 9/18/20

Service: Proper. Opposition Filed.

Property: 2018 Subaru Forester VIN No.JF2SJAGC7JH516839

Property Value: NA

Amount Owed: \$18,594.38 (per Movant's declaration)

Equity Cushion: 0

Equity: \$0

Post-Petition Delinquency: NA

Movant requests 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 the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because the lease has matured and Debtor retains possession of the Property.

Debtor opposes the motion because the Property is in the possession of her daughter (who is at school) and the Debtor wishes to extend the lease and purchase the vehicle no later than August. Debtor wishes to may adequate protection payments through August.

Are parties amendable to Debtor's APO request?

Appearance Required.

Party Information

Debtor(s):

Gary Alan Kurtz

Represented By

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CONT... Gary Alan Kurtz

Stephen L Burton

Chapter 13

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-12777 Filipino Palako Vaka

Chapter 13

#9.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST

Docket 29

Tentative Ruling:

Movant: Deutsch Bank National Trust

Petition Date : 11/01/19

Confirmed Date: 2/16/2020

Service: Proper. Opposition filed.

Property: 9427 Noble Avenue, Unit 101, North Hills, CA 91343

Property Value: \$ 528,976.00 (per debtor's schedules)

Amount Owed: \$327,834.74 (Movant's Claim \$248,500.74)

Equity Cushion: 38.02%

Equity: \$201,141.26

Post-Petition Delinquency: \$8,776.37 (2 payments of \$2,849.12, 1 payment \$2,938.69, other charges \$1,100.00, less suspense account \$960.56)

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-Debtor Stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has failed to make postpetition payments. The last payment received by the Movant was on January 28, 2021.

Debtor opposes the motion alleging that more payments were made that have not been accounted for in this motion. Debtor asserts if there is any delinquency remaining the Debtor would like to enter into a repayment agreement.

Are there still outstanding payments? If so there is substantial equity in the Property, are parties amendable to entering into an APO?

Appearance
Required.

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CONT... **Filipo Palako Vaka**

Chapter 13

Party Information

Debtor(s):

Filipo Palako Vaka

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:19-12962 Benito Carrera and Veronica Ramos

Chapter 13

#10.00 Motion for relief from stay

THE MONEY SOURCE INC.

Docket 58

Tentative Ruling:

Movant: The Money Source
Petition Date : 11/25/19
Confirmed Date: 4/16/2020
Service: Proper. Opposition filed.
Property: 17736 Arvida Drive, Granada Hills, California 91344
Property Value: \$ 862,000.00 (per debtor's schedules)
Amount Owed: \$576,606.92 (Movant's Papers)
Equity Cushion: 33.10%
Equity: \$285,393.80
Post-Petition Delinquency: \$14,967.24 (4 payments of \$4,989.08)
Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-Debtor Stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has failed to make postpetition payments. The last payment received was on 2/3/21.

Debtors oppose the motion stating that they sent a cashier's check to the Movant for the full amount. The exhibits suggest that a check was sent out. Did Movant receive the cashier's check? Does this cure the delinquency?

Appearance Required.

Party Information

Debtor(s):

Benito Carrera

Represented By
Giovanni Orantes

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CONT... Benito Carrera and Veronica Ramos

Chapter 13

Joint Debtor(s):

Veronica Ramos

Represented By
Giovanni Orantes

Movant(s):

The Money Source Inc.

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-10645 Jennifer T Bolhayon

Chapter 13

#11.00 Motion for relief from stay

U.S. BANK N.A.

Docket 39

Tentative Ruling:

Movant: US Bank
Petition Date : 3/18/20
Confirmed Date: 7/9/2020
Service: Proper. No Opposition.
Property: 12052 Turtle Springs Lane, Northridge, California 91326
Property Value: \$ 725,158.00 (per debtor's schedules)
Amount Owed: \$568,769.71 (Movant's Papers)
Equity Cushion: 21.56%
Equity: \$156,388.29
Post-Petition Delinquency: \$23,014.76 (7 payments of \$3,321.23 less suspense account \$233.85).
Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-Debtor Stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has missed Postpetition payments. The last payment was received on July 30, 2020.
Debtor has not filed a response. There is substantial equity in the Property. Has Movant attempted reaching out to Debtor in order to work out an APO?
Appearance Required.

Party Information

Debtor(s):

Jennifer T Bolhayon

Represented By
Julie J Villalobos

Movant(s):

U.S. Bank N.A., as trustee, on behalf

Represented By

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CONT... Jennifer T Bolhayon

Robert P Zahradka

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

1:20-10676 Andrea Viglietta-Pichler

Chapter 13

#12.00 Motion for relief from stay

WILMINGTON SAVINGS FUND

Docket 37

Tentative Ruling:

Movant: Wilmington Savings Fund Society
Petition Date: 03/22/2020
Confirmation Date: 07/09/2020
Service: Proper; Opposition filed.
Property: 8132 OAKDALE AVE, Winnetka, CA 91306
Property Value: \$560,000.00 (Per Debtor's Schedules)
Amount Owed: \$415,348.28 (Per Movant's Papers)
Equity Cushion: 34.82%
Equity: \$144,651.72
Post-Petition Delinquency: \$6,490.36 (3 payments of \$5,598.57 less \$139.21 less suspense account).

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); 3 (option to enter into modification) and 7 (waiver of 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has missed postpetition payments. According to the Movant, the last payment was received on March 15, 2021.

Debtor opposes this motion and disputes the evidence submitted. Debtor has requested a loan payment history and is in the process of obtaining evidence of all post-petition mortgage payments made since the filing date. Debtor is requesting a continuance.

What is the status of the requested payment history? How long do you expect this will take?

Appearance Required.

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Hearing Room 302

10:00 AM

CONT... Andrea Viglietta-Pichler

Chapter 13

Party Information

Debtor(s):

Andrea Viglietta-Pichler

Represented By
Steven Abraham Wolvek

Movant(s):

Wilmington Savings fund society,

Represented By
Arnold L Graff
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-10690 Manuel Real

Chapter 13

#13.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 28

Tentative Ruling:

Movant: US Bank National Association

Petition Date : 3/24/2020

Confirmation Date: 7/9/2020

Service: Proper. Opposition Filed on May 5, 2021 (Dkt. No. 30).

Property: 10227 Amboy Avenue, Los Angeles, CA 91331

Property Value: \$ 400,000.00 (per debtor's schedules)

Amount Owed: \$318,026.00 (per debtor's schedules)

Equity Cushion: 20.5%

Equity: \$81,974

Post-Petition Delinquency: \$3,78.78 (3 payments of \$1,260.26)

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); and 7 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting the stay because the Debtor has failed to make post-petition payments.

Debtor opposes this motion on the grounds that this Property is necessary for an effective reorganization and Debtor is asking for an APO.

There is sufficient equity in the Property, are part

Party Information

Debtor(s):

Manuel Real

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:21-10398 Alexey Buchek

Chapter 7

#14.00 Motion for relief from stay

TOYOTA LEASE TRUST

Docket 12

Tentative Ruling:

Movant: Toyota Lease Trust

Petition Date : 03/09/21

Chapter 7

Service: Proper. No Opposition Filed.

Property: 2018 Lexus RX450h AWD

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

Amount Owed: \$34,564.79 (per Movant's declaration)

Equity Cushion: 0

Equity: \$0

Post-Petition Delinquency: \$2,161.58.

Movant requests 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 the 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the lease has matured and the Debtor indicated that he intends to surrender the Property.

Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance Required. Movant to lodge an order with the Court within 7 days.

Party Information

Debtor(s):

Alexey Buchek

Represented By
Elena Steers

Movant(s):

Toyota Lease Trust, as serviced by

Represented By

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CONT... Alexey Buchek

Kirsten Martinez

Chapter 7

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

1:21-10518 Karine Karen Armenyan

Chapter 13

#15.00 Motion for relief from stay

MERCEDES-BENZ FINANCIAL SERVICES
USA LLC

Docket 13

Tentative Ruling:

Movant: Mercedes-Benz Financial Services, USA
Petition Date : 03/26/21
Plan Not Confirmed
Service: Proper. No Opposition Filed.
Property: 2017 Mercedes-Benz G63W4, VIN: WDCYC7DFXHX267001
Property Value: \$ 0 (per debtor's schedules) (Debtor's non-filing spouse is financing the vehicle. Loan Balance is \$35, 000).
Amount Owed: \$127,941.12 (per Movant's declaration)
Equity Cushion: 0
Equity: \$0
Post-Petition Delinquency: \$2,161.58.
Movant requests 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 the 4001(a)(3) stay). Movant believes cause exists for lifting the stay because post-petition payments have not been and the account balance of \$127,941.12 has become payable in full.
Disposition: GRANT 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 the 4001(a)(3) stay).

No Appearance Required. Movant to Lodge an order with the Court within 7 days.

Party Information

Debtor(s):

Karine Karen Armenyan

Represented By
Harout G Bouldoukian

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CONT... Karine Karen Armenyan

Chapter 13

Movant(s):

Mercedes-Benz Financial Services

Represented By
Sheryl K Ith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:30 AM

1:13-13102 Joel Zaldivar and Sara J Zaldivar

Chapter 7

#16.00 Motion To Remove Post-Discharge Levy on the Debtor's Bank Accounts, and For Compensatory and Punitive Damages, Against URBANISM-814 LLC, and Its Attorney Corrine B. Rosner, Esq., For Intentionally Violating the Discharge, and Refusing to Stop

Docket 37

Tentative Ruling:

Debtors filed a chapter 7 bankruptcy petition on May 3, 2013 and received their discharge on October 21, 2013. The Case was closed the next day. Urbanism-814 LLC and Corinne Rosner ("Respondents") obtained a judgment against the Debtors in 2009. The judgment pertains to a commercial lease and Debtors question whether they were properly served. Based on this judgment, the Respondents began to levy money in several bank accounts. From the Debtors' declaration, the money appears to still be in the bank accounts, but it is blocked from the Debtors accessing it. One of these accounts appears to have been set aside for child support payments.

The Debtors reopened their bankruptcy case on April 12, 2021 and filed a motion to remove the levy and seek damages of \$10,000.00, punitive damages of \$7,500.00 and attorney's fees and costs. The Respondents released the garnishment on April 14, 2021. Respondents oppose this motion.

Standard:

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

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CONT...

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Chapter 7

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, 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. 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.

Here, the main issue is whether the Respondents had notice that the discharge injunction was applicable. The burden initially falls on the Debtors to prove knowledge. The Respondents were not listed on the Debtors' schedules; thus, it does

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CONT... **Joel Zaldivar and Sara J Zaldivar**

Chapter 7

not appear that the Respondents were made aware of the Debtors' bankruptcy case at the time it was filed. Debtors have not provided any support that would have made the Respondents aware of the bankruptcy case and subsequent discharge prior to garnishing the Debtors' bank accounts on or around March 4, 2021. There appears to have been some communication between the parties towards the end March 2021 – the discharge and bankruptcy were not discussed. In fact, the first time that the Debtors' bankruptcy and discharge appears to have been raised to the Respondents is on April 7, 2021 in a letter that did not arrive to the Respondents' counsel's office until April 9, 2021 (a Friday). The letter was also sent by email; however, it was sent to a wrong address. The Respondents researched the issue the following Monday (April 12, 2021) and by April 14, 2021 removed the levy. The Debtors have failed to show that the Respondents knew that the discharge injunction was applicable, and once they discovered that it was applicable they removed the levy. The Court finds that the knowledge requirement has not been satisfied, therefore, an award of damages for discharge violation is denied so long as no funds had been removed from the Debtors' bank accounts.

Attorney's Fees:

Unlike violations of the automatic stay, where damages are mandatory, violations for discharge injunctions are governed under section 105 and relief is discretionary under this section. The fact that this even got to this point in the first place is disappointing. This matter could have been resolved if Debtors' counsel merely communicated better with Respondents' counsel. Instead he immediately filed this motion on the same day as the levy was removed. It appears that the underlying rationale for Debtor's counsel's action may be attorney's fees. Debtor's counsel is no stranger to this Court and should be aware of the order to show cause for contempt procedures laid out LBR 9020-1. The Court adopted these procedures to give the violating party an opportunity to take corrective action and to keep costs low. Instead Debtor's counsel ignored this procedure and filed a lengthy motion. All things being considered, awarding attorney's fees for this type of behavior is not necessary and is not reasonable.

The Court DENIES the motion.

Appearance Required.

Party Information

Debtor(s):

Joel Zaldivar

Represented By
Ali R Nader

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CONT... Joel Zaldivar and Sara J Zaldivar

Chapter 7

David Brian Lally

Joint Debtor(s):

Sara J Zaldivar

Represented By

Ali R Nader

David Brian Lally

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:15-11292 Mark Handel

Chapter 11

#17.00 U.S. Trustee Motion to dismiss or convert
case Under 11 U.S.C. § 1112(b)

Docket 234

*** VACATED *** REASON: Resolved per stipulated dismissal (ECF doc.
242) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Handel

Represented By
David L. Neale
John-Patrick M Fritz

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1:16-12791 Menco Pacific, Inc.

Chapter 11

#18.00 Motion To Approve Debtor's Compromise
with International Fidelity Insurance
Company [FRBP 9019(a)]

Docket 530

Tentative Ruling:

Debtor brings this motion pursuant to FRBP 9019 to approve a settlement agreement. The instant settlement brings to conclusion the controversies by and between Menco and its pre-Bankruptcy construction bonding company IFIC. Menco shall pay \$300,000 to IFIC as and for full satisfaction of all claims against Menco. IFIC shall also receive payments from Mr. Mendoza (\$125,000.00) and the Blumenthals (\$275,000.00). Once all payments are made under the agreement, the Reorganized Debtor shall file its request for a final decree, concluding these chapter 11 proceedings.

Bankruptcy Rule 9019(a) empowers the bankruptcy court to approve a settlement on motion by the trustee after notice and a hearing is provided to all creditors. A bankruptcy court has wide latitude in approving compromise agreements which it determines to be fair, reasonable and adequate. See *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988). Although the bankruptcy court has great latitude in authorizing a compromise, it may only approve a proposal that is fair and equitable to the creditors. *In re MGS Marketing*, 111 B.R. 264, 267 (B.A.P. 9th Cir. 1990), quoting *In re Woodson*, 839 F.2d at 620. The court generally gives deference to a trustee's business judgment in deciding whether to settle a matter. *Id.*

In determining whether to approve a compromise, the bankruptcy court should "apprise [itself] of all facts necessary for an intelligent and objective opinion of the probabilities of ultimate success should the claim be litigated. Further, the judge should form an educated estimate of the complexity, expense, and likely duration of such litigation, the possible difficulties in collecting on any judgment which might be obtained, and all other factors relevant to a full and fair assessment of the wisdom of the proposed compromise" *Protective Committee for Independent Stockholders of*

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CONT... Menco Pacific, Inc.

Chapter 11

TMT Trailer Ferry, Inc. v. Anderson, 390 U.S. 414, 424 (1968).

The court considers the following factors: “(a) The probability of success in the litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.” In re A&C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986), citing In re Flight Transportation Corp. Securities Litigation, 730 F.2d 1128, 1135 (8th Cir. 1984) cert. denied, 469 U.S. 1207, 105 S.Ct. 1169 (1985).

Having reviewed the agreement, the Court finds that all the factors support approving the compromise. The Agreement is fair and equitable to all parties involved and was negotiated in good faith. Accordingly, the Court GRANTS the motion.

No Appearance Required.

Movant to lodge an order with the Court within 7 days.

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

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1:19-10542 Julio C Molica and Nancy A Cueva

Chapter 13

#19.00 Motion in a Chapter 7 or 13 Case
(1) To Reopen Case and
(2) For Extension of Time to File Forms Required
for Discharge

Docket 75

Tentative Ruling:

Julio Molica and Nancy Cueva ("Former Debtors") were debtors in a chapter 13 case that was dismissed at the Ch. 13 confirmation hearing on June 25, 2019, as they were behind two payments. At the confirmation hearing, counsel for Former Debtors, Ms. Akhavan, explained that Debtors had not returned her calls and she could not get in contact with them. While the Trustee requested to have the case dismissed at the hearing, Ms. Akhavan negotiated for time to provide Debtors an opportunity to file a *pro se* motion to convert the case to Ch. 7, before the Ch. 13 Trustee uploaded the dismissal order. The Court said on the record that it was giving Former Debtors until Friday, June 28, 2019 at 12:00 p.m. to file the Convert Motion. No Motion to Convert was filed by the deadline and the case was dismissed on July 1, 2019. The case was thereafter closed on October 28, 2019.

On April 8, 2021, Former Debtors filed this request to reopen this dismissed chapter 13 case. Former Debtors argue that they intended to convert the case to chapter 7 and continue self-represented but the case was instead dismissed.

Under 11 U.S.C. § 350(b): "A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other case." The Ninth Circuit held that "a case cannot be reopened unless it was closed pursuant to §350(a) after it had been administered" and "therefore, a dismissed case could not be reopened under §350(b)," Collier on Bankruptcy 15th ed. rev. ¶350.03, In re Income Property Builders, Inc., 699 F.2d 963 (9th Cir. 1982).

As this case was dismissed on July 1, 2019, the Court cannot reopen this

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CONT... **Julio C Molica and Nancy A Cueva** **Chapter 13**

case under § 350(b). Former Debtors may refile a case under chapter 7, as there does not appear to be a bar to refiling applicable here.

Motion DENIED. Court to issue order in accordance with this ruling.

Party Information

Debtor(s):

Julio C Molica	Pro Se
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Joint Debtor(s):

Nancy A Cueva	Pro Se
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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1:20-12088 Godwin Osaigbovo Iserhien

Chapter 11

#20.00 Disclosure Statement

Docket 41

Tentative Ruling:

After having reviewed Debtor's disclosure statement, the Plan, and Motion for Approval of Disclosure Statement, the Court finds that the disclosure statement contains adequate information to make an informed judgment when voting on the Plan, as required under Sec. 1125. The Disclosure Statement and Plan both indicate that the holders of general unsecured claims will be paid in full on the effective date of the Plan, but Ex. C. to the Disclosure Statement breaks down the payments to the general unsecured class to a monthly payment of \$439.87. Debtor's counsel should clarify how Debtor intends to pay Class 6, in full on the Effective Date, or monthly over the 5 year term of the Plan.

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: **June 2, 2021**

Ballots to be returned and objections to confirmation to be filed no later than: **June 23, 2021**

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: **July 7, 2021**

Confirmation hearing to be held on: **July 28, 2021 at 10:30 a.m.**

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.

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CONT... Godwin Osaigbovo Iserhien

Chapter 11

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama
Diana Torres-Brito

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1:21-10021 Paulette V. Lifton

Chapter 7

#21.00 Motion by Creditor Main Street Bank for
Order Extending Time to Object to Discharge

Docket 21

Tentative Ruling:

Main Street Bank ("Movant") seeks to extend the time to object to discharge 120 days. The deadline to object to discharge was April 20, 2021. This motion was filed on April 16, 2021. Debtor has filed opposition.

Federal Rule of Bankruptcy Procedure 4004(b) states that "on motion of any party in interest, after hearing on notice, the court may for cause extend the time to file a complaint objecting to discharge. The motion shall be filed before the time has expired." Fed. R. Bankr. P. 4004(b). The power to extend deadlines for objecting to discharge or nondischargeability complaints rests entirely within the discretion of the bankruptcy judge and should not be granted without a showing of good cause, and without proof that the creditor acted diligently to obtain facts within the bar date to file a timely complaint, but was unable to do so. In re Farhid, 171 B.R. 94, 96 (N.D. Cal. 1994).

The Movant asserts cause exists for extending the deadline because the Debtor missed the initial 341 meeting and the second 341 meeting occurred on March 26, 2021, less than one month before the discharge deadline. Movant asserts several items that the Debtor testified to causes concern. Specifically, how the Debtor paid down credit cards, purchased a mobile home, and funds from the Paycheck Protection Program all not being substantiated with documentation or receipts. The second 341 meeting was not concluded but rather continued to April 23, 2021, three days after the discharge deadline.

Debtor argues that there is no cause shown to extend the deadline to file a complaint to determine the nondischargeability of the debt owed by Debtor to MSB, set forth in Schedule D filed in the Case. Moreover, between the March 26, 2021, continued meeting of creditors and the filing of the Motion on April 16, 2021, MSB did nothing to obtain evidence in support of the filing of a

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CONT...

Paulette V. Lifton

Chapter 7

complaint to determine the nondischargeability of the debt. The Case docket reflects there is no application under FRBP 2004 for documents or documentation with regards to the nondischargeability of the debt. The Motion is not supported by admissible evidence showing any indicia that there are grounds upon which MSB could file a complaint to determine the nondischargeability of debt.

The Court finds cause exists for extending the deadline. The Debtor's failure to attend the first 341 meeting of creditors prejudiced the Movant by not affording it information it needed to make a determination of whether to object to discharge or not. Additionally, the 341 meeting has been continued several times since the filing of this motion (the current continued 341 meeting of creditors date is 6/14/2021). The Movant could have been more proactive but the Debtor's delay in the production of documents through 341 meetings is highly prejudicial.

The Court GRANTS the motion.

Appearance Required.

Party Information

Debtor(s):

Paulette V. Lifton

Represented By
Louis J Esbin

Trustee(s):

Diane C Weil (TR)

Pro Se

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1:21-10079 Ara Eric Hunanyan

Chapter 7

#21.01 Application by Nancy Hoffmeier Zamora,
Chapter 7 Trustee, for Approval to Employ
Rodeo Realty, Inc. as Real Estate Broker

Docket 15

Tentative Ruling:

On January 19, 2021, Ara Eric Hunanyan (the "Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code. On Schedule A/B, the Debtor lists real property located at 16925 Gault Street, Van Nuys, California 91404 (the "Gault Property") with a current value of \$500,000.00. The Gault Property is listed as the Debtor's primary residence. On Schedule C, the Debtor lists a secured claim held by Hovik Meguerian in the amount of \$130,700.00 and a secured claim held by JPMCB Home in the amount of \$169,280.00. The secured claims total approximately \$300,000.00, leaving approximately \$200,000.00 in equity. The Debtor claims the equity in the Gault Property exempt under C.C.P. § 704.730.

Nancy Zamora ("Chapter 7 Trustee") filed this application to employ Rodeo Realty ("RR") to sell the properties. The Trustee proposes that Rodeo Realty will be paid, at the time of closing, a commission of 5% of the gross price from the sale of the real properties or 2.5% of any settlement amount paid by or on behalf of the Debtor in lieu of sale. The Trustee requests that Rodeo Realty be employed *nunc pro tunc* to February 1, 2021, to allow it to be compensated for any sale that may result from Rodeo Realty's efforts before this Application could be approved.

The United States Trustee ("UST") opposes the application to hire RR. The Debtor filed an objection as well.

Standard:

Section 327(a) specifies the qualification standards for professionals, including attorneys, who are employed in a bankruptcy case. This statute provides:

The trustee, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested

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Ara Eric Hunanyan

Chapter 7

persons, to represent or assist the trustee in carrying out the trustee's duties under this title.

"Section 327 is rooted in the congressional intention to hold professionals performing duties for the estate to strict fiduciary standards." In re Wheatfield Bus. Park Llc, 286 B.R. 412, 417 (2002).

The Debtor and UST do not object to the formalities of the motion or the disinterestedness of RR but raise the question of whether the estate would benefit from hiring a broker to sell the properties. The Court will address each issue.

"It is universally recognized [however] that the sale of a fully encumbered asset is generally prohibited." In re KVN Corp., Inc., 514 B.R. 1, 5 (9th Cir. BAP 2014). See also Morgan v. K.C. Mach. & Tool Co. In re K.C. Mach. & Tool Co., 816 F.2d 238, 245-46 (6th Cir. 1987) ("It is generally recognized that a chapter 7 trustee should not liquidate fully encumbered assets, for such action yields no benefit to unsecured creditors."); In re Covington, 368 B.R. 38, 41 (Bankr. E.D. Cal. 2006) ("[W]hen an asset is fully encumbered by a lien, it is considered improper for a chapter 7 trustee to liquidate the asset."); In re Preston Lumber Corp., 199 B.R. 415, 416 (Bankr. N.D. Cal. 1996) (actual conflict of interest arises when the trustee sees he can make more money for himself by liquidating collateral for a secured creditor than he can by asserting a claim against the secured creditor on behalf of the estate). When a trustee encounters a fully encumbered asset, in most situations, "the trustee's proper function is to abandon the property, not administer it, because the sale would yield no benefit to unsecured creditors." KVN Corp., 514 B.R. at 6.

The UST and the Debtor argue that there would be no non-exempt proceeds from the sale of the Gault Property and therefore there would be no benefit to the estate. There is approximately \$300,000.00 in secured claims, and the Debtor claims a \$500,000.00 exemption in the property. Based upon the Schedules, there is no non-exempt equity for the Chapter 7 Trustee to administer. The Chapter 7 Trustee believe these objections are premature and should be raised at the time of a motion to sell or approve compromise.

The Court agrees with the Chapter 7 Trustee's position. At first glance it appears strange that the Chapter 7 Trustee would attempt to sell a fully encumbered property but there appears to be more behind the scenes than has been revealed. The Chapter 7 Trustee has negotiated an outline of a settlement with the Debtor's ex-

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Ara Eric Hunanyan

Chapter 7

spouse's decedent estate and that there will be a "carve-out" for the estate to pay professionals and allowed, timely-filed claims but does not want to disclose the details due to alleged manipulative acts by the Debtor. On May 13, 2021, the Debtor's counsel filed a substitute of attorney. Dkt. No. 61. This document includes email exhibits regarding the exchange of the Debtor and his former counsel. Based on those emails, the Court believes there is a basis for the Chapter 7 Trustee's concerns about the Debtor. Due to these concerns, the Court does not believe the issue of benefit of the estate is ripe to address at this time and does not preclude the Chapter 7 Trustee from employing RR. The Court will address this issue at a motion to approve compromise or sale motion where it would be the Chapter 7 Trustee's burden to prove that it is to the benefit of the estate to sell the Gault Property. It must be emphasized that there will be NO payment of fees or commissions to the realtor if the trustee does not show that it is to the benefit of the estate to sell the property.

The UST also objected to approving a 2.5% commission for RR in a settlement context under Section 328. The Chapter 7 Trustee admits that it was not their intent to ask for such a request under section 328 and that approval of such request will be done under section 330 with Court approval.

Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

**United States Bankruptcy Court
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Wednesday, May 19, 2021

Hearing Room 302

10:30 AM

1:21-10079 Ara Eric Hunanyan

Chapter 7

#21.02 Application of Chapter 7 Trustee,
Nancy J. Zamora, for Authorization to Employ
Grobstein Teeple LLP as Accountant Effective
January 28, 2021

Docket 18

Tentative Ruling:

On January 19, 2021, Ara Eric Hunanyan (the "Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code. On February 17, 2021, Nancy Zamora ("Chapter 7 Trustee") filed her Application for Authorization to Employ Grobstein Teeple LLP ("GT") as Accountants Effective as of January 28, 2021. The Chapter 7 Trustee proposes to retain GT to evaluate assets and liabilities of the Debtor, evaluate tax issues related to the Debtor and estate, and prepare tax returns, among other things. This is a routine application to employ for the usual necessary estate services brought with a reasonable time following an evaluation of the estate's needs.

Section 327(a) of the Bankruptcy Code provides for the trustee to "employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title."

The United States Trustee ("UST") does not object to the Chapter 7 Trustee employing GT as accountants but asserts that the effective date of the employment should be the hearing date, or the date that the Court signs the order, if there is no hearing. The UST does not object to the timeliness of the motion or disinterestedness but questions whether *nunc pro tunc* relief is appropriate here.

The UST's objections stem from a recent Supreme Court ruling, Roman Catholic Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano, 140 S.Ct. 696, 700-01 (2020). Here, the court criticized the "nunc pro tunc" order at issue there, stating:

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Federal courts may issue *nunc pro tunc* orders or "now for then" orders ... to "reflect the reality" of what has actually occurred. "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." ... Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history - creating 'facts' that never occurred in fact."

Courts then applied Acevedo to applications for employment in bankruptcy cases even though this was not at issue in Acevedo. See In re Miller, 620 B.R. 637 (E.D. Cal. Bankr. 2020) citing In re Roberts, 618 B.R. 213, 217 (Bankr. S.D. Ohio 2020) and In re Benitez, 2020 WL 1272258, *2 (Bankr. E.D.N.Y. March 13, 2020). The question is whether this is too broad a reading of the Supreme Court's language.

Acevedo has been interpreted to hold "that jurisdiction in the federal courts must emanate from the United States Constitution or a statute and cannot be created by the actions of a court" such as the attempted retroactive conferral of jurisdiction in Acevedo that the lower courts attempted notwithstanding "the removal statute [that] explicitly prohibits the state court from exercising jurisdiction over the removed action." In re Merriman, 616 B.R. 381, 391-95 (9th Cir. BAP 2020).

Here, there is a specific statute conferring authority on the court to approve employment. Isn't the UST's broad reading of Acevedo adding the word "prior to the phrase "with the court's approval" under 11 U.S.C. 327(a)? What is the basis for reading "prior" into the statute when Congress chose not to include it?

Such a reading would seem contrary to the duties of the trustee/DIP and the professionals to protect the interests of the bankruptcy estate from the instant the bankruptcy petition is filed, and not wait until after the court's approval before exercising their duties. Therefore, just like the retroactive relief from the automatic stay that was at issue in Merriman, the court sees no jurisdictional issue with authorizing employment as of any postpetition date.

Acevedo emphasizes that courts cannot use *nun pro tunc* orders to engage in revisionist history. Acevedo at 702. Orders that retroactively authorize employment do not alter the historic landscape. In re Mohiuddin, 2021 Bankr. LEXIS 1232, fn 5. (Bankr. S.D. Tex. 2021). In some sense, every employment application seeks a form of *nunc pro tunc* relief because an employment application cannot get approved before this Court until it is noticed pursuant to LBR 9013-1(o). If the Court were to adopt the

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UST's position, then no bankruptcy estate could have professionals during that time. This delay would inevitably cause harm to bankruptcy estates. The Court does not believe Acevedo changed that law with respect *nunc pro tunc* employment applications where there is a reasonable delay between employment and the application. The real question is how long is too long of a delay so that *nunc pro tunc* relief would in fact alter history. The Miller ruling illustrates the issue of how long is too long.

How does the UST reconcile its interpretation of Acevedo with Atkins v. Wain, 69 F.3d 970, 974 (9th Cir. 1995) and the long line of cases cited therein explaining the statutory and equitable grant of authority to bankruptcy courts to approve employment applications where the work started before the application was approved? The import of Atkins is to permit approval of these applications.

Although in several instances Atkins refers to approval of "services," rather than "employment," see *id.* at 971 ("retroactively approved services"), 973 ("approve retroactively the bulk of [the professional's] services"), the opinion *on the whole* is talking about employment. For instance, at page 973, Atkins says that "professionals who perform services for a debtor in possession cannot recover fees for services rendered to the estate unless those services have been previously authorized by a court order." But what follows that statement? A citation to Bankruptcy Code section 327(a) and Fed. R. Bankr. P. 2014(a)! Then they go on to say that courts can "approve retroactively a professional's valuable but unauthorized services." The standard established by the Circuit tells us to look whether the services were valuable, in part, to determine whether we should approve the employment retroactively. But this does not mean fees can be approved retroactively *without* approving the employment retroactively. Doesn't Miller misconstrue what Atkins really says.

Further, later in the opinion, the court uses language that is more precise about what is going on. See, e.g., *id.* at 975 (It is not required that every condition enumerated in *Twinton Properties* be considered or met for the bankruptcy court to properly grant a *nunc pro tunc* approval of professional **employment.**" (emphasis added). Perhaps the clearest example is the final paragraph of the opinion:

The bankruptcy court did not abuse its discretion in granting Wain, Samuel's motion for *nunc pro tunc* approval of its **employment** as Wane, Samuel

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established the existence of exceptional circumstances. The decision of the BAP upholding the bankruptcy court order is therefore AFFIRMED.

Id. at 979 (emphasis added).

As Acevedo does not address any of these issues, why is the UST reading it so broadly as to overrule a long line of cases that address precisely this issue?

. Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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1:21-10082 Claudia Cadena

Chapter 7

#22.00 Motion To Dismiss Luigi Interlandi From Further Proceedings in this Petition; and / or alternatively to Order the Joinder of Parties that are necessary to this Proceedings.

Docket 41

Tentative Ruling:

Luigi Interlandi, Petitioner in this dismissed involuntary chapter 7 case, moves to be dismissed from "further proceedings" in this action, arguing that he should not have to be a party to these proceedings because he allegedly acted at the behest of Chris Eskijian, principal of EIJ, Inc., the entity that was holder of a lien on the Van Alden property, his attorney Michael Shemtoub, and Ms. Cadena's husband Hugo Marquez. Interlandi does not dispute, however, that he was the party who signed the petition as the "Petitioner's or Petitioner's Representative." Involuntary Chapter 7 Petition, 21-10082-MT, ECF doc. 1, p. 4. Ms. Cadena argues in opposition that, among other things, it would be improper to dismiss Interlandi as party where the evidentiary hearing, set for July 29, 2021, has not yet occurred.

Section 303(i) provides that a court may grant a debtor reasonable attorneys' fees and costs upon dismissal of an involuntary bankruptcy petition. 11 U.S.C. §303(i)(1)(A)- (B). Statutory relief is unavailable only if all parties consent or the debtor waives relief. When an involuntary petition is dismissed on some ground other than consent of the parties and the debtor has not waived the right to recovery, an involuntary debtor's motion for attorney's fees and costs under §303(i)(1) raises a rebuttable presumption that reasonable fees and costs are authorized. Higgins v. Vortex Fishing Sys., Inc., 379 F.3d 701, 707 (9th Cir. 2004). Once the dismissed involuntary debtor has satisfied the burden of demonstrating the reasonableness of the fees requested, "[i]t is then the petitioning creditors' burden to establish, under the totality of the circumstances, that factors exist which overcome the presumption, and support the disallowance of fees." Id. A decision whether to award attorneys' fees and costs under §303(i)(1) is reviewed for an abuse of discretion.

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In exercising its discretion whether to award fees and costs, the bankruptcy court may consider factors such as relative culpability among the petitioners, the motives or objectives of individual petitioners in joining in the involuntary petition, the reasonableness of the respective conduct of the debtors and petitioners, and other individualized factors. See id. Tort concepts and class theories of liability are irrelevant to these discretionary and flexible considerations. In re Maple-Whitworth, 556 F.3d 742, 746 (9th Cir. 2009), corrected by 559 F.3d 917 (9th Cir. 2009). Applying Higgins, the Ninth Circuit held in In re Maple-Whitworth that a bankruptcy court has discretion to hold all or some petitioners jointly or severally liable for costs and fees, to apportion liability according to petitioners' relative responsibility or culpability, or to deny an award against some or all petitioners, depending on the totality of the circumstances. Id. Here, where the evidentiary hearing regarding the circumstances of the involuntary filing has not yet occurred, and thus the facts have yet to be found, it would be premature and unnecessary to dismiss Interlandi. If Interlandi's culpability with respect to his signing the petition as the "Petitioner's or Petitioner's Representative" is *de minimis*, as he claims, the Court will take that into account in its analysis under the totality of the circumstances standard applicable under 303(i).

In the alternative, Interlandi argues that Ms. Cadena should be ordered to "join all parties" to this matter under FRBP 7020 or have the matter dismissed under Rule 12(h)(2) for misjoinder or lack of joinder of parties. Interlandi's arguments regarding joinder are based on his allegations that he was acting as merely an agent of Eskijian, who himself was acting at the behest of Cadena's husband Marquez, and thus it would be inequitable to require him to participate in this proceeding without having Eskijian and Marquez joined.

The Bankruptcy Appellate Panel of the Ninth Circuit (the "BAP") addressed issues of joinder in an earlier iteration of the Maple-Whitworth case, Sofris v. Maple-Whitworth, Inc. (In re Maple-Whitworth), 375 B.R. 558 (B.A.P. 9th Cir. 2007), aff'd in part, 556 F.3d 742 (9th Cir.), corrected by 559 F.3d 917 (9th Cir. 2009) ("Sofris v. Maple-Whitworth"). While the Ninth Circuit took issue with the BAP's use of common law tort principles to interpret § 303(i) in the subsequent case In re Maple-Whitworth, the Ninth Circuit left untouched the BAP's ruling that the onus was on the defendant to establish, under the totality of the circumstances, that factors exist which overcome the

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presumption that that the fees and costs sought by the dismissed involuntary debtor are reasonable and authorized, as per Higgins. In re Maple-Whitworth, 556 F.3d 742 (9th Cir. 2009). This presumption helps reinforce the idea that "[t]he filing of an [i]nvoluntary [p]etition should not be lightly undertaken," and "will serve to discourage inappropriate and frivolous filings." Higgins v. Vortex Fishing Sys., Inc., 379 F.3d at 707.

The BAP explained in Sofris v. Maple-Whitworth that "[Petitioner's] contention that the debtor should, at the threshold, bear the risk of procedural difficulties in naming, locating, and serving all of the petitioners and that an award cannot be made against him unless the debtor does so turns the theory of joint liability on its head." Sofris v. Maple-Whitworth, 375 B.R. at 571. The BAP noted that the petitioner, in their bid to rebut the presumption, may commence a third party action to obtain judgments against any other petitioner, or they may commence an independent equitable action in the bankruptcy court for contribution, if they believe they have paid more than their equitable share of the judgment. Id. at 571-572. The BAP also mentioned that the petitioner may join "other petitioners" under FRCP 21, but that "[a]lthough Rule 21 permits the court to add parties on its own authority, the burden to make such a motion was on [the petitioner]." Id.

For the reasons stated above, the Motion to Dismiss Interlandi as a party to this action is DENIED.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

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1:21-10095 Anna Mary Yeager Smith

Chapter 7

#23.00 Motion to Convert Case From Chapter 7 to 13.

Docket 49

Tentative Ruling:

Service proper. No objections filed. Having reviewed the Motion to Convert Case to Ch. 13, the Court finds that the motion was filed in good faith and that this debtor is eligible for relief under Ch. 13. Motion GRANTED.

DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

APPEARANCES WAIVED ON MAY 19, 2021.

Party Information

Debtor(s):

Anna Mary Yeager Smith

Represented By
Larry D Simons

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:20-11567 Hrachya Ternkalyan and Shushanik Lily Ternakalyan

Chapter 7

#23.01 Motion to Convert Case From Chapter 7 to 13.

fr. 5/5/21

Docket 74

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):

Hrachya Ternkalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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1:20-11567 Hrachya Ternkalyan and Shushanik Lily Ternakalyan

Chapter 7

#23.02 Motion Objecting to Debtors' Claimed
Homestead Exemption and Order
Compelling Turnover of Property of the
Estate

fr. 3/31/21, 4/21/21; 5/5/21

Docket 72

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hrachya Ternkalyan

Represented By
Yeznik O Kazandjian

Joint Debtor(s):

Shushanik Lily Ternakalyan

Represented By
Yeznik O Kazandjian

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Laila Masud
D Edward Hays

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Hearing Room 302

11:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

#24.00 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; 12/11/19,
3/11/20, 8/27/20, 12/2/20; 3/17/21

Docket 0

Tentative Ruling:

Having considered the post-confirmation status report, the Court finds cause to continue this status conference to October 20, 2021, at 10:30 a.m.

Reorganized Debtor to give notice of continued status conference.

NO APPEARANCE REQUIRED ON 5/19/21

Party Information

Debtor(s):

Menco Pacific, Inc.

Represented By
Jeffrey S Shinbrot

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11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01090 Zamora, Chapter 7 Trustee v. Vasquez

#25.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21; 4/7/21

Docket 1

Tentative Ruling:

Having reviewed the Unilateral Status Report filed by Plaintiff on May 5, 2021, the Court finds cause to continue this matter to July 28, 2021 at 11:00am.

No appearance required on May 19, 2021.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Brayan Vasquez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01092 Zamora, Chapter 7 Trustee v. Osorio

#26.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21; 4/7/21

Docket 1

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on May 5, 2021,
the Court finds cause to continue this matter to July 28, 2021 at 11:00 a.m.

No appearance required on May 19, 2021

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Guadalupe Osorio Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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11:00 AM

1:19-10726 Victoria Kristin Burak

Chapter 7

Adv#: 1:19-01111 Coha et al v. Burak

#27.00 Pre-trial Conference re: Complaint objecting to discharge of debtor based upon false pretenses, false representations, actual fraud

fr. 6/2/20; 10/7/20; 3/17/21

Docket 12

Tentative Ruling:

This matter was continued from March 17, 2021 because the parties represented that they were considering settlement proposals. Nothing has been filed since then. What is the status of this case?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Plaintiff(s):

Loretta M Coha

Represented By
James W Bates

Equity Trust Company, Custodian

Represented By
James W Bates

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CONT... Victoria Kristin Burak

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

Adv#: 1:19-01082 Coha et al v. Burak

#28.00 Status Conference Re: Complaint Objecting to Discharge of Debtor based Upon False Pretenses, False Representations, Actual Fraud.

fr. 9/18/19; 12/11/19; 5/20/20, 6/2/20; 10/7/20; 3/17/21

Docket 1

Tentative Ruling:

This matter was continued from March 17, 2021 because the parties represented that they were considering settlement proposals. Nothing has been filed since then. What is the status of this case?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Mary Kristin Burak

Pro Se

Plaintiff(s):

Loretta M Coho

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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Hearing Room 302

11:00 AM

1:20-10443 Gilbert J Gonzaga

Chapter 7

Adv#: 1:20-01048 Hagen-Olson v. Gonzaga et al

#29.00 Motion For Attorney's Fees and Costs As
the Prevailing Party After Trial Against Plaintiff
and Her Attorneys of Record Ferguson, Case,
Orr and Paterson, LLP

Docket 36

Tentative Ruling:

Leah Hagen – Olson ("Plaintiff") is a licensed cosmetologist in the state of California. During April 2019, the Plaintiff viewed a job advertisement on indeed.com for a hair stylist/manager at a new Fantastic Sams Cut & Color (the "Salon"). Gilbert Gonzaga and Chona Sangco Chua Gonzaga ("Defendants") made a decision to transition out of their "corporate" jobs and open up a series of franchises. After applying to open up a franchise, the Defendants were approved and began making preparations for opening up the Salon. After receiving the Plaintiff's resume, the Defendants hired her to be the manager of the Salon.

In May and June of 2019, the Plaintiff began hiring other stylists and training with a Fantastic Sams' instructor. The Salon opened on June 29, 2019, and the Plaintiff's last day at work was August 2, 2019. The Salon struggled to stay afloat and on February 29, 2020, the Salon closed. The Defendants filed bankruptcy on February 25, 2020. Plaintiff brought this adversary proceeding seeking to have debt arise from her employment at the Salon declared non-dischargeable under §523 (a) (2) and (6).

The Court conducted a trial on April 16, 2021 and granted a motion for a directed verdict in favor of the Defendants. Defendants now move for an award of attorneys' fees and costs against the Plaintiff. Plaintiff filed opposition.

§523(d) Standard:

The general rule is that the prevailing party is not entitled to collect attorney's fees from the losing party. Travelers Cas. & Sur. Co. of Am. v. PG&E, 549 U.S. 443, 448 (2007). This default rule can be overcome by an applicable statute or enforceable contract. Id. Defendants argue they are entitled to attorney's fees pursuant CCC §

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1717 because of the oral contract between the parties. This argument is meritless because this section applies to actions on a contract "where the contract specifically provides [for] attorney's fees and costs..." CCC §1717. There is nothing suggesting the oral contract provided for attorney's fees and costs. Accordingly, there is no contractual basis for attorney's fees. The only basis for attorney's fees would be statutory.

Debtors argue that they are entitled to attorney's fees and costs pursuant to § 523(d). Section 523(d) states:

If a creditor requests a determination of dischargeability of a consumer debt under subsection (a)(2) of this section, and such debt is discharged, the court shall grant judgment in favor of the debtor for the costs of, and a reasonable attorney's fee for, the proceeding if the court finds that the position of the creditor was not substantially justified, except that the court shall not award such costs and fees if special circumstances would make the award unjust.

To prevail on a motion for attorney's fees under § 523(d), a debtor must prove three elements: (1) the creditor requested a determination of the dischargeability of the debt; (2) the debt is a consumer debt; and (3) the debt was discharged. Stine v. Flynn (In re Stine), 254 B.R. 244, 249 (9th Cir. BAP 2000), aff'd, 19 F. App'x 626 (9th Cir. 2001); see Lionetti v. Law Offices of Steven H. Marcus (In re Lionetti), 613 B.R. 13, 18 (9th Cir. BAP 2020). If the debtor establishes these elements, the burden then shifts to the creditor to prove that its actions were substantially justified. In re Stine at 249. The creditor must show that it had substantial justification for the pursuit of the discharge litigation at all stages of the litigation. Heritage Pac. Fin., LLC v. Montano (In re Montano), 501 B.R. 96, 116 (9th Cir. BAP 2013).

It is uncontested that the Creditor commenced this adversary proceeding to determine the dischargeability of the debt under §523(a)(2) and (6); thus, the first element has been satisfied.

Consumer Debt:

Section 101(8) defines "consumer debt" as "debt incurred by an individual primarily for a personal, family, or household purpose." This definition is adapted

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from the definition used in various consumer protection laws. In re Stine, 254 B.R. at 249. The term "consumer debt" is used throughout the Code. See § 524(c)(6) (B) (excepting consumer debts secured by real estate from reaffirmation requirements); § 707(b)(1) (providing for dismissal of chapter 7 cases filed by individual debtors "whose debts are primarily consumer debts" for substantial abuse); § 1301(a) (staying actions against a co-debtor to collect consumer debt). "[T] here is a natural presumption that identical words used in different parts of the same act are intended to have the same meaning." Atl. Cleaners & Dyers, Inc. v. United States, 286 U.S. 427, 433, 52 S. Ct. 607, 76 L. Ed. 1204 (1932); see also Bushkin v. Singer (In re Bushkin) 2016 Bankr. LEXIS 2688, *17 (9th Cir. BAP). Thus, in addition to those cases construing the term "consumer debt" under § 523(d), we may consider cases construing other sections of the Code in which the term "consumer debt" is used. Cypher Chiropractic Ctr. v. Runski (In re Runski), 102 F.3d 744, 746-47 (4th Cir. 1996).

"It is settled in this circuit that the purpose for which the debt was incurred affects whether it falls within the statutory definition of 'consumer debt' and that debt incurred for business ventures or other profit-seeking activities does not qualify." Meyer v. Hill (In re Hill), 268 B.R. 548, 552-53 (9th Cir. BAP 2001) (discussing "consumer debt" in § 1322(b)(1)) (citing Zolg v. Kelly (In re Kelly), 841 F.2d 908, 913 (9th Cir. 1988) ("Debt incurred for business ventures or other profit-seeking activities is plainly not consumer debt for purposes of section 707(b)."); Aspen Skiing Co. v. Cherrett (In re Cherrett), 523 B.R. 660, 669 (9th Cir. BAP) ("courts generally ascribe a business purpose, rather than a personal, family or household purpose to debts which are incurred 'with an eye toward profit' and which are 'motivated for ongoing business requirement'"); In re Stine, 254 B.R. at 249 (a § 523(d) case citing In re Booth, 858 F.2d at 1055, a § 707(b) case, for the proposition that debts incurred by the debtor with a profit motive are not consumer debts).

Here, the Defendants believe that the debt qualifies as a consumer debt because the Plaintiff went after the Defendants in their individual capacity and not the business. This is an irrelevant distinction. This debt arose from Plaintiff's employment with the Defendants at their franchise. The debt was not incurred for personal, family, or household purposes, rather, this debt was incurred for the purpose of growing their business – i.e. it was motivated for the purpose of creating profit. Because the purpose

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for incurring the debt was profit, the debt cannot be considered a consumer debt and this element has not been satisfied and the Defendants are unable to obtain fees under section 523(d).

Substantial Justification:

The "substantially justified" standard requires that a claim have a reasonable basis both in law and in fact. First Card v. Hunt (In re Hunt), 238 F.3d at 1103 (citing Pierce v. Underwood, 487 U.S. 552, 565 (1988)). The creditor bears the burden of proving that its position is substantially justified. First Card v. Carolan (In re Carolan), 204 B.R. 980, 987 (9th Cir. BAP) (holding that fees are to be awarded "unless the creditor establishes that its nondischargeability complaint is substantially justified"); American Sav. Bank v. Harvey (in re Harvey), 172 B.R. 314, 318 (9th Cir. BAP 1994). This approach is also supported by the legislative history of [§ 523\(d\)](#). S. Rep. No. 98-65, at 59 (1983). To avoid a fee award, the creditor must show that its challenge had a reasonable basis both in law and in fact."). For these reasons, we adopt this rule as well.

There are no clear rules, however, regarding how a creditor may carry this burden: Must it be by the introduction of admissible evidence only, or are other methods of persuasion permissible? In Pierce, for example, the Court treated a party's willingness to settle as a relevant consideration in determining whether that party's position was substantially justified. See Pierce, 487 U.S. at 568. Similarly, the Seventh Circuit in In re Hingson, 954 F.2d 428 (7th Cir. 1992), based its finding of substantial justification largely on the degree of progress in the settlement negotiations before they broke down. See Id. at 429 ("The settlement negotiations ultimately collapsed in acrimony, but that they got as far as they did suggests that the claim of fraud may have had substantial merit.") Although such cases indicate that a finding regarding substantial justification need not be based solely on the admissible evidence before the court, the cases do not go so far as to suggest that unsupported allegations in a creditor's pleadings can be sufficient to carry the creditor's burden under § 523(d).

Even assuming that the underlying debt were deemed a consumer debt, then the burden would shift to the Plaintiff to show there was substantial justification for bringing this adversary proceeding. The Defendants point to the Court's ruling that the Plaintiff failed to meet her burden of proof, that there was a lack of evidence to support the Plaintiff's claim, and that the Plaintiff's counsel filed this case for the bankruptcy experience and did not file this case in good faith; therefore, the Plaintiff

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did not have substantial justification for bringing this case. This is not supported by the record or any proof provided by Defendant – just speculation and innuendo.

It is undisputed that the Court found that the Creditor failed to meet her burden of proof and granted a directed verdict in the favor of the Defendants pursuant to Federal Rule of Civil Procedure 52 (incorporated in bankruptcy proceedings through Federal Rule of Bankruptcy Procedure 7052). This by itself does not mean there was not substantial justification to bring the case. At the heart of this dispute was an oral agreement between the parties, some of which was not documented particularly well. On top of the exhibits that were and were not admitted into evidence, a lot of the Court's decision relied on the credibility of the parties' testimony. Counsel may not always know how a witness will testify and whether they will be found to be credible. Even though this was not enough to prevail on their cause of action, there was enough of a basis for the Plaintiff to bring this claim. Attacking the use of a junior attorney is also an insufficient basis to conclude that a firm did not believe it had a meritorious where the attorney was supervised. Non-bankruptcy firms lack of bankruptcy expertise is indeed a concern and appeared to be the case here, but it does not rise to the level of an award of fees.

The fact that this was a directed verdict is also misleading. The court had defendant Chona Gonzaga's testimony already because of the procedures used to present all testimony by declaration in advance. She had already been cross-examined, so the proofs were somewhat out of the normal order. The trial would not have had much more if the defendant had put on evidence. Solely Ms. Chana Gonzaga's husband would have testified, and the court had already read his direct declaration. It did not add much to what had already been covered multiple times by the other witnesses, and he had less first-hand knowledge. The ruling was effectively a ruling on the full evidence following trial.

Accordingly, the Defendants are not entitled to attorney's fees under section 523(d) for multiple reasons.

Sanctions:

Debtor also asserts that attorney's fees are also warranted under 28 U.S.C. § 1927 and 11 U.S.C. §105. A federal court may also base an order of sanctions on authority granted by 28 U.S.C. §1927, which states, in pertinent part, that:

Any attorney . . . 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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28 U.S.C. §1927. Thus, "Section 1927 authorizes the imposition of sanctions against any lawyer who wrongfully proliferates litigation proceedings once a case has commenced." Pacific Harbor Capital, Inc. v. Carnival Air Lines, Inc., 210 F.3d 1112, 1117 (9th Cir. 2000).

In that Section 1927 requires that an attorney's multiplication of proceedings be both "unreasonable" and "vexatious[]," the conduct of the attorney in question must have been somehow wrongful. The imposition of sanctions under §1927 requires a finding of bad faith." Id. "We assess an attorney's bad faith under a subjective standard. Knowing or reckless conduct meets this standard." MGIC Indem. Corp. v. Moore, 952 F.2d 1120, 1121-22 (9th Cir. 1991); see In re Keegan Mgmt. Co., Securities Litig., 78 F.3d 431, 435-36 (9th Cir. 1996). Thus, "counsel must have a culpable state of mind but its conduct need not be intentional: [a court] may only award sanctions where it finds that counsel acted with 'intent, recklessly, or in bad faith.'" Baneth v. Planned Parenthood, 1994 U.S. Dist. LEXIS 6711, 1994 WL 224382, *3 (N.D. Cal. 1994). Section 1927 sanctions may be an award of reasonable attorneys' fees, but an attorney may be ordered to pay only "excess" costs resulting from improper conduct. See Salstrom v. Citicorp Credit Svcs., Inc., 74 F.3d 183, 185 (9th Cir. 1996).

Additionally, Section 105 provides a bankruptcy court with broad equitable powers by stating that "the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a); see also 2 Collier on Bankruptcy, P 105.01 at 105-5 (Lawrence P. King et al. eds., 15th ed. rev. 2001) (stating that § 105 is a grant of equitable authority); Eskanos & Adler, P.C. v. Roman (In re Roman), 283 B.R. 1, 13 (9th Cir. BAP 2002). Included in the court's inherent powers are civil contempt power and the inherent power to sanction vexatious conduct presented before the bankruptcy court. Renwick v. Bennett (In re Bennett), 298 F.3d 1059, 1069 (9th Cir. Aug. 5, 2002).

The Defendants argue sanctions are appropriate because (1) the adversary proceeding lacked sufficient evidence warranting any attorney bringing this cause of action, (2) the Plaintiff did not enter mediation with an open mind, and (3) the Plaintiff's attorney's lacked bankruptcy experience and were not adequately prepared for trial. As discussed previously, there was substantial justification for bringing this cause of action even though the Plaintiff failed to satisfy her burden of proof. As to the failed settlement issue, after sitting through trial it is not surprising that the Plaintiff did not settle this case. To put it bluntly, the Plaintiff appears to have been a

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difficult client. She felt adamantly that she was correct and felt no need to compromise. The Court cannot fault the Plaintiff's counsel for not settling a matter which the Plaintiff did not want to settle. Forcing sanctions on not settling a matter is inappropriate.

Finally, the Court believes that the lack of bankruptcy experience and not being adequately prepared for trial does not warrant a finding of bad faith. At the end of the day there was a small amount at issue, even though it was significant to the parties involved, and both parties' attorneys appropriately tried not to run up high fees. It is undisputed that both parties failed to provide their witnesses copies of the exhibits beforehand so that they could properly testify; thereby, taking my law clerk away from his duties to assist putting the exhibits on the screen share of Zoom. Additionally, the Plaintiff failed to properly admit the depositions of the parties into evidence. This was an error on the lawyers part, but the Court is aware that other courts might have different rules regarding documents on the docket coming into evidence and the depositions were on the docket. An error yes, but nothing about it is vexatious or suggests a finding a bad faith. The lack of bankruptcy experience is irrelevant. Plaintiff's counsel represented their client the best they could and demonstrated a sufficient understanding of bankruptcy law. Finally, the argument that the associate being freshly admitted to the bar and not ready participate in trial is nothing short of insulting. It is not uncommon for law firms to include new attorneys in trials where the stakes are low in order to get them experience. This situation is extremely stressful for new associates and Shantal Razban-Nia handled what is likely her first cross examination admirably. Nothing stands out as bad faith or vexatious in this case. Accordingly, the Court finds no basis for sanctions.

The Court DENIES the Defendant's Motion.
Apperance Required.

Party Information

Debtor(s):

Gilbert J Gonzaga

Represented By
Kevin T Simon
David Brian Lally

Defendant(s):

Gilbert J Gonzaga

Represented By
David Brian Lally

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Chona Sangco Chua Gonzaga

Represented By
David Brian Lally

Joint Debtor(s):

Chona Sangco Chua Gonzaga

Represented By
Kevin T Simon
David Brian Lally

Plaintiff(s):

Leah Kathleen Hagen-Olson

Represented By
Bret G Anderson

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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11:00 AM

1:20-11099 Arthur Martiryan

Chapter 7

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

#30.00 Status Conference Re: Complaint for
Determination of Dischargeability of Debt
Under 11 U.S.C. Sec. 523

fr. 2/17/21, 3/31/21

Docket 1

Tentative Ruling:

Having reviewed the Unilateral Status Report filed by Plaintiff on May 5, 2021,
the Court finds cause to continue this matter to June 30, 2021 at 11:00am.

No appearance required on May 19, 2021.

Party Information

Debtor(s):

Arthur Martiryan Pro Se

Defendant(s):

Arthur Martiryan Pro Se

Plaintiff(s):

JPMORGAN CHASE BANK, N.A. Represented By
Jillian A Benbow

Trustee(s):

Diane C Weil (TR) Pro Se

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11:00 AM

1:20-11983 Vahid Naziri

Chapter 7

Adv#: 1:21-01011 Talaie v. Naziri

#31.00 Status Conference re: Complaint seeking to determine dischargeability of debt pursuant to 11 u.s.c. section 523(a)(6)

fr. 4/7/21

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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

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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):

Vahid Naziri

Represented By
Levi Reuben Uku

Defendant(s):

Vahid Naziri

Pro Se

Plaintiff(s):

Mohammad Talaie

Represented By
Nicholas S Nassif

Trustee(s):

Amy L Goldman (TR)

Pro Se

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1:21-10345 Juan R Nungaray

Chapter 7

Adv#: 1:21-01015 FEDERAL HOME LOAN MORTGAGE CORPORATION v. Guzman et al

#32.00 Order to Show Cause Re Remand and
Notice of Setting Status Conference
(Removed Proceeding)

Docket 1

Tentative Ruling:

The UD Action that was removed to this forum has been delayed nearly two and a half years. Respondent Federal Home Loan Mortgage Corporation ("Respondent") contends that these delays are a result of Defendant's strategically timed delay tactics. Respondent explains that several individuals - Leonora Nungaray, Olga Leyva, and Jose Nungaray - all added themselves as Defendants to the Unlawful Detainer and have taken turns filing bankruptcies and Federal Removals and other delaying motions in the UD Action. Defendants have already filed at least three to four Notice of Removals in the District Court and one Notice of Removal in this Bankruptcy Court; each time, the court finds the Removal without merit and remands the case to Superior Court. In fact, on November 20, 2019 the District Court Judge the Honorable Dale S. Fisher declared Defendant a Vexatious Litigant and prohibited Defendant from filing any further removals ("Vexatious Litigant Order"). Decl. of Ashley Rossetto ISO Response, Ex. 2. In the Vexatious Litigant Order, the District Court explicitly prohibited any party from removing the UD Action without obtaining approval from a District Court judge. Now, Defendant has removed the same UD Action to Bankruptcy court, once again in violation of the Vexatious Litigant Order, and Respondent points out that, once again, the UD Action is delayed as a result.

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

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pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

(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 determining whether to remand a case to state court, the bankruptcy court must consider the totality of the circumstances. See In re Tucson Estates, Inc., 912 F.2d 1162, 1167 (9th Cir. 1990). Specifically, the court should consider: (1) the effect or lack thereof on the efficient administration of the estate if the Court remands or abstains; (2) the extent to which state law issues predominate over bankruptcy issues; (3) the difficult or unsettled nature of applicable law; (4) the presence of related proceeding commenced in state court or other nonbankruptcy proceeding; (5) jurisdictional basis, if any, other than §1334; (6) the 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; and (12) the presence in the proceeding of nondebtor parties. Id. at 1166-67.

Applied to these facts, the factors weigh heavily in favor of remanding the matter to state court. First, there is no effect on the administration of the estate. Debtor did not schedule the Premises as an asset of the estate and did not identify any liability related to the Property.

Moreover, the UD Action involves state law and there are no bankruptcy

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issues to adjudicate. As to comity, "[c]omity dictates that California courts should have the right to adjudicate the exclusivity state law claims involving California-centric plaintiffs and California-centric transactions." Enron, 296 B.R. at 509. Here, the matter involves California-centric transactions. In addition, there is no jurisdictional basis other than 28 U.S.C. § 1334.

Next, this matter is "non-core." Core proceedings include all actions "arising under" Title 11 or "arising in" a case under Title 11. In re Marshall, 600 F.3d 1037, 1053 (9th Cir. 2010) aff'd sub nom, Stem v. Marshall, 564 U.S. 462 (2001). This action neither arises under title 11 nor arises in a case under title 11, in that this action can exist independently of Debtor's bankruptcy case. Nor is this action "inextricably intertwined" with the administration of the bankruptcy estate. In re ACI-HDT Supply Co., 205 B.R. 231, 236-37 (B.A.P. 9th Cir. 1997); see also In re Harris, 590 F.3d 730, 739 (9th Cir. 2009).

Finally, there is a high likelihood that this Debtor engaged in forum shopping, to the prejudice of Plaintiff. Given the findings of District Judge Fischer in the Vexatious Litigant Order as to Debtor's conduct, and the other facts of this case, it appears the defendants in this UD Action, particularly Mr. Nungaray, are using the removal process as a tool for delay. This matter is remanded to state court under § 1452(b).

Respondent requests an order from this Court, similar to the Vexatious Litigant Order, prohibiting any defendants in the UD action from filing further removals with District or Bankruptcy Court courts. In Ringgold-Lockhart, the Ninth Circuit set out a very clear roadmap that emphasizes the careful review a court must conduct before restricting such important constitutional rights to court access, especially in cases involving pro se litigants. Ringgold-Lockhart v. Cnty. of Los Angeles, 761 F.3d 1057, 1062 (9th Cir. 2014). Prior to issuance of a pre-filing order, a bankruptcy court is required to: "(1) give litigants notice and 'an opportunity to oppose the order before it [is] entered'; (2) compile an adequate record for appellate review, including 'a listing of all the cases and motions that led the [bankruptcy] court to conclude that a vexatious litigant order was needed'; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as 'to closely fit the specific vice encountered.'" Id. at 1062 (citing De Long v. Hennessey, 912 F.2d, 1147-48 (9th Cir. 1990)). Respondent should be prepared to

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discuss whether it wishes to proceed with its request for a prefiling order,
given the detailed procedural requirements involved.

APPEARANCE REQUIRED

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):

Nancy J Zamora (TR)	Pro Se
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1:16-11538 Majestic Air, Inc.

Chapter 11

#33.00 Status and Case Management Conference

fr. 8/4/16(xfr from Judge Tighe's calendar); 8/30/16,
9/27/16; 10/25/16; 11/15/16, 2/21/17, 5/16/17; 6/27/17,
8/29/17, 1/23/18; 6/19/18, 9/18/18; 12/4/18; 2/12/19; 5/7/19
6/11/19; 7/16/19; 8/20/19; 9/24/19, 12/17/19; 12/23/2019;
2/11/20, 4/7/20; 6/23/20; 7/7/20, 7/21/20, 9/15/20, 10/27/20,
12/22/20 (cont'd from GM calendar); 2/9/21, 3/10/21, 4/7/21

Docket 1

Tentative Ruling:

The Court recently entered an order approving a compromise in the adversary proceeding which resolved that case. What remains to be done in the administration of the estate?

Appearance Required.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

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1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#34.00 Status Conference re: Counterclaim by
Lufthansa Technik Philippines, Inc.

fr. 12/22/20; 2/9/21, 3/10/21; 4/7/21

Docket 163

***** VACATED *** REASON: Vacated Per Settlement Agreement.**

Tentative Ruling:

Vacated Per Settlement Agreement.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Represented By
Dawn M Coulson
Scott D Cunningham
Andrew C Johnson

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc.

#35.00 Status Conference Re: Third Amended Complaint
Objecting to Proof of Claim No. 3; and
for Contractual Indemnification

fr. 3/5/19; 6/11/19; 7/16/19; 8/20/19; 9/24/19,
12/17/19, 12/23/19; 2/11/20; 4/7/20; 6/23/20,
7/7/20, 7/21/20; 9/15/20, 10/27/20; 2/9/21, 3/10/21; 4/7/21

Docket 159

***** VACATED *** REASON: Vacated Per Settlement Agreement.**

Tentative Ruling:

Vacated Per Settlement Agreement.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Lufthansa Technik Philippines, Inc.

Pro Se

Plaintiff(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Tessie Cue

Represented By
Stella A Havkin

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1:16-11538 Majestic Air, Inc.

Chapter 11

Adv#: 1:18-01133 Majestic Air, Inc. et al v. Lufthansa Technik Philippines, Inc. et al

#36.00 Motion to Dismiss Adversary Proceeding First Amended Counter-Claim

fr. 2/9/21, 3/10/21; 4/7/21

Docket 193

***** VACATED *** REASON: Vacated Per Settlement Agreement.**

Tentative Ruling:

Vacated Per Settlement Agreement.

Party Information

Debtor(s):

Majestic Air, Inc.

Represented By
Stella A Havkin

Defendant(s):

Aaron Cue	Pro Se
Highbury Asia Inc.	Pro Se
Metro Aerospares	Pro Se
Amplespares Corp.	Pro Se
Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Highbury Asia Inc.	Pro Se
Metro Aerospares	Pro Se

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CONT... Majestic Air, Inc. Chapter 11

Amplespares Corp.	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
AMC Industries, LLC	Pro Se
DOES 1 through 10	Pro Se
Lufthansa Technik Philippines, Inc.	Represented By Dawn M Coulson Scott D Cunningham Andrew C Johnson
Mariz Cue	Pro Se

Movant(s):

Highbury Asia Inc.	Pro Se
Mercy Ministry	Pro Se
Aaron Cue	Pro Se
Mariz Cue	Pro Se
Metro Aerospace	Pro Se
Lord's Grace and Mercy Ministry	Pro Se
Joy Air LLC	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger
Majestic Air, Inc.	Pro Se
Majestic Air, Inc.	Pro Se
Hiongbo Cue Cue	Pro Se
Hiongbo Cue Special Administrator	Represented By William E Weinberger Stella A Havkin

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

Wednesday, May 19, 2021

Hearing Room 302

1:00 PM

CONT... Majestic Air, Inc.

Chapter 11

Hiongbo Cue Cue

Pro Se

Majestic Air, Inc.

Represented By
Stella A Havkin

AMC Industries, LLC

Pro Se

Plaintiff(s):

Tessie Cue

Represented By
Stella A Havkin

Majestic Air, Inc.

Represented By
Stella A Havkin

Hiongbo Cue Special Administrator

Represented By
William E Weinberger
Stella A Havkin

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

Wednesday, May 19, 2021

Hearing Room 302

1:30 PM

1:17-12980 Mainstream Advertising, a California Corporation

Chapter 7

Adv#: 1:20-01027 Goldman v. Bibi et al

#37.00 Pretrial Status Conference re: Complaint for avoidance and recovery of avoidable transfer, 11 u.s.c. section 544, 547, 548, 550; Declaratory relief; Turnover breach of fiduciary duty; Preliminary and Permanent Injunction; Disallowance of proof of claim; Equitable subordination of claim.

fr. 5/6/20; 6/10/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd to 9/29/21 at 1:30 p.m. per order #18.
If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mainstream Advertising, a

Represented By
Kathleen P March

Defendant(s):

Danny Bibi

Pro Se

Shahla Mishkanin

Pro Se

Iraj Khoshnood

Pro Se

Monetize.com, inc.

Pro Se

Ad.com Interactive Media Inc.

Pro Se

Plaintiff(s):

Amy L. Goldman

Represented By
John P. Reitman

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

Wednesday, May 19, 2021

Hearing Room 302

1:30 PM

CONT... Mainstream Advertising, a California Corporation

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Represented By
David B Golubchik
Peter J Mastan
Anthony A Friedman
John P. Reitman
Jack A. Reitman

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

Tuesday, May 25, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606165963>

Meeting ID: 160 616 5963

Password: 7452375

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 616 5963

Password: 7452375

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#19.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19; 1/28/20; 3/31/20,
7/21/20, 10/27/20; 12/15/20; 3/16/21

Docket 115

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:14-12566 Gabriel Rufus and Shirley Rufus

Chapter 13

#20.00 Motion for Hardship Discharge and Waiver to File Certificate of Compliance Under 11 U.S.C. Section 1328(a) As Well As Official Form 23

Docket 105

Tentative Ruling:

Debtors move the court for entry of discharge pursuant to § 1328(b). No opposition has been filed. Section 1328(b) allows the Court to grant a “hardship discharge” is if several requirements are met:

(b) Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

(1) the debtor’s failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

(2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

(3) modification of the plan under section 1329 of this title is not practicable.

(c) A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

(1) provided for under section 1322(b)(5) of this title; or

(2) of a kind specified in section 523(a) of this title.

Service proper. No opposition filed. Having reviewed the Motion the Court finds that Debtors have met the requirements of 1328(b).

Motion for hardship discharge is GRANTED.
DEBTORS 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**

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

CONT... Gabriel Rufus and Shirley Rufus
APPEARANCES WAIVED ON 5-25-21.

Chapter 13

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, May 25, 2021

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

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

fr. 4/27/21

Docket 139

***** VACATED *** REASON: Cont'd to 6/22/21 at 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:15-11377 Carla Yvette Carr

Chapter 13

#22.00 Application for Compensation for Ali R Nader,
Debtor's Attorney, Period: 10/15/2018 to 5/19/2020,
Fee: \$1,612.00, Expenses: \$32.66.

Docket 65

Tentative Ruling:

The fees appear reasonable and necessary. Has counsel explained the
RARA and fees to client again?
APPEARANCE REQUIRED

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, May 25, 2021

Hearing Room 302

11:00 AM

1:16-10839 Marcellus Francis

Chapter 13

#23.00 Motion RE: Objection to Amended Claims 2-3,
2-4, 2-5 by Claimant Aleta Francis

Docket 117

Tentative Ruling:

In Chapter 13 cases, interest generally does NOT accrue on post-petition priority unsecured claims .11 USC 1322(a)(2); In re Kingsley, 86 B.R.17, 20 (Bkrtcy. D. Ct. 1988); In re Smith, 196 BR 565 (MD Fla 1996), US v Fowler, 394 F.3d 1208, 1212 (9th Cir 2005); except in those situations where the debtor's estate is solvent - meaning that the creditors' unsecured claims could be paid in full in a Chapter 13 case if they could be paid in a Chapter 7 liquidation proceeding.

Debtor's estate was never solvent; the amount of claims to be paid always exceeded Debtor's ability to pay and Debtor had no net assets from which to pay unsecured creditors

What is the amount owed and what has been paid, putting aside interest?

Has the family law trial been finished now?

Aleta may not file any amended claim until the family court order issues an order.

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:16-10839 Marcellus Francis

Chapter 13

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

Docket 116

Tentative Ruling:

Counsel and trustee should consult on the whether trustee has given adequate credit for payment of claim. appearance required to discuss what type of order is needed going forward to finish this case. The plan can be modified to finish up these payments. The question is how to word the order to make it clear what is still to be done.

Party Information

Debtor(s):

Marcellus Francis

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, May 25, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21; 1/26/21; 3/16/21, 4/27/21

Docket 141

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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, May 25, 2021

Hearing Room 302

11:00 AM

1:16-12160 Hernan Alberto Orantes and Maria Del Rocio Sanchez

Chapter 13

#26.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

fr. 4/27/21

Docket 95

***** VACATED *** REASON: Cont. 7/27/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hernan Alberto Orantes

Represented By
Eric Bensamochan

Joint Debtor(s):

Maria Del Rocio Sanchez

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

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

fr. 4/27/21

Docket 145

***** VACATED *** REASON: Cont'd to 6/22/21 at 11:00 a.m.**

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, May 25, 2021

Hearing Room 302

11:00 AM

1:16-13379 Francisco Rodriguez

Chapter 13

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

fr. 4/27/21

Docket 48

***** VACATED *** REASON: Trustee filed a withdrawal on 5/11/21 - Doc. #51. lf**

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10032 Michael Klapsis and Marina Klapsis

Chapter 13

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

fr. 1/26/21, 2/23/21; 3/16/21, 4/27/21

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Klapsis

Represented By
Devin Sawdayi

Joint Debtor(s):

Marina Klapsis

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10317 James Patrick Sweet

Chapter 13

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

Docket 58

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00. If**

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

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

fr.9/22/20; 11/17/20; 1/26/21, 2/23/21, 4/27/21

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10856 Marian Woods and Timothy Woods

Chapter 13

#32.00 Trustee's Motion to Dismiss Case Trustee's
Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all
Tax Refunds

Docket 62

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

**#33.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 2/23/21, 4/27/21

Docket 100

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

#34.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to Submit all Tax Refunds

Docket 105

*** VACATED *** REASON: Cont. 9/28/21 @11am

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21, 4/27/21

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Movant(s):

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-12363 Janice Marie Semien

Chapter 13

#36.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

Docket 79

***** VACATED *** REASON: Cont. 6/22/21 @11am**

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

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

fr. 1/26/21; 3/16/21

Docket 119

***** VACATED *** REASON: Cont'd to 6/22/21 at 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

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, May 25, 2021

Hearing Room 302

11:00 AM

1:17-12834 Michael Rizzo, Jr

Chapter 13

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

Docket 72

***** VACATED *** REASON: Ntc. of w/drawal filed 5/20/21**

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#39.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan

Docket 65

***** VACATED *** REASON: Cont. 7/27/21 @11am**

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-10533 Marvin Eleid

Chapter 13

#40.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20; 6/23/20;
8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21;
3/16/21, 4/27/21

Docket 45

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #62. If**

Tentative Ruling:

Party Information

Debtor(s):

Marvin Eleid

Represented By
Steven Abraham Wolvek

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-10538 Daphna Sharon Cirsch

Chapter 13

#40.01 Trustee's Motion for Order Dismissing Ch. 13
Case

Docket 44

***** VACATED *** REASON: Trustee filed a withdrawal on 5/10/21 - Doc.
#46. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daphna Sharon Cirsch

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 25, 2021

Hearing Room 302

11:00 AM

1:18-11550 Andrea L Cervantes

Chapter 13

#41.00 Trustee's Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20; 3/16/21

Docket 49

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-12016 Gregory Bernard Walker and Brenda Yvonne Walker

Chapter 13

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

fr. 4/27/21

Docket 80

***** VACATED *** REASON: Attorney filed a withdrawal - Doc. #90.**

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-12549 Moshe Cohen

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21; 3/16/21, 4/27/21

Docket 78

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #88. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D. Resnik

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

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

Docket 73

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 10/27/20; 12/15/20, 2/23/21, 4/27/21

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-10781 Daniel Correa

Chapter 13

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

fr. 3/31/20, 4/28/20; 6/23/20, 9/22/20; 11/17/20; 1/26/21,
2/23/21, 4/27/21

Docket 32

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #63. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Correa

Represented By
Elena Steers

Movant(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:19-11281 Mary Helen Robertson

Chapter 13

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

fr. 8/25/20; 11/17/20, 2/23/21

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Helen Robertson

Represented By
Randolph L Neel

Trustee(s):

Elizabeth (SV) F 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 25, 2021

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

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

fr. 10/27/20; 12/15/20; 1/26/21; 3/16/21

Docket 89

Tentative Ruling:

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-11885 Joanne Sherry Block and Paul Henry Block

Chapter 13

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

fr. 2/23/21, 4/27/21

Docket 36

***** VACATED *** REASON: Cont'd to 7/27/21 @ 11:00 a.m.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Sherry Block

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Paul Henry Block

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 25, 2021

Hearing Room 302

11:00 AM

1:19-11916 Ada E Renderos Velasquez

Chapter 13

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

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ada E Renderos Velasquez

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 25, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#52.00 Motion RE: Objection to Claim Number 3
by Claimant Los Angeles County Treasurer and Tax Collector

fr. 3/31/20, 9/22/20, 10/27/20; 1/26/21, 2/23/21; 3/16/21

Docket 0

***** VACATED *** REASON: Cont'd per stipulation to 6/22/21 at 11 a.m. -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

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 25, 2021

Hearing Room 302

11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20,
2/23/21; 3/16/21, 4/27/21

Docket 41

Tentative Ruling:

- NONE LISTED -

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21; 3/16/21,
4/27/21

Docket 32

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13004 Galina Tovmasian

Chapter 13

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

fr. 4/27/21

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Galina Tovmasian

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13021 Peter Clayton Purcell

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21; 3/16/21, 4/27/21

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Clayton Purcell

Represented By
David S Hagen

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13062 Brandon Paul Lopez and Vicki Lynn Lopez

Chapter 13

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

fr. 3/16/21

Docket 29

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):

Brandon Paul Lopez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Vicki Lynn 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**

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13088 David King David Santos and Melannie De Guzman Santos Chapter 13

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

Docket 29

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #33. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David King David Santos

Represented By
James G. Beirne

Joint Debtor(s):

Melannie De Guzman Santos

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13135 Nicole Tanice Shepherd

Chapter 13

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

fr. 1/26/21; 3/16/21, 4/27/21

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

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, May 25, 2021

Hearing Room 302

11:00 AM

1:19-13157 Juan Maldonado Bastida

Chapter 13

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

Docket 73

***** VACATED *** REASON: Cont'd to 7/27/21 @ 11:00.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Maldonado Bastida

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 25, 2021

Hearing Room 302

11:00 AM

1:20-10040 Giovanni Garofoli

Chapter 13

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

fr. 2/23/21

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Garofoli

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 25, 2021

Hearing Room 302

11:00 AM

1:20-10040 Giovanni Garofoli

Chapter 13

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

fr. 3/16/21

Docket 54

Tentative Ruling:

What is the cite to the deadline the trustee refers to? Is it jurisdictional?

Party Information

Debtor(s):

Giovanni Garofoli

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 25, 2021

Hearing Room 302

11:00 AM

1:20-10250 Kenneth Larkin

Chapter 13

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

fr. 1/26/21; 3/16/21

Docket 49

***** VACATED *** REASON: Cont. 6/22/21 @ 11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

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, May 25, 2021

Hearing Room 302

11:00 AM

1:20-10272 Barjinder Singh

Chapter 13

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

fr. 3/16/21

Docket 47

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, May 25, 2021

Hearing Room 302

11:00 AM

1:20-10474 Dewayne Anthony Brady

Chapter 13

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

fr. 3/16/21

Docket 36

***** VACATED *** REASON: Ntc. of w/drawal filed 5/4/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dewayne Anthony Brady

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, May 25, 2021

Hearing Room 302

11:00 AM

1:20-11218 William J Grauel

Chapter 13

#66.00 Motion RE: Objection to Claim Number 12
by Claimant Larry Johnson.

Docket 56

Tentative Ruling:

Debtor filed this chapter 13 case on July 11, 2020 and the claim bar date was thereafter set for September 21, 2020. On April 15, 2021, Larry Johnson, via counsel Ledger Law Firm, filed proof of claim 12, asserting an unsecured claim of \$120,000. Objection, Ex. B. Debtor did not list this creditor on his schedules. Debtor objects to Claim 12 because it was filed seven months after the claims bar date passed.

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

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 (BAP 9th Cir. 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

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

CONT... William J Grauel
F.2d at 623.

Chapter 13

“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.

Service proper. No response filed. Having reviewed the Objection to Claim and the evidence in support, the Court finds that this claim shall be disallowed as untimely under § 502(b)(9).

Objection sustained. Debtor to lodge order within 7 days.
NO APPEARANCE REQUIRED ON 5-25-21

Party Information

Debtor(s):

William J Grauel

Represented By
Steven Abraham 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, May 25, 2021

Hearing Room 302

11:00 AM

1:21-10304 Anatoliy Chizmar

Chapter 13

#67.00 Application for Compensation for Alla Tenina,
Debtor's Attorney, Period: 2/24/2021 to 4/13/2021,
Fee: \$4800.00, Expenses: \$372.00.

Docket 43

Tentative Ruling:

APPEARANCE REQUIRED

Debtor's counsel should be sure to provide debtor with zoom dial in
information

Party Information

Debtor(s):

Anatoliy Chizmar

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, May 25, 2021

Hearing Room 302

11:00 AM

1:21-10748 Kenneth Melvin Hunt

Chapter 13

#68.00 Motion in Individual case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 9

Tentative Ruling:

On 4-27-21, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 1:18-bk-12586-MT, was a chapter 13 that was filed on 10/22/2018 and dismissed on 7/27/2020 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 the COVID-19 pandemic created financial stress for him. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, he has a second job and will continue working additional jobs outside his primary employment, if needed, to fund his proposed 100% plan. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 5/25/21.

Party Information

Debtor(s):

Kenneth Melvin Hunt

Represented By
Trang Phuong Nguyen

Movant(s):

Kenneth Melvin Hunt

Represented By

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

Tuesday, May 25, 2021

Hearing Room 302

11:00 AM

CONT... Kenneth Melvin Hunt

Trang Phuong Nguyen

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, May 25, 2021

Hearing Room 302

11:00 AM

1:18-12833 Marcie Berger

Chapter 13

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

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcie Berger

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, June 2, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1618548203>

Meeting ID: 161 854 8203

Password: 226207

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 854 8203

Password: 226207

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, June 2, 2021

Hearing Room 302

9:30 AM

1:19-12945 Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

#1.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING

fr. 4/21/21

Docket 34

Tentative Ruling:

This hearing was continued from 4-21-21 so that the parties could discuss whether the matter could be resolved via APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

4-21-21 TENTATIVE BELOW

Petition Date: 11/22/2019

Ch. 13 plan confirmed: 2/13/2020

Service: Proper. No opposition filed.

Property: 7504 Shoup Ave.

Property Value: \$587,959 (per debtor's schedules)

Amount Owed: \$365,573

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$18,131.54 (6 payments of \$2,253.25; 2 payments of \$2,306.02)

Movant requests relief under 11 U.S.C. 362(d)(1) 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).

There appears to be sufficient equity to protect Movant's claim. Have the parties had an opportunity to discuss whether an APO is appropriate here?

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 2, 2021

Hearing Room 302

9:30 AM

CONT... Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

Debtor(s):

Roderick Panopio

Represented By
Susan Jill Wolf

Joint Debtor(s):

Cecilia Veneracion Panopio

Represented By
Susan Jill Wolf

Movant(s):

Select Portfolio Servicing Inc., as

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, June 2, 2021

Hearing Room 302

10:00 AM

1:18-10143 Mayra Hernandez

Chapter 13

#2.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC.

Docket 67

Tentative Ruling:

Petition Date: 1/16/2018

Ch. 13 plan confirmed: 9/17/2018

Service: Proper. No opposition filed.

Property: 8723 Lucia Place, Sun Valley Area, CA 91352

Property Value: \$545,000 (per debtor's schedules)

Amount Owed: \$388,850.74

Equity Cushion: 20.65%

Equity: \$112,549.28

Post-Petition Delinquency: \$25,277.93 (3 payments of \$2,667.39; 6 payments of \$2,684.56)

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 appears to be sufficient equity to protect Movant's claim. Have the parties had an opportunity to discuss whether an APO is appropriate here?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mayra Hernandez

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 2, 2021

Hearing Room 302

10:00 AM

CONT... Mayra Hernandez

Chapter 13

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

Wednesday, June 2, 2021

Hearing Room 302

10:00 AM

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

Chapter 11

#3.00 Motion for relief from stay

IAN AND JANE SILBER

Docket 215

Tentative Ruling:

Petition Date: 6/19/2018

Chapter: 13 (converted to Chapter 11 on 6/3/2019)

Service: Proper. No opposition filed.

Movant: Ian Ellis Silber and Jane Ellen Silber

Relief Sought to: Pursue Pending Litigation Commence Litigation

Pursue Insurance Other

Litigation Information

Case Name: Ian Silber & Jane Silber v. Commissioner of Internal Revenue

Court/Agency: U.S. Tax Court – Los Angeles, Docket No. 20436-17

Date Filed: 9/27/2017

Judgment Entered:

Trial Start Date: 11/26/2018

Action Description: Redetermination of the tax liability year 2013.

Grounds

Bad Faith

Claim is Insured

Claim Against 3rd Parties

Claims Nondischargeable

Mandatory Abstention

Non-BK Claims Best Resolved in Non-BK Forum

Other: See Movant's Mem. Pts. & Auth.

Disposition: GRANT under 11 U.S.C. 362(d)(1) with specific relief requested in paragraph 5 (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, June 2, 2021

Hearing Room 302

10:00 AM

CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 11

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
Roksana D. Moradi-Brovia

Movant(s):

Ian Ellis Silber

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia
Joyce Owens

Jane Ellen Silber

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, June 2, 2021

Hearing Room 302

10:00 AM

1:19-12077 Hakob Gevorgyan and Zhanna Sanamyan

Chapter 13

#4.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC.

Docket 44

Tentative Ruling:

Petition Date: 8/19/2019

Ch. 13 plan confirmed: 2/13/2020

Service: Proper (includes co-debtor). Opposition filed 5/19/2021.

Property: 8119 Geyser Avenue, Reseda, CA 91335

Property Value: \$625,000 (per debtor's schedules)

Amount Owed: \$575,277.52

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$48,953.57 (3 payments of \$3,622.31; 10 payments of \$3,733.70; 8 late charges of \$146.66)

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); 6 (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to Zhanna Sanamyan); 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 oppose the Motion, arguing that they are delinquent \$48,953.57 through April 2021; that they were negatively impacted by COVID-19 pandemic; that Movant is adequately protected as there is equity in the real property; that they are in the process of applying for a loan modification; that they have resumed ongoing mortgage payments beginning with May 2021 mortgage; that on 5/13/21, they tendered \$3,750.00 with proof; and that co-debtor has passed the bar and her income will increase beginning 6/1/21. Debtors request a 45-day continuance for the loan modification to be approved.

APPEARANCE REQUIRED

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

Wednesday, June 2, 2021

Hearing Room 302

10:00 AM

CONT... **Hakob Gevorgyan and Zhanna Sanamyan**

Chapter 13

Party Information

Debtor(s):

Hakob Gevorgyan

Represented By
Raj T Wadhvani

Joint Debtor(s):

Zhanna Sanamyan

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 2, 2021

Hearing Room 302

10:00 AM

1:19-12562 Shiela Sayrafi

Chapter 13

#5.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 51

*** VACATED *** REASON: Settled per Stipulation

Tentative Ruling:

VACATED.

NO APPEARANCE REQUIRED

Party Information

Debtor(s):

Shiela Sayrafi

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**

Wednesday, June 2, 2021

Hearing Room 302

10:00 AM

1:20-10991 Larry D Miller and Gloria J Miller

Chapter 13

#6.00 Motion for relief from stay

LOANDEPOT.COM, LLC

Docket 27

Tentative Ruling:

Petition Date: 5/29/2020

Ch. 13 plan confirmed: 9/10/2020

Service: Proper. No opposition filed.

Property: 16415 Gilmore Street, Van Nuys (Los Angeles), CA 91406

Property Value: \$695,000 (per debtor's schedules)

Amount Owed: \$ 572,464.70

Equity Cushion: 9.63%

Equity: \$66,935.30

Post-Petition Delinquency: \$7,224.51 (2 payments of \$3,023.44)

Disposition: GRANT under 11 U.S.C. 362(d)(1) with the specific relief requested in paragraphs 7 (waiver of the 4001(a)(3) stay); and 12 (Debtor is a borrower for the 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):

Larry D Miller

Represented By
Tom A Moore

Joint Debtor(s):

Gloria J Miller

Represented By
Tom A Moore

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

Wednesday, June 2, 2021

Hearing Room 302

10:00 AM

CONT... Larry D Miller and Gloria J Miller

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 2, 2021

Hearing Room 302

10:00 AM

1:20-11121 Craig L Redondo and Sophia G Redondo

Chapter 13

#7.00 Motion for relief from stay

TOYOTA LEASE TRUST

Docket 43

Tentative Ruling:

Petition Date: 6/26/2020

Chapter 13 Plan confirmed on: 10/5/2020

Service: Proper (includes service on Co-debtor Craig Redondo and non-filing Co-debtor David Redondo). No opposition filed.

Property: 2018 Toyota Corolla

Property Value: Unk.

Amount Owed: \$12,315.96 [lease]

Equity Cushion: Unk.

Equity: Unk.

Post-Petition Delinquency: \$300.98 + (another will come due on 5/25/21)

Movant alleges that it regained possession of the subject property on February 9, 2021 postpetition and that the fair market value of the property is declining.

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 David Redondo); 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):

Craig L Redondo

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, June 2, 2021

Hearing Room 302

10:00 AM

CONT... Craig L Redondo and Sophia G Redondo

Chapter 13

Joint Debtor(s):

Sophia G Redondo

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, June 2, 2021

Hearing Room 302

10:00 AM

1:20-11518 Gloria Janeth Orellana

Chapter 13

#8.00 Motion for relief from stay

B&B CAPITAL, LLC.

Docket 34

Tentative Ruling:

Petition Date: 8/24/2020

Ch. 13 plan confirmed: 2/4/2021

Service: Proper (includes service on senior lienholder—Specialized Loan Services LLC). No opposition filed.

Property: 14018 Runnymede St, Van Nuys, CA 91405

Property Value: \$610,000 (per debtor's schedules)

Amount Owed: \$121,138.17 (Movant-2nd DOT) + \$541,248.78 (1st DOT)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$9,370.42 (8 payments of \$631.31 + 7 late charges of \$40.00 + \$2,801.94 "Legal Fees" + \$1,238.00 attorneys' fees and costs)

Movant alleges that debtor has failed to make required ongoing payments as required by her confirmed chapter 13 plan, which is cause for relief.

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

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Gloria Janeth Orellana

Represented By

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

Wednesday, June 2, 2021

Hearing Room 302

10:00 AM

CONT... Gloria Janeth Orellana

Donald E Iwuchuku

Chapter 13

Movant(s):

B&B CAPITAL, LLC

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, June 2, 2021

Hearing Room 302

10:00 AM

1:21-10746 Kimberly Michelle Michel

Chapter 13

#9.00 Motion for relief from stay

LHOME MORTGAGE TRUST 2019-RTL3

Docket 20

Tentative Ruling:

Petition Date: 4/27/2021

Chapter: 13

Service: Proper (including original borrower—Provision Investments LLC).

No opposition filed.

Property: 1640 Greenfield Dr., El Cajon, CA 92021

Property Value: Unk.

Amount Owed: \$472,702.11 (per Movant)

Equity Cushion: Unk.

Equity: Unk.

Post-Petition Delinquency: Unk.

Notice of default recorded: 5/18/2020

Notice of sale recorded: 8/24/2020

Foreclosure sale originally scheduled: 10/19/2020

Foreclosure sale currently scheduled: 6/2/2021

Movant alleges that the debtor did not list the Property in her Schedules; that the debtor acquired the interest in the Property by a recorded grant deed transferring an interest in the Property to the debtor; that the bankruptcy case was filed in bad faith. Movant states there is cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property.

Multiple BK cases affecting the Property:

(1) Rebie Ann Mott-Mitchell, III aka Rebie Ann Jackson-Mott aka Rebie Anna Mitchell, II aka Rebieanna Mott-Mitchell, Chapter 13, Case No. 19-22939, Filed 5/8/2019, RFS was not granted.

(2) Rebie A. Mott-Mitchell, Chapter 7, Case No. 21-20826, Filed 3/9/2021,

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10:00 AM

CONT... Kimberly Michelle Michel
RFS was granted.

Chapter 13

Movant states that the Property is also encumbered by a Second Deed of Trust in favor of Rebieanna Mitchell in the approximate amount of \$25,000.00. See Exhibit "4". The Deed of Trust was executed March 9, 2021, the same day that the Debtor filed bankruptcy case 21-20826. Further, Movant had a scheduled foreclosure sale date of March 15, 2021.

Unauthorized Transfers:

A Grant Deed was recorded on April 26, 2021 without the knowledge or consent of the Movant, whereby Mortgage Provision Investments LLC - a Wyoming LLC purported to transfer an interest in the property to Provision Investments a 75% Total Vested Interest, Kimberly Michelle Michel, a Single Woman a 25% Total Vested Interest as a gift for no consideration or for nominal consideration.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(4). 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.

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):

Kimberly Michelle Michel

Represented By
Axel H Richter

Trustee(s):

Elizabeth (SV) F 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 2, 2021

Hearing Room 302

10:30 AM

1:21-10444 Marina Drabkin

Chapter 7

#10.00 Motion to Avoid Lien JUDICIAL LIEN with
Lev Yasnogorodsky

Docket 52

Tentative Ruling:

On July 27, 2007, Lev Yasnogorodsky ("Creditor") filed Los Angeles Superior Court Case No. BC382156 entitled Yasnogorodsky v. Kouzine. The State Court granted judgment (the "Initial" in favor of the Creditor and against Anatoliy Kouzine ("Kouzine")) in the amount of \$132,575.81. The Abstract of Judgment related to the Initial Judgment was issued and was later recorded on March 25, 2009, on property located at 2463 Achilles Drive, Los Angeles, California, 90046 ("Property"). Prior to the abstract being recorded, Kouzine transferred title to the Property to Marina Darbkin ("Debtor"). On November 4, 2009, Creditor commenced an action against the Debtor and Kouzine for violation of the California Uniform Fraudulent Transfer Act (the "Fraudulent Transfer Action"). On May 19, 2010, the state court entered a judgment in favor of the Creditor against Kouzine and the Debtor in the amount of \$136,778.51. The Abstract of Judgment for the Fraudulent Transfer Action was issued and later recorded on the Property on June 9, 2010.

Thereafter, the Debtor filed a Chapter 7 Bankruptcy on October 19, 2010 (Case No. 10-bk-56517-BB). Kouzine filed a separate chapter 7 bankruptcy case on April 19, 2010. On two separate occasions the Debtor sought to avoid the Creditor's lien on the Property, both motions were denied. Debtor received a discharge on July 1, 2011.

On January 27, 2020, Kouzine filed a motion for sanctions for violation of the automatic stay and violation of discharge injunction against the Movants. Docket No. 25. The Movant's counsel received a copy of the Debtor's motion, but the motion was never scheduled for a hearing. On March 6, 2020, the Order to Show Cause ("OTSC") the Movant and his counsel should not be held in civil contempt and sanctioned for failing to remedy continuing violation of the discharge injunct and automatic stay is issued. The Movants never received the OTSC. The Court conducted a hearing on the OTSC on April 1, 2020 and the order granting the OTSC was entered. Again, the

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CONT... Marina Drabkin

Chapter 7

Movants never received a copy of the order granting the OTSC.

On June 9, 2020, Movants filed a Motion to Set Aside, Vacate, and Reconsider the Order to Show Cause. The Court granted reconsideration and conducted a hearing OTSC on September 30, 2020. The Court continued the OTSC hearing to November 4, 2021. Prior to this continued date, the Creditor released the lien as to Kouzine only. The Court denied Kouzine's OTSC.

Debtor now moves to avoid the Creditor's lien pursuant to § 522(f). Creditor opposes the motion. This case was reassigned to Judge Tighe due to the connection with Kouzine's case.

Standard:

The statutory language of § 522(f) yields a four-part test for avoidance of a lien:

- (1) There must be an exemption to which the debtor "would have been entitled" under subsection (b) of § 522;
- (2) The property must be listed on the debtor's schedules and claimed as exempt;
- (3) The lien at issue must impair the claimed exemption; and
- (4) The lien must be either a judicial lien or another type of lien specified by the statute.

In re Mohring, 142 B.R. 389, 392 (Bankr.E.D.Cal.1992).

There are three general bases that Creditor opposes the Debtor's motion to avoid lien: (1) No Basis for Motion to Reconsider; (2) Debtor has used courts to defraud the Creditor; and (3) Debtor is not entitled to avoid the lien. The Court will address each of these issues.

Reconsideration:

While the Debtor's motion is not framed as a motion to reconsider, it effectively is seeking just that. The Court denied two motions that are identical to this

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CONT... Marina Drabkin

Chapter 7

motion before. See Dkt. No. 28 & 42. As it does seek to effectively alter or amend the Court's previous rulings so the Court will treat this as a motion to reconsider.

Federal Rule of Bankruptcy Procedure 9024 incorporates by reference Federal Rule of Civil Procedure 60. Federal Rule of Civil Procedure 60(b)(1) provides that the court may relieve a party or its legal representative from a final judgment, order, or proceeding on motion and just terms for "mistake, inadvertence, surprise, or excusable neglect." Nonetheless, Federal Rule of Civil Procedure 60(b)(1) specifically provides that such a motion for relief from judgment or order based on excusable neglect under Federal Rule of Civil Procedure must be made within a reasonable time, and no more than a year after the entry of the judgment or order on the date of the proceeding. Federal Rule of Civil Procedure 60(b)(1) ("A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2) and (3) no more than a year after the entry of the judgment or order or the date of the proceeding."). This motion was filed nearly a decade after the original motions, so it cannot be considered under Rule 60.

A court may reconsider or alter an order under Federal Rule of Civil Procedure 59(e). Federal Rule of Bankruptcy Procedure 9023 incorporates Federal Rule of Civil Procedure 59(e). Civil Rule 59(e) motions "may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation." Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009); Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003). Civil Rule 59(e) "does not provide a vehicle for a party to undo its own procedural failures [or] allow a party to introduce new evidence or advance new arguments that could and should have been presented to the [bankruptcy] court prior to the judgment." DiMarco—Zappa v. Cabanillas, 238 F.3d 25, 34 (1st Cir. 2001). Matters that were not presented in the first instance by a well-represented party are not considered on a motion for reconsideration. See 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999). Although Civil Rule 59(e) permits a bankruptcy court to reconsider and amend a previous order, the rule offers an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). "Indeed, a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the bankruptcy court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." Id. The party seeking relief under Rule 59 (e) bears the

**United States Bankruptcy Court
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CONT... Marina Drabkin

Chapter 7

burden of persuasion. See In re Rodriguez, 2019 Bankr. LEXIS 887 *4 (Bankr. Nev. 2019).

Here the first motion to avoid the lien was decided on September 1, 2011. The Court adopted its tentative ruling but did not file the tentative on the record. Parties did not attach a copy of the tentative ruling to their papers and the Judge who was originally assigned to the bench, the Honorable Richard Neiter, has long since stepped down from the bench. The Court only has the recording from oral arguments and the pleadings on the docket to go by in understanding the Court's previous rulings. The Court denied the motion because the Property was in Kouzine's name only and the Debtor's interest was avoided in the fraudulent transfer action. Debtor appeared to raise the issue that this was community property, but the Court overruled her position. The second motion reached a similar outcome.

Here, the Debtor's motion does not mention the previous two rulings. She does briefly address the issue in her reply brief; however, only to mention that these motions were denied on grounds other than fraud. While she does appear to be correct that these previous rulings do not appear to raise the issue of fraud or misuse of the judicial system, she does not address whether there was newly discovered evidence, whether there was clear error, or an intervening change in the controlling law. At the end of the day, Debtor simply makes the same arguments she made twice before to another judge and has failed to show that there is a basis to alter or amend the Court's original rulings. All that has changed in this case is the Court has ruled that the lien on the Property as it applied to Kouzine was void and the Creditor voluntarily removed the lien as to Kouzine only. Debtor appears to view this as an opportunity to get a third bite at the apple. For this reason alone, the Court denies the Debtor's motion.

Fraud:

Much of the Creditor's opposition raises the issue of fraud. It is unclear on how exactly this fits into the legal parameters of this motion but it sounds like the Creditor objects to avoiding the lien on grounds of fraud – i.e. whether the debt can be discharged. This requires an adversary complaint under FRBP 4007 and the Creditor has not brought one.

The non-dischargeable nature of a debt secured by the judicial lien does not

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10:30 AM

CONT... Marina Drabkin

Chapter 7

affect a debtor's ability to avoid the lien against his exempted property. U.S. 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).

Further, while there appears to be a plausible basis for fraud underlying much of the Debtor's actions, the Court has not previously made those findings in this bankruptcy proceeding and will not do so at this point in time. Allegations of fraud will not have any input on the Court's ruling on whether the lien can be avoided or not.

Qualification of Homestead Exemption:

As previously found by the Court in the Debtor's previous two motions to avoid the lien, this was not community property. Kouzine owned the Property separately and independently from the Debtor. Further, the Debtor's property interests in the Property were extinguished at the conclusion of the fraudulent transfer trial. Debtor, once again, raises the issue that this is community property and claims it impairs her homestead exemption. As previously stated, Debtor is unable to satisfy a basis for altering or amending the Court's previous findings that this was not community property.

Under California law, the exemptions only apply to property of a natural person or in certain cases to spouses or domestic partners when the property is classified community property. Cal. Civ. Code § 703.020. On two separate occasions this Court has found that the Property was not owned by the Debtor, did not qualify as community property, and the Court denied the Debtor's motions to avoid the lien. The Court adopts the same reasoning as articulated previously a decade ago.

The Court Denies the motion. Furthermore, the Court finds the Debtor has failed to comply with LBR 9013-1(I).

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San Fernando Valley
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Wednesday, June 2, 2021

Hearing Room 302

10:30 AM

CONT... Marina Drabkin

Chapter 7

Appereance Required.

Party Information

Debtor(s):

Marina Drabkin

Represented By
Elena Steers

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 2, 2021

Hearing Room 302

10:30 AM

1:09-20447 Law Offices of Masry & Vititoe

Chapter 11

#11.00 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, 10/23/19, 12/2/20; 2/3/21, 2/10/21; 3/17/21; 5/5/21

Docket 1

Tentative Ruling:

Vacated due to final decree. No appearance required.

Party Information

Debtor(s):

Law Offices of Masry & Vititoe

Represented By
Leslie A Cohen

**United States Bankruptcy Court
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Wednesday, June 2, 2021

Hearing Room 302

10:30 AM

1:09-20447 Law Offices of Masry & Vititoe

Chapter 11

#11.01 Motion For Final Decree and Order Closing Case.

Docket 448

Tentative Ruling:

Movant requests the entry of a final decree because the chapter 11 plan has been substantially consummated and the bankruptcy case has been fully administered pursuant to 11 U.S.C. §§ 350(a), 1101(2), FRBP 3022, and applicable case law. The Court finds notice was proper and no opposition has been raised. The Court GRANTS the Motion for final decree.

No Appearance Required.

Party Information

Debtor(s):

Law Offices of Masry & Vititoe

Represented By
Leslie A Cohen
Barry L Cohen

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, June 2, 2021

Hearing Room 302

10:30 AM

1:18-12174 Hengameh Zadeh

Chapter 7

#12.00 trustee's Final Report and Applications for Compensation

Docket 131

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 6-2-21. Trustee to lodge order within 7 days.

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
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Courtroom 302 Calendar**

Wednesday, June 2, 2021

Hearing Room 302

10:30 AM

1:20-10986 Mayra Elizabeth Castellanos

Chapter 7

#13.00 Trustee's Final Report and Application for
Compensation and Deadline to Object.

Docket 22

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 6-2-21. TRUSTEE TO LODGE ORDER WITHIN 7
DAYS

Party Information

Debtor(s):

Mayra Elizabeth Castellanos

Represented By
Leon D Bayer

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 2, 2021

Hearing Room 302

11:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

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

#14.00 Post-Trial Status Conference

Docket 0

***** VACATED *** REASON: Cont'd to 7/7/21 at 11 a.m. - hm**

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
Raymond H. Aver

Moeir Moussighi

Represented By
Ashkan Ashour

Hanrit Moussighi

Represented By
Ashkan Ashour

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 2, 2021

Hearing Room 302

11:00 AM

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

Chapter 11

#15.00 Confirmation Hearing
RE: Amended Chapter
11 Plan

fr. 3/31/21

Docket 179

Tentative Ruling:

Under the equitable analysis implicated by § 105(a), to establish the propriety of a collection injunction, the debtor must prove that it is necessary to allow the debtor to successfully reorganize and to perform the terms of the Chapter 11 plan. The injunction must also be tailored in duration and scope to afford the necessary relief to the debtor while not placing unnecessary restrictions on the target creditor's rights. In this regard, the debtor must demonstrate that the injunction does not prevent, but merely postpones, the creditor's collection of the nondischargeable claim in full pending debtor's performance of the plan. In addition, the injunction should be effective only as long as the debtor is properly performing and complying with the terms of the plan. If the debtor fails to make plan payments or engages in conduct that unfairly frustrates the rights of the creditor to collect its claim (e.g. by improperly conveying away assets), the creditor should be allowed relief from the collection injunction. In re Brotby, 303 B.R. 177, 190–91 (B.A.P. 9th Cir. 2003)

Finally, since § 105(a) represents a grant of equitable power, before approving an injunction, the bankruptcy court must always balance the relative hardships on the debtor and creditor and conclude that the equities favor imposition of the injunction and confirmation of the plan. In some cases, even though it may appear that a narrowly tailored collection injunction is necessary to the debtor's successful reorganization, postponing the creditor's right to collect from the debtor may so harm or prejudice the creditor as to render the use of an injunction unfair. Likewise, unless the debtor is restricted by the injunction or otherwise from using property outside the ordinary course of the debtor's financial affairs (e.g., conveying or encumbering property), the relative hardships may balance against approving the injunction.

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

Wednesday, June 2, 2021

Hearing Room 302

11:00 AM

CONT... Ian Ellis Silber and Jane Ellen Silber

Chapter 11

Here, the Plan provides for an injunction against the elder Silber's attempting to collect the nondischargeable component of its claim. While Debtors do go into some detail in explaining the health issues that debtor Jane faced before and during the bankruptcy, Debtors did not specifically address why the inclusion of the collection injunction against the elder Silbers in Debtors' Plan is "necessary for the success of the plan." Mercado, 124 B.R. 799, 803 (Bankr. C.D.Cal. 1991). Debtors also do not address the balancing of the relative hardships resulting from their proposed imposition of the collection injunction. The Court questions whether the scope and duration of the collection injunction is properly limited in the Plan so as to not unfairly prejudice the elderly creditor, where Debtors are retaining their interest in an investment property in Green Valley Lake, CA. There is no information disclosed as to who is the other 50% owner of the property. As discussed above, such findings are the necessary foundation to the bankruptcy court's use of its equitable powers under § 105(a).

APPEARANCE REQUIRED

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
Roksana D. Moradi-Brovia

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

Wednesday, June 2, 2021

Hearing Room 302

11:00 AM

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

Chapter 11

#16.00 Ch. 11 Scheduling and Case
Management Conference

fr. 8/27/20, 11/18/20, 1/27/21, 3/31/21

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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
Roksana D. Moradi-Brovia

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

Wednesday, June 2, 2021

Hearing Room 302

11:00 AM

1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01068 GOLDMAN v. Dardashti et al

#17.00 Motion For Leave To File A First Amended Complaint

Docket 48

*** VACATED *** REASON: Resolved per stipulation (doc. 51) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Michael F Chekian

Defendant(s):

Shawn Dardashti

Represented By
Michael H Weiss

DOES 1 - 20, Inclusive

Pro Se

Joint Debtor(s):

Jenous Tootian

Represented By
Michael F Chekian

Plaintiff(s):

AMY L GOLDMAN

Represented By
Scott E Gizer

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

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

Wednesday, June 2, 2021

Hearing Room 302

11:00 AM

1:20-11063 Joby John Harte

Chapter 7

Adv#: 1:20-01081 Garcia, Jr v. Harte

#18.00 Status Conference Re: Complaint
Objecting to Dischargeability of Debt
Pursuant to Section 523(a)(6) of the
Bankruptcy Code

Docket 1

Tentative Ruling:

Both parties have filed unilateral status reports. In neither of the status reports do the parties indicate that they have been in contact with each other. What is the status of this case?

Appearance Required.

Party Information

Debtor(s):

Joby John Harte

Represented By
Henry Glowa

Defendant(s):

Joby John Harte

Pro Se

Plaintiff(s):

Ricardo Rene Garcia Jr

Represented By
Ben J Meiselas

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 2, 2021

Hearing Room 302

1:00 PM

1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01068 GOLDMAN v. Dardashti et al

#19.00 Motion For Summary Judgment

Docket 37

*** VACATED *** REASON: Cont'd per stipulation to 6/30/21 at 1:00
p.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Michael F Chekian

Defendant(s):

DOES 1 - 20, Inclusive

Pro Se

Shawn Dardashti

Represented By
Michael H Weiss

Joint Debtor(s):

Jenous Tootian

Represented By
Michael F Chekian

Plaintiff(s):

AMY L GOLDMAN

Represented By
Scott E Gizer

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

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

Thursday, June 3, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614664132>

Meeting ID: 161 466 4132

Password: 100708

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 466 4132

Password: 100708

Docket 0

***** VACATED *** REASON: Vacated**

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

Thursday, June 3, 2021

Hearing Room 302

10:00 AM

1:19-11422 Joe Kearney

Chapter 13

#1.00 Case Status Conference

Docket 0

***** VACATED *** REASON: Continued to June 17, 2021 at 2:00pm. No
appearance required.**

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
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, June 8, 2021

Hearing Room 302

10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 1

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; 12/11/19, 9/30/20,
1/27/21

Docket 1

Tentative Ruling:

Parties and witnesses are required to be at the Courthouse and ready to proceed with trial pursuant to the Court's order setting trial.

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

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

Tuesday, June 8, 2021

Hearing Room 302

10:00 AM

CONT... Nazaret Kechejian Chapter 13

Arthur Aristakesyan Pro Se

Phantom Properties, LLC, a Nevada Pro Se

Dimitri Lioudkovski Pro Se

LDI Ventures, LLC, a California Pro Se

Plaintiff(s):

Nazaret Kechejian Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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

Wednesday, June 9, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1601543704>

Meeting ID: 160 154 3704

Password: 955398

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 154 3704

Password: 955398

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, June 9, 2021

Hearing Room 302

10:00 AM

1:19-12138 Bruno Alain Rosenthal

Chapter 13

#1.00 Motion for relief from stay

JPMORGAN CHASE BANK, N.A.

Docket 71

Tentative Ruling:

Petition Date: 08/26/2019
Chapter 13 Plan confirmed on: 12/06/2019
Service: Proper. No opposition filed.
Property: 2015 Honda Civic Sedan 4D EX-L
Property Value: Unk.
Amount Owed: \$ 9,711.07
Equity Cushion: Unk.
Equity: Unk.
Post-Petition Delinquency: \$4,735.46 + (another \$355.26 due on 06/08/2021)

14 Post-petition payments have not been made to Movant. Last payment received on 03/19/2020.

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); 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):

Bruno Alain Rosenthal

Represented By
Matthew D. Resnik

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By

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

Wednesday, June 9, 2021

Hearing Room 302

10:00 AM

CONT... Bruno Alain Rosenthal

Joseph C Delmotte

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 9, 2021

Hearing Room 302

10:00 AM

1:21-10854 Diorling Y. Gomez-Garcia

Chapter 7

#2.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSO.

Docket 19

Tentative Ruling:

Petition Date: 5/12/2021

Ch: 7

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

Property: 11233, 11233 1/2, & 11235 Victory Boulevard, North Hollywood, Los Angeles, CA 91606

Property Value: \$831,000.00 (per debtor's schedules)

Amount Owed: \$ 894,818.88

Equity Cushion: 0.0%

Equity: \$0.00.

Total Delinquency: \$75,727.00 (approx. 30 payments)

Movant requests relief under 11 U.S.C. § 362(d)(1), (d)(2), and (d)(4) with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (relief from co-debtor stay); 7 (waiver of 4001(a)(3) stay); and 9 (order is binding under this title purporting to affect the Property filed not later than 2 years after the date of the entry of the order by the court).

The Movant believes that this filing is part of a scheme to hinder, delay, and defraud creditors as evidenced by 10 prior bankruptcy filings affecting the real property. Additionally, there have been 30 missed payments. Debtor listed these Properties on Sch. A/B and D.

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4)

GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (relief from co-debtor stay); 7 (waiver of 4001(a)(3) stay); and 9 (relief under §362(d)(4),

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

Wednesday, June 9, 2021

Hearing Room 302

10:00 AM

CONT... Diorling Y. Gomez-Garcia

Chapter 7

with the indication that the Court cannot make a finding that this Debtor was involved in the alleged scheme.).

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):

Diorling Y. Gomez-Garcia

Represented By
Matthew D. Resnik

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

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 9, 2021

Hearing Room 302

10:30 AM

1:18-10258 Hernan Antonio Saravia and Vanessa Saravia

Chapter 13

**#2.01 Motion For Order Dismissing Chapter 13 Case
With A Prohibition Against Refiling**

Docket 76

Tentative Ruling:

The dismissal of bankruptcy cases with and without prejudice is authorized by § 349(a):

(a) Unless the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

The phrase “[u]nless the court, for cause, orders otherwise” in Section 349(a) authorizes the bankruptcy court to dismiss the case with prejudice. See Leavitt v. Soto (In re Leavitt), 171 F.3d 1219 (9th Cir. 1999), citing In re Tomlin, 105 F.3d at 933, 937 (4th Cir. 1997); 3 Collier on Bankruptcy § 369.01, at 349-2-3 (15th ed.1997). A dismissal with prejudice bars further bankruptcy proceedings between the parties and is a complete adjudication of the issues. Leavitt, 171 F.3d at 1223-24.

“Cause” for dismissal under § 349 has not been specifically defined by the Bankruptcy Code. For Chapter 13 cases, §§ 1307(c)(1) through (10) provide that the bankruptcy court may convert or dismiss, depending on the best interests of the creditors and the estate, for any of ten enumerated circumstances.

Section 1307(c) states, in pertinent part, as follows:

(c) Except as provided in subsection (e) of this section, 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 7 of this

**United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 9, 2021

Hearing Room 302

10:30 AM

CONT... **Hernan Antonio Saravia and Vanessa Saravia**

Chapter 13

title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including-

- (1) unreasonable delay by the debtor that is prejudicial to creditors;
- (2) nonpayment of any fees and charges required under chapter 123 of title 28;
- (3) failure to file a plan timely under section 1321 of this title;
- (4) failure to commence making timely payments under section 1326 of this title;
- (5) denial of confirmation of a plan under section 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan;
- (6) material default by the debtor with respect to a term of a confirmed plan;
- (7) revocation of the order of confirmation under section 1330 of this title, and denial of confirmation of a modified plan under section 1329 of this title;
- (8) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan other than completion of payments under the plan;
- (9) only on request of the United States trustee, failure of the debtor to file, within fifteen days, or such additional time as the court may allow, after the filing of the petition commencing such case, the information required by paragraph (1) of section 521; or
- (10) only on request of the United States trustee, failure to timely file the information required by paragraph (2) of section 521.

The statute enumerates several nonexclusive "causes," which are inapplicable here. Nonetheless, it is now well established that "bad faith" may also be a "cause" for dismissal or conversion under § 1307(c). In re Tang, 2005 WL 6960234, at *3-4 (B.A.P. 9th Cir. May 25, 2005), citing Leavitt, 171 F.3d at 1224; Eisen v. Curry (In re Eisen), 14 F.3d 469, 470 (9th Cir.1994). A determination of bad faith requires an analysis of the "totality of the circumstances." Ho v. Dowell (In re Ho), 274 B.R. 867, 876 (B.A.P. 9th Cir. 2002) quoting Goeb v. Heid (In re Goeb), 675 F.2d 1386, 1391 (9th Cir.1982)). A bankruptcy court generally considers the following factors:

- (1) whether the debtor misrepresented facts in his or her petition or plan, unfairly manipulated the Bankruptcy Code or otherwise filed the Chapter 13 petition or plan in an inequitable manner;
- (2) the debtor's history of filings and dismissals;

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

Wednesday, June 9, 2021

Hearing Room 302

10:30 AM

CONT... **Hernan Antonio Saravia and Vanessa Saravia** **Chapter 13**

(3) whether the debtor's only purpose in filing for chapter 13 protection is to defeat state court litigation; and
(4) whether egregious behavior is present.

Ho, 274 B.R. at 876, citing Leavitt, 171 F.3d at 1224.

A finding of bad faith does not require fraudulent intent by the debtor. Neither malice nor actual fraud is required to find a lack of good faith. The bankruptcy judge is not required to have evidence of debtor ill-will directed at creditors, or that debtor was affirmatively attempting to violate the law-malfeasance is not a prerequisite to bad faith. In re Powers, 135 B.R. 980, 994 (Bankr.C.D.Cal.1991), adopting the reasoning of In re Waldron, 785 F.2d 936, 941 (11th Cir.1986).

Movant's motion seems premature at this point as there is no judgment or other obligation that may be enforced at this time. The allegations regarding Debtor Vanessa's conduct are post-petition - thus any debt arising from that conduct would not be discharged, if Debtors are able to complete performance under their plan. The Court could locate no controlling authority dismissing a current, performing post-confirmation chapter 13 case under 1307(c) based on post-petition conduct. If, as the Motion suggests, the concern of Movant is that "Debtors' bankruptcy and the automatic stay is limiting the assets to which Nationwide Legal, LLC can look to try to recover..." then it seems that the correct procedural response would be a motion for relief from the automatic stay to pursue litigation against Debtors for the alleged post-petition conduct and reduce any amount owed to judgment.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hernan Antonio Saravia

Represented By
Allan S Williams

Joint Debtor(s):

Vanessa Saravia

Represented By

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

Wednesday, June 9, 2021

Hearing Room 302

10:30 AM

**CONT... Hernan Antonio Saravia and Vanessa Saravia
Allan S Williams**

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 9, 2021

Hearing Room 302

10:30 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#3.00 Motion of Debtor and Debtor-in-Possession
for an Order Pursuant to Section 364(c) of the
Bankruptcy Code Authorizing the Debtor to
Obtain Post-Petition Financing on a Permanent
Basis

Docket 327

Tentative Ruling:

No opposition. The interim financing is approved. The stipulation requests a final hearing in 30 days. Due to the court's schedule, a final hearing cannot be held until July 28 at 11 am. If that is a problem, please appear so we can figure out what to do. If that date will work, please notify chambers and put that date in the order approving interim financing.

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, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01088 Zamora, Chapter 7 Trustee v. URIBE

**#3.01 Plaintiff's Motion For Default Judgment Under
LBR 7055-1**

Docket 12

Tentative Ruling:

Zamora (Trustee) discovered that the Debtor (Green Nation Direct Corporation) made payments (Pre-Petition Transfers) totaling \$60,098.33 to Juan Uribe, aka Juan Manuel Uribe (Defendant) for "marketing." Consequently, on October 30, 2020, Zamora filed a "Complaint For...Avoidance And Recovery Of Preferential Transfers" against Uribe . Zamora seeks to avoid the Pre-Petition transfers and recover all of the transfers for the estate. The Defendant was properly served and given notice but the Defendant did not file an answer or respond to the complaint within the Response Deadline of November 30, 2020. As a result, Zamora submitted a Request for Entry of Default Under LBR 7055-1. On December 17,2020 Default was entered against the Defendant after the Defendant failed to respond or answer.

The motion was property filed under LBR 7055-1 and the Clerk has entered Default Judgement. Notice is proper. There has been no opposition made.

Grant. No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

JUAN URIBE	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr
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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 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01088 Zamora, Chapter 7 Trustee v. URIBE

#4.00 Status Conference Re: Complaint to Avoid
and Recover Preferential Transfers

fr. 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

JUAN URIBE Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01091 Zamora, Chapter 7 Trustee v. Gonzalez

#4.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Zamora (Trustee) discovered that the Debtor (Green Nation Direct Corporation) made payments (Pre-Petition Transfers) totaling \$22,500 to Carlos Gonzalez (Defendant) for construction related services or goods provided to/for the benefit of the Debtor. Consequently, on October 30, 2020, Zamora filed a "Complaint For...Avoidance And Recovery Of Preferential Transfers" against Gonzalez . Zamora seeks to avoid the Pre-Petition transfers and recover all of the transfers for the estate. The Defendant was properly served and given notice but the Defendant did not file an answer or respond to the complaint within the Response Deadline of November 30, 2020. As a result, Zamora submitted a Request for Entry of Default Under LBR 7055-1. On December 18,2020 Default was entered against the Defendant after the Defendant failed to respond or answer.

The motion was property filed under LBR 7055-1 and the Clerk has entered Default Judgement. Notice is proper. There has been no opposition made.

Grant. No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Carlos Gonzalez	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr
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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 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01091 Zamora, Chapter 7 Trustee v. Gonzalez

#5.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Carlos Gonzalez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01093 Zamora, Chapter 7 Trustee v. Santamaria

#6.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

***** VACATED *** REASON: Ntc. of dismissal filed by Plaintiff 6/1/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Jony Santamaria Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01094 Zamora, Chapter 7 Trustee v. Guillen

#7.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 4/7/21

Docket 1

***** VACATED *** REASON: Ntc. of dismissal filed by Plaintiff 6/1/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Julio Guillen Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01095 Zamora, Chapter 7 Trustee v. Rodriguez

#7.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$18,900.00 to Manuel Rodriguez ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper. No opposition has been filed.

Motion Granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Manuel Rodriguez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01095 Zamora, Chapter 7 Trustee v. Rodriguez

#8.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b),
550(a), and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Manuel Rodriguez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01096 Zamora, Chapter 7 Trustee v. Barahona

#9.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 4/7/21

Docket 1

Tentative Ruling:

Having reviewed the Trustee's Omnibus Status Report, the Court finds cause to continue this status conference to October 20, 2021, at 11:30 a.m.

APPEARANCES WAIVED ON JUNE 9, 2021

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Miguel Barahona Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01097 Zamora, Chapter 7 Trustee v. Valdivia

#10.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 4/7/21

Docket 1

***** VACATED *****

Tentative Ruling:

Having reviewed the Trustee's Omnibus Status Report and finding the matter has been resolved per Settlement, the Court finds cause to VACATE this status conference.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Pedro Valdivia Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

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, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Richard P Steelman Jr

Chapter 7

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01098 Zamora, Chapter 7 Trustee v. Hernandez

#10.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 15

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$11,779.68 to Rony Hernandez ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper. No opposition has been filed.

Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Rony Hernandez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01098 Zamora, Chapter 7 Trustee v. Hernandez

#11.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Rony Hernandez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01099 Zamora, Chapter 7 Trustee v. Uribe

#11.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments (“Pre-Petition Transfers”) totaling \$61,500 to Sebastian Uribe (“Defendant”). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default. Motion properly filed under LBR7055-1.
Notice is proper. No opposition has been filed.

Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Sebastian Uribe Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
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, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01099 Zamora, Chapter 7 Trustee v. Uribe

#12.00 Status Conference Re: Complaint to Avoid
and Recovery Preferential Transfers

fr. 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Sebastian Uribe Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01100 Zamora, Chapter 7 Trustee v. Aviva Home Improvement

#12.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Zamora (Trustee) discovered that Debtor made payments ("Pre-Petition Transfers) totaling \$10,989.14 to Aviva Home Improvement (Defendant). The claims on file total \$13,433,691.04 and the estate is insolvent. Consequently, Zamora filed a "Complaint for...Avoidance And Recovery Of Preferential Transfers." A Summons and Notice of Status Conference was then issued and served to the Defendant (Aviva Home Improvement), who failed to file an answer or respond to the complaint by the Response Deadline of November 30, 2020. Consequently, the Trustee submitted a Request for Entry of Default Under Local Bankruptcy Rule 7055-1 seeking to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code and recover the total \$10,989.14 pursuant to § 550(a)(1) of the Bankruptcy Code.

The motion was property filed under LBR 7055-1 and the Clerk has entered Default Judgement. Notice is proper. There has been no opposition made.

Motion is granted. No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Aviva Home Improvement	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong
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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 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01100 Zamora, Chapter 7 Trustee v. Aviva Home Improvement

#13.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Aviva Home Improvement Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01101 Zamora, Chapter 7 Trustee v. Global Marketing Consultants, L.L.C.

#13.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Zamora (Trustee) discovered that the Debtor made payments (Pre-Petition Transfers) totaling \$12,096 to Global Marketing Consultants, L.L.C. (Defendant) for "sales commissions" owed. Consequently, on October 30, 2020, Zamora filed a "Complaint For...Avoidance And Recovery Of Preferential Transfers against Global Marketing Consultants, L.L.C. Zamora seeks to avoid the Pre-Petition transfers and recover all of the transfers for the estate. The Defendant was properly served and given notice but the Defendant did not file an answer or respond to the complaint within the Response Deadline. As a result, Zamora submitted a Request for Entry of Default Under LBR 7055-1. On December 18, 2020 Default was entered against the Defendant after the Defendant failed to respond or answer.

The motion was property filed under LBR 7055-1 and the Clerk has entered Default Judgement. Notice is proper. There has been no opposition made.

Motion granted. No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Global Marketing Consultants, Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01101 Zamora, Chapter 7 Trustee v. Global Marketing Consultants, L.L.C.

#14.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Global Marketing Consultants, Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01102 Zamora, Chapter 7 Trustee v. JJC General Construction Corp.

#15.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers.

fr. 1/6/21, 3/10/21

Docket 1

***** VACATED *** REASON: Ntc. of dismissal filed by Plaintiff 6/1/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

JJC General Construction Corp. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01103 Zamora, Chapter 7 Trustee v. Palacios Builders LLC

#15.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$96,394.24 to Palacios Builders LLC ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper.

No opposition has been filed. Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Palacios Builders LLC	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong Edward M Wolkowitz
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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 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01103 Zamora, Chapter 7 Trustee v. Palacios Builders LLC

#16.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
Transfers

fr. 1/6/21, 3/10/23

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Palacios Builders LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01104 Zamora, Chapter 7 Trustee v. Red Vision Construction, Inc.

#16.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$67,600 to Red Vision Construction, Inc. ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper.

No opposition has been filed. Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Red Vision Construction, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee
Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)
Represented By
Jeffrey S Kwong

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01104 Zamora, Chapter 7 Trustee v. Red Vision Construction, Inc.

#17.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Red Vision Construction, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01105 Zamora, Chapter 7 Trustee v. Regal Global Services LLC

#17.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$9,000.00 to Regal Global Services, Inc. ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper.

No opposition has been filed. Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Regal Global Services LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01105 Zamora, Chapter 7 Trustee v. Regal Global Services LLC

#18.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Regal Global Services LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01106 Zamora, Chapter 7 Trustee v. Estrada

#18.01 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

Tentative Ruling:

Trustee discovered that Debtor made payments ("Pre-Petition Transfers") totaling \$45,600 to William Estrada ("Defendant"). Trustee seeks to avoid the Pre-Petition Transfers pursuant to § 547(b) of the Bankruptcy Code, and recover all of the transfers for the estate pursuant to § 550(a)(1) of the Bankruptcy Code. Defendant did not file an answer or respond to the complaint.

Clerk has entered Default.

Motion properly filed under LBR7055-1. Notice is proper.

No opposition has been filed. Motion granted.

No appearance required.

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

William A Estrada	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong Edward M Wolkowitz
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong
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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 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01106 Zamora, Chapter 7 Trustee v. Estrada

#19.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

William A Estrada Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01107 Zamora, Chapter 7 Trustee v. An Lac Mission

#20.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Section 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

***** VACATED *** REASON: Not. of Voluntary Dismissal filed (doc. 12) -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

An Lac Mission Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01108 Zamora, Chapter 7 Trustee v. Miller Miller Gerber LLP

#21.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]; and (2) Objection to Claims
[11 U.S.C. Section 502(d)]

fr. 1/6/21, 3/10/21

Docket 1

*** VACATED *** REASON: Not. of Voluntary Dismissal filed (doc. 9) -
hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Miller Miller Gerber LLP Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

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, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Richard P Steelman Jr

Chapter 7

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01109 Zamora, Chapter 7 Trustee v. Genesis Innovators, Inc.

#21.01 Plaintiffs Motion For Default Judgment
Under LBR 7055-1

Docket 12

Tentative Ruling:

Zamora (Trustee) discovered that the Debtor (Green Nation Direct Corporation) made payments (Pre-Petition Transfers) totaling \$46,480 to Genesis Innovators, Inc. (Defendant) for construction related services done for the benefit of the Debtor. Consequently, on October 30, 2020, Zamora filed a "Complaint For...Avoidance And Recovery Of Preferential Transfers" against Genesis Innovators, Inc. Zamora seeks to avoid the Pre-Petition transfers and recover all of the transfers for the estate. The Defendant was properly served and given notice but the Defendant did not file an answer or respond to the complaint within the Response Deadline of December 2, 2020. As a result, Zamora submitted a Request for Entry of Default Under LBR 7055-1. On December 17, 2020 Default was entered against the Defendant after the Defendant failed to respond or answer.

The motion was property filed under LBR 7055-1 and the Clerk has entered Default Judgement. Notice is proper. There has been no opposition made.

Motion granted. No Appearance Required.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Genesis Innovators, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR)

Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01109 Zamora, Chapter 7 Trustee v. Genesis Innovators, Inc.

#22.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having found that Plaintiff Trustee sustained her burden re the Motion for Default Judgment, this status conference is VACATED.

No Appearance Required on 6-9-21

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Genesis Innovators, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01110 Zamora, Chapter 7 Trustee v. Consumer Business Alliance, Inc.

#23.00 Stauts Conference Re: Complaint for
(1) Avoidance and Recovery of Preferential
transfers; and (2) Turnover of Security
Deposit.

fr. 1/6/21, 4/7/21

Docket 1

***** VACATED *** REASON: Stipulation Dismissing Adv. (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Consumer Business Alliance, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:21-01009 Nancy J. Zamora, Chapter 7 Trustee v. Aspiazu

#24.00 Status Conference Re: Complaint for
(1) Avoidance and Recovery of
Preferential Transfers

fr. 4/7/21

Docket 1

***** VACATED *** REASON: Ntc. of voluntary Dismissal filed 6/7/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Pablo Aspiazu Pro Se

Plaintiff(s):

Nancy J. Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

11:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

Adv#: 1:20-01024 Infinity Capital Funding, LLC v. Vizcarra

#25.00 Status Conference Re: Complaint to Determine
Dischargeability of a Debt under 11 U.S.C.
Sec. 523(a)(2) and 523(a)(6)

fr. 4/15/20; 7/22/20; 10/28/20, 1/6/21, 3/10/21

Docket 1

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on 5/26/21, and finding that the matter is settled and that the parties are preparing a Stipulation to Dismiss that will be filed within the week, the Court finds cause to continue this status conference to June 30, 2021 at 11:00 a.m. The continued status conference will go off calendar, once the Stipulation to Dismiss is filed.

No appearance required on 6/9/21

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Defendant(s):

Reynaldo Rene Vizcarra

Pro Se

Plaintiff(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, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01088 Zamora, Chapter 7 Trustee v. URIBE

#26.00 Plaintiff's Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

JUAN URIBE	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong Edward M Wolkowitz
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz Richard P Steelman Jr
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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 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01091 Zamora, Chapter 7 Trustee v. Gonzalez

#27.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #18. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Carlos Gonzalez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01095 Zamora, Chapter 7 Trustee v. Rodriguez

#28.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Manuel Rodriguez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01098 Zamora, Chapter 7 Trustee v. Hernandez

#29.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 15

***** VACATED *** REASON: Moved to 11:00 a.m. per order #21. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Rony Hernandez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01099 Zamora, Chapter 7 Trustee v. Uribe

#30.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation	Pro Se
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Defendant(s):

Sebastian Uribe	Pro Se
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Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee	Represented By Richard P Steelman Jr Jeffrey S Kwong Edward M Wolkowitz
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Trustee(s):

Nancy J Zamora (TR)	Represented By Jeffrey S Kwong Edward M Wolkowitz Richard P Steelman Jr
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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 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01100 Zamora, Chapter 7 Trustee v. Aviva Home Improvement

#31.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #18. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Aviva Home Improvement Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 Jeffrey S Kwong
 Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
 Jeffrey S Kwong
 Edward M Wolkowitz
 Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01101 Zamora, Chapter 7 Trustee v. Global Marketing Consultants, L.L.C.

#32.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #18. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Global Marketing Consultants, Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01103 Zamora, Chapter 7 Trustee v. Palacios Builders LLC

#33.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

*** VACATED *** REASON: Moved to 11:00 a.m. per order #18. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Palacios Builders LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01104 Zamora, Chapter 7 Trustee v. Red Vision Construction, Inc.

#34.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #18. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Red Vision Construction, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01105 Zamora, Chapter 7 Trustee v. Regal Global Services LLC

#35.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Regal Global Services LLC Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01106 Zamora, Chapter 7 Trustee v. Estrada

#36.00 Plaintiffs Motion For Default Judgment Under
LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

William A Estrada Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Wednesday, June 9, 2021

Hearing Room 302

1:00 PM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01109 Zamora, Chapter 7 Trustee v. Genesis Innovators, Inc.

#37.00 Plaintiffs Motion For Default Judgment
Under LBR 7055-1

Docket 12

***** VACATED *** REASON: Moved to 11:00 a.m. per Order #17. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Genesis Innovators, Inc. Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
Richard P Steelman Jr
Jeffrey S Kwong
Edward M Wolkowitz

Trustee(s):

Nancy J Zamora (TR) Represented By
Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

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

Thursday, June 10, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613823736>
Meeting ID: 161 382 3736
Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 382 3736
Password: 271190

Docket 0

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

Thursday, June 10, 2021

Hearing Room 302

9:30 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 2

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; 12/11/19, 9/30/20,
1/27/21

Docket 1

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**

Thursday, June 10, 2021

Hearing Room 302

9:30 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**

Tuesday, June 15, 2021

Hearing Room 302

8:30 AM
1:00-00000

Chapter

#0.00 The 8:30 am Reaffirmation Agreement calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

Video/audio web address: <https://cacb.zoomgov.com/j/1608333145>

Meeting ID: 160 833 3145

Password: 419078

Join by Telephone

Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 833 3145

Password: 419078

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

Tuesday, June 15, 2021

Hearing Room 302

8:30 AM
CONT...

Chapter

Docket 0

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

Tuesday, June 15, 2021

Hearing Room 302

8:30 AM

1:21-10098 Robert John Wines and Maribel Estrella Wines

Chapter 7

#1.00 Reaffirmation Agreement with Flagstar Bank, FSB

Docket 13

Party Information

Debtor(s):

Robert John Wines

Represented By
David H Chung

Joint Debtor(s):

Maribel Estrella Wines

Represented By
David H Chung

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, June 15, 2021

Hearing Room 302

8:30 AM

1:21-10427 Giani Nicolae Pirva

Chapter 7

#2.00 Reaffirmation Agreement with Logix Federal
Credit Union

Docket 10

Party Information

Debtor(s):

Giani Nicolae Pirva

Represented By
Elena Steers

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, June 15, 2021

Hearing Room 302

8:30 AM

1:21-10588 Felipe D. Ornelas and Carmela Ornelas

Chapter 7

#3.00 Pro se Reaffirmation Agreement
with Americredit Financial Services, Inc.
Dba GM Financial
(2018 Chevrolet Volt)

Docket 25

Party Information

Debtor(s):

Felipe D. Ornelas

Represented By
R Grace Rodriguez

Joint Debtor(s):

Carmela Ornelas

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**

Tuesday, June 15, 2021

Hearing Room 302

8:30 AM

1:21-10588 Felipe D. Ornelas and Carmela Ornelas

Chapter 7

**#4.00 Pro se Reaffirmation Agreement with
Ford Motor Credit Company LLC
(2020 Ford Explorer)**

Docket 23

Party Information

Debtor(s):

Felipe D. Ornelas

Represented By
R Grace Rodriguez

Joint Debtor(s):

Carmela Ornelas

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, June 16, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1618275435>
Meeting ID: 161 827 5435
Password: 375042

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 827 5435
Password: 375042

Docket 0

Tentative Ruling:

- NONE LISTED -

1:16-12373 Candice Hedrick

Chapter 13

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Candice Hedrick Chapter 13

#1.00 Motion for relief from stay

COMMUNITY LOAN SERVICING, LLC, fka
BAYVIEW LOAN SERVICING, LLC

fr. 2/10/21, 4/21/21

Docket 35

Tentative Ruling:

This matter was continued from April 21, 2021, so that parties could work out a loan modification. As of this date no loan modification has been entered into. What is the status of this case?

Appearance Required.

Party Information

Debtor(s):

Candice Hedrick

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:16-12563 Shirley Chavarro Chapter 13

#2.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOC.

fr. 5/5/21

Docket 67

***** VACATED *** REASON: Resolved per APO (doc. 74) - hm**

Tentative Ruling:

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Shirley Chavarro

Chapter 13

- NONE LISTED -

Party Information

Debtor(s):

Shirley Chavarro

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:16-12695 Sonia E Mole

Chapter 13

#3.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

fr. 5/19/21

Docket 106

Tentative Ruling:

This matter was continued from May 19, 2021, so that parties could work out an APO. As of this date no APO has been entered into. What is the status of this case?

Appearance Required.

Movant: Logix Federal Credit Union

Petition Date : 9/15/16

Confirmation Date: 11/27/18

Service: Proper. Opposition filed on 109 (Docket No. 109)

Property: 14815 San Fernando Mission Blvd., Mission Hills, CA 91345

Property Value: \$ 300,000.00 (per debtor's schedules)

Amount Owed: \$136,512.15 (per Movant's declaration)

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Sonia E Mole

Chapter 13

Equity Cushion: 54.49%

Equity: \$163,487.85

Post-Petition Delinquency: \$2,759.58 (3 payments of \$1,137.72, less suspense account \$653.58).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-debtor stay) and 7 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting the stay because the Debtor has missed post petition payments. The last payment received by the Debtor was on April 9, 2021.

Debtor opposes the motion arguing that the Property is necessary for an effective reorganization because the loss of the home would result in significant costs to the estate. Further, Debtor asserts that more payments have been made to the Movant that have not been accounted for. Debtor's declaration states that on May 6, 2021, that she made a payment of \$2,500.00 and the remainder of the payment plus the May mortgage payment will be divided and paid over a 6th month period in the amount of \$243.26.

The Court notes that exhibit 2 that is referred to by the Debtor's declaration is not a receipt of the \$2,500.00 payment. Did the Movant receive a payment of this amount on May 6, 2021? There is substantial equity in the Property, are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Sonia E Mole

Represented By

Elena Steers

Edmond Richard McGuire

Movant(s):

Logix Federal Credit Union

Represented By

Daniel K Fujimoto

Caren J Castle

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Sonia E Mole

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

1:18-10018 Betty D Frey

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 4/21/21

Docket 111

Tentative Ruling:

This matter was continued from April 21, 2021, so that parties could work out an APO. As of this date no APO has been entered into. What is the status of this case?

Appearance Required.

Previous Tentative Rules:

Petition Date: 1/4/2018

Ch. 13 Plan confirmed: 11/27/2018

Service: Proper. Opposition filed.

Property: 18245 San Jose St., Northridge, CA 91326

Property Value: \$900,000 (per debtor's schedules)

Amount Owed: \$1,140,657

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: 115,476

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Betty D Frey Chapter 13

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 believes cause exists for lifting the stay because the Debtor has missed several postpetition payments. Movant asserts that the last payment received on 7/31/2020.

Debtor filed an Opposition, requesting to enter into an APO for any delinquency. Are parties open to entering into an APO?

Appearance Required

Party Information

Debtor(s):

Betty D Frey

Represented By
Gregory M Shanfeld

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10909 Yefim Len and Nellya Len

Chapter 13

#5.00 Motion for relief from stay

SPECIALIZED LOAN SERVICING LLC

fr. 5/19/21

Docket 61

***** VACATED *** REASON: Vacated Per APO**

Tentative Ruling:

VACATED PER APO.

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Yefim Len and Nellya Len

Chapter 13

No Appearance Required.

Party Information

Debtor(s):

Yefim Len

Represented By
Elena Steers

Joint Debtor(s):

Nellya Len

Represented By
Elena Steers

Movant(s):

Specialized Loan Servicing, LLC

Represented By
Austin P Nagel

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#6.00 Motion for relief from stay

METROPOLITAN LIFE INSURANCE CO.

fr. 10/28/20; 12/9/20; 3/10/21, 5/19/21

Docket 44

Tentative Ruling:

This matter was continued from May 19, 2021, so that parties could work out a loan modification. As of this date no loan modification has been entered into. What is the status of this case?

Appearance Required.

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Stuart Malin and Patricia Malin

Chapter 13

Previous Tentative Ruling

Petition Date : 10/06/2019

Confirmation Date: 04/16/2020

Service: Proper. Opposition filed on 10/9/2020 (Docket No. 48)

Property: 7718 Maestro Avenue, Los Angeles, California 91304

Property Value: \$ 900,000 (per debtor's schedules)

Amount Owed: \$462,609.56 (per Movant's declaration)

Equity Cushion: 48.59%

Equity: \$437,390.44

Post-Petition Delinquency: \$24,009.37 (22 payments of \$2,090.85, \$1,030.00, less suspense account \$19.98).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification) and 7 (waiver of the 4001(a)(3) stay). Movant alleges that the Debtor has missed postpetition payments. The last partial postpetition payment occurred on 2/27/20.

The Debtor opposes this motion and asserts that the Movant is not taking additional payments into account. Further, the Debtor attempted to get a hardship modification or Covid relief but the lender failed to follow through.

There is substantial equity in the Property, have the parties discussed entering into an APO or entering into a Loan Modification?

Appearance Required.

Party Information

Debtor(s):

Stuart Malin

Represented By

Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By

Steven Abraham Wolvek

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... **Stuart Malin and Patricia Malin**

Chapter 13

Movant(s):

Metropolitan Life Insurance

Represented By
Daniel K Fujimoto
Christopher Giacinto
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:20-10690 Manuel Real

Chapter 13

#7.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 5/19/21

Docket 28

*** VACATED *** REASON: Vacated per APO.

Tentative Ruling:

Vacated Per APO. No Appearance Required.

Party Information

Debtor(s):

Manuel Real

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:20-11518 Gloria Janeth Orellana

Chapter 13

#7.01 Motion for relief from stay

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

Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

**CONT... Gloria Janeth Orellana
B&B CAPITAL, LLC.**

Chapter 13

fr. 6/2/21

Docket 34

Tentative Ruling:

The Court continued this hearing from June 6, 2021, to allow Debtor to modify the plan. As of this date, the Debtor has not filed a motion to modify the plan. The Court will GRANT the motion.

Appearance Required.

Previous Tentative Ruling:

Petition Date: 8/24/2020

Ch. 13 plan confirmed: 2/4/2021

Service: Proper (includes service on senior lienholder—Specialized Loan Services LLC). No opposition filed.

Property: 14018 Runnymede St, Van Nuys, CA 91405

Property Value: \$610,000 (per debtor's schedules)

Amount Owed: \$121,138.17 (Movant-2nd DOT) + \$541,248.78 (1st DOT)

Equity Cushion: 0%

Equity: \$0

Post-Petition Delinquency: \$9,370.42 (8 payments of \$631.31 + 7 late charges of \$40.00 + \$2,801.94 "Legal Fees" + \$1,238.00 attorneys' fees and costs)

Movant alleges that debtor has failed to make required ongoing payments as required by her confirmed chapter 13 plan, which is cause for relief.

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 16, 2021

Hearing Room 302

9:30 AM

CONT... Gloria Janeth Orellana

Chapter 13

Party Information

Debtor(s):

Gloria Janeth Orellana

Represented By
Donald E Iwuchuku

Movant(s):

B&B CAPITAL, LLC

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, June 16, 2021

Hearing Room 302

10:00 AM

1:09-16565 David Schwartzman

Chapter 11

#8.00 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, 12/18/19, 1/8/20, 7/15/20,
1/6/21

Docket 1

Tentative Ruling:

No status report has been filed since January 4, 2021. What is the status of this confirmed chapter 11 case?

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

1:15-11292 Mark Handel

Chapter 11

#9.00 Post Confirmation Status Conference

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

Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Mark Handel

Chapter 11

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; 12/11/19; 4/8/20, 8/19/20; 10/14/20

Docket 1

*** VACATED *** REASON: Dismissed 5/13/21 (doc. 243) - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Handel

Represented By
David L. Neale
John-Patrick M Fritz

1:19-12112 Deborah Rose Sanders

Chapter 13

#10.00 Motion for relief from stay

PNC BANK, NATIONAL ASSOCIATION

Docket 104

Tentative Ruling:

Petition Date: 8/22/2019
Chapter 13 (Plan confirmed on 11/16/2020)
Service: Proper. No opposition filed.
Property: 10220 De Soto Ave Unit 23, Chatsworth, California 91311
Property Value: \$177,000.00 (per debtor's schedules)
Amount Owed: \$262,567.72 (\$77,979.70 to Movant)
Equity Cushion: 0.0%
Equity: \$0

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

Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Deborah Rose Sanders Chapter 13

Post-Petition Delinquency: \$4,219.79 (\$2981.79 in payments + \$1238 in attorney fees)

Debtor has missed seven payments, 1 preconfirmation and 6 postconfirmation, totaling \$2,981.79.

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); 12 (Debtor is a borrower as defined in Cal. Civ. Code §2920(c)(2)(C)).

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

Party Information

Debtor(s):

Deborah Rose Sanders

Represented By
Kevin T Simon

Movant(s):

PNC Bank, National Association, its

Represented By
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:21-10332 Edgar Hairapetyan

Chapter 13

#11.00 Moiton for relief from stay

USB LEASING LT

Docket 36

Tentative Ruling:

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

Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Edgar Hairapetyan
Movant: USB Leasing LT

Chapter 13

RFS Personal Property
Petition Date: 02/26/2021
Chapter 13 (Plan confirmation hearing was on 05/25/2021, but not confirmed)
Service: Proper. No opposition filed.
Property: 2020 Porsche Macan
Property Value: Unk.
Amount Owed: \$72,258.16
Equity Cushion: Unk.
Equity: Unk.
Post-Petition Delinquency: \$1,929.96

Two postpetition preconfirmation payments due but remain unpaid totaling \$1,929.96.

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

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):

Edgar Hairapetyan

Represented By
Elena Steers

Movant(s):

USB Leasing LT

Represented By
Sean C Ferry

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Edgar Hairapetyan

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:21-10924 Jacobo Reyes

Chapter 13

#12.00 Motion for relief from stay

JACOBO REYES

Docket 7

Tentative Ruling:

On 05/24/2021, Debtor filed this Chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year (and another in 2009). The previous filing, 1:16-bk-10064-MT, was a Chapter 13 that was filed on 01/11/2016 and dismissed on 12/31/2020 per the Debtors voluntary request to seek other alternatives.

Debtor now moves for an order continuing the automatic stay as to the creditor, Selene Finance. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case the Debtor was unemployed due to COVID-19 and it took some time for him to receive his first unemployment payment, which caused him to become delinquent on plan and mortgage payments. The Debtor states that his current savings and income will allow him to make all required plan and mortgage payments on time. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence and it is necessary for the effective reorganization of the Ch. 13 plan.

Service proper. No opposition filed.

MOTION GRANTED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 6/16/21

Party Information

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

Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Jacobo Reyes

Chapter 13

Debtor(s):

Jacobo Reyes

Represented By
Ghada Helena Philips

Movant(s):

Jacobo Reyes

Represented By
Ghada Helena Philips
Ghada Helena Philips

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

1:21-10962 Craig A. Lapiner

Chapter 11

#12.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14415 Dunbar Pl, Sherman Oaks, CA 91423 .

Docket 13

Tentative Ruling:

On 05/27/2021, Debtor filed this Chapter 11 case. Debtor had one previous bankruptcy case that was dismissed within the previous year (and another in 2010). The previous filing, 1:18-bk-12737-MT, was a Chapter 13 that was filed on 11/09/2018 and dismissed on 02/03/2021 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 had to assist with his father's funeral expenses in Nov. 2019, and in Mar. 2020 the COVID-19 pandemic drastically affected his business. Debtor claims that his financial situation has improved since the dismissal, because business has picked up tremendously. The Debtor believes he will be able to maintain payments based on current financial

**United States Bankruptcy Court
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Wednesday, June 16, 2021

Hearing Room 302

10:00 AM

CONT... Craig A. Lapiner Chapter 11

circumstances. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
NO APPEARANCE REQUIRED ON 6/16/21

Party Information

Debtor(s):

Craig A. Lapiner

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, June 16, 2021

Hearing Room 302

10:30 AM

1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 7

#13.00 Motion to Dismiss Debtors' Chapter 7 Case

Docket 170

*** VACATED *** REASON: continued to 8/18 at 10:30 am

Tentative Ruling:

continued to 8/18 at 10:30 am
No appearance required.

Party Information

Debtor(s):

Hovanes Antoine Osmanian

Represented By
Richard Mark Garber

Joint Debtor(s):

Violet Khachikyan Osmanian

Represented By
Richard Mark Garber

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

1:21-10079 Ara Eric Hunanyan

Chapter 7

#14.00 Chapter 7 Trustee's Notice of Motion and Motion for Order Authorizing Trustee to Approve Compromise of Controversy with the Probate Estate of Azniv Kokikian (Deceased) aka Azniv Ann Kokikian aka Azniv Meguerian Under FRBP 9019; Memorandum of Points and Authorities; and Declaration of Nancy J. Zamora in Support

Docket 66

*** VACATED *** REASON: Amended Notice of hearing filed - Doc. #75.
If

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

Wednesday, June 16, 2021

Hearing Room 302

10:30 AM

CONT... Ara Eric Hunanyan

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#15.00 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, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20, 2/24/21

Docket 210

Tentative Ruling:

Having considered the Ch. 11 Status Report, filed 6/2/2021, the Court finds cause to continue this hearing to October 20, 2021, at 11:00 a.m.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 6/16/21

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

1:10-19870 Melissa Mosich Miller

Chapter 11

#16.00 Status and case management conference

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... Melissa Mosich Miller

Chapter 11

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, 10/23/19, 1/29/20; 4/8/20; 5/13/20, 11/18/20,
2/24/21

Docket 1

Tentative Ruling:

Having considered the Ch. 11 Status Report, filed 6/2/2021, the Court finds cause to continue this status conference to October 20, 2021, at 11:00 a.m.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 6/16/21

Party Information

Debtor(s):

Melissa Mosich Miller

Represented By
Jacqueline L Rodriguez

1:16-11985 Samuel James Esworthy

Chapter 11

#17.00 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,
12/18/19; 2/11/20, 3/4/20; 6/24/20, 12/2/20,
3/31/21

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... Samuel James Esworthy

Chapter 11

Docket 1

Tentative Ruling:

Having considered the Ch. 11 Status Report, filed 6/2/2021, the Court finds cause to continue this status conference to October 20, 2021, at 11:00 a.m.

Debtor to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 6/16/21.

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

1:16-11985 Samuel James Esworthy

Chapter 11

Adv#: 1:21-01007 Esworthy v. The Bank of New York Mellon fka The Bank of New Yo

#18.00 Status Conference Re: Complaint for
Violation of Third Amended Plan of
Reorganization

fr. 4/7/21

Docket 1

Tentative Ruling:

Having considered the Unilateral Status Reports, filed on 6/2/2021 and 6/7/21 respectively, the Court finds cause to continue this status conference to October 20, 2021, at 11:00 a.m.

Plaintiff to give notice of continued status conference.
NO APPEARANCE REQUIRED ON 6/16/21.

Party Information

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... Samuel James Esworthy

Chapter 11

Debtor(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

Defendant(s):

The Bank of New York Mellon fka

Pro Se

BAYVIEW LOAN SERVICING,

Pro Se

Plaintiff(s):

Samuel James Esworthy

Represented By
M. Jonathan Hayes

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

Chapter 11

#18.01 Confirmation Hearing
RE: Amended Chapter
11 Plan

fr. 3/31/21; 6/2/21

Docket 179

*** VACATED *** REASON: Cont'd to 6/30/21 at 11:00 per Order #227. If

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... **Ian Ellis Silber and Jane Ellen Silber** **Chapter 11**
Matthew D. Resnik
Roksana D. Moradi-Brovia

1:18-11545 Ian Ellis Silber and Jane Ellen Silber **Chapter 11**

#18.02 Ch. 11 Scheduling and Case Management Conference

fr. 8/27/20, 11/18/20, 1/27/21, 3/31/21; 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd to 6/30/21 at 11:00 per Order #227. If**

Tentative Ruling:

- NONE LISTED -

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
Roksana D. Moradi-Brovia

1:18-11538 Momentum Development LLC **Chapter 7**

Adv#: 1:19-01129 Weil v. The Pyramid Center, Inc.

#19.00 Pretrial Conference re: Amended Complaint to Avoid Fraudulent Transfers

fr. 1/15/20, 2/5/20, 3/4/20; 6/10/20, 12/2/20, 2/3/20 ,2/10/21
4/14/21

Docket 9

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT...

Momentum Development LLC

Chapter 7

*** VACATED *** REASON: Cont'd to 8/4/21 per Order #56. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Momentum Development LLC

Represented By

Michael H Raichelson

Defendant(s):

The Pyramid Center, Inc.

Represented By

Michael H Raichelson

Plaintiff(s):

Diane Weil

Represented By

David Seror

Jorge A Gaitan

Trustee(s):

Diane C Weil (TR)

Represented By

David Seror

Jorge A Gaitan

1:20-11983 Vahid Naziri

Chapter 7

Adv#: 1:21-01011 Talaie v. Naziri

#20.00 Status Conference re: Complaint seeking
to determine dischargeability of debt pursuant
to 11 u.s.c. section 523(a)(6)

fr. 4/7/21, 5/19/21

Docket 1

Tentative Ruling:

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... Vahid Naziri
APPEARANCE REQUIRED

Chapter 7

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

Expert witness designation deadline (if necessary): _____

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

Pretrial conference: _____

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

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

Meet and Confer

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

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met 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

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

Wednesday, June 16, 2021

Hearing Room 302

11:00 AM

CONT... Vahid Naziri

Chapter 7

Debtor(s):

Vahid Naziri

Represented By
Levi Reuben Uku

Defendant(s):

Vahid Naziri

Pro Se

Plaintiff(s):

Mohammad Talaie

Represented By
Nicholas S Nassif

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 303 Calendar**

Wednesday, June 16, 2021

Hearing Room 303

1:00 PM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#21.00 Case Management Conference

fr. 3/11/20; 5/13/20, 7/17/20, 7/23/20; 10/13/20;
4/8/21(moved to 4/7/21), 4/7/21

Docket 0

Tentative Ruling:

Appearance Required.

Next status conference will be confirmation hearing at 1 pm

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

**#22.00 Confirmation Hearing Re:
Chapter 11 Plan of Reorganization Proposed
by Debtor, Hawkeye Entertainment, LLC**

Docket 341

Tentative Ruling:

On April 7, 2021, the Court approved the Debtor's disclosure statement and procedures for approving its plan for reorganization ("Plan"). On May 28, 2021, the Debtor filed a stipulated modification to Article VIII. B and supplement to Articles VI.G and IX.O of the Plan reached between the Debtor and Smart Capital. (Dkt. No. 341). The modifications to these agreements do not material alter the plan.

Debtor solicited the Plan to creditors on April 19, 2021 and the ballot deadline

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

Wednesday, June 16, 2021

Hearing Room 302

1:00 PM

CONT... Hawkeye Entertainment, LLC

Chapter 11

for voting was May 24, 2021. There are three classes identified in the Plan. Classes 1 & 3 are unimpaired classes and are have deemed to accept the Plan. Class 2 is the only class of creditors that were entitled to vote and they unanimously voted on accepting the Plan. Therefore, all classes have, accepted the Plan. No objections to confirmation were received by the objection deadline.

The court will only confirm a plan if it “complies with the applicable provisions of this title.” 11 U.S.C. §1129(a)(1). A plan complies with the applicable provisions of chapter 11 when it properly classifies the claims or interests and contains all mandatory provisions. See 11 U.S.C. §§1122, 1123; See also, *Acequia, Inc., v. Clinton*, (In re *Acequia, Inc.*), 787 F.2d 1352 (9th Cir. 1986); *Technical Knockout*, 833 F.2d 797, 803 (9th Cir. 1987). Accordingly, the first question is whether the plan properly classifies claims and interests as provided in §1122. The plan satisfies this requirement.

The second question is whether the plan contains all mandatory provisions of §1123. Section 1123 designates the required contents of the plan, as well as other provisions which are not required but may be included in the plan. Section 1123(a)(1) requires the plan to classify claims other than administrative priority claims and priority tax claims. Section V of the plan satisfies this requirement.

Section 1123(a)(2) requires the plan to specify any class of claims or interests that is unimpaired under the plan. The plan satisfies this requirement.

Section 1123(a)(3) requires the plan to specify the treatment of any class of claims or interests that is impaired under the plan. Section V of the plan satisfies this requirement.

Section 1123(a)(4) requires that the plan provide the same treatment for each claim or interest in a particular class, except where a member of a particular class agrees to less favorable treatment. The plan satisfies this requirement.

Section 1123(a)(5) requires that the plan provide “adequate means for the plan’s implementation” 11 U.S.C. §1123(a)(5). The plan satisfies this requirement.

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

Wednesday, June 16, 2021

Hearing Room 302

1:00 PM

CONT... Hawkeye Entertainment, LLC

Chapter 11

Section 1123(a)(6) requires that, with respect to a corporate debtor, a chapter 11 plan provide for the inclusion in the Debtor's charter a prohibition against the issuance of non-voting equity securities and related protections for holder of preferred shares. 11 U.S.C. §1123(a)(6). This provision is not applicable to Debtor.

Section 1123(a)(7) provides that a plan must "contain only provisions that are consistent with the interests of creditors and equity security holders and with public policy with respect to the manner of selection of any officer, director, or trustee under the plan and any successor to such officer, director or trustee." This requirement is satisfied.

Section 1123(a)(8) applies only where the debtor is an individual. This is not applicable to the Debtor.

11 U.S.C. §1129(a)(2) -

The court will only confirm a plan if the "proponent of the plan complies with the applicable provisions of this title." 11 U.S.C. §1129(a)(2). This requirement is designed to ensure that the plan proponent has made the appropriate disclosures and complied with the solicitation requirements set forth in §1125. *Andrew v. Coppersmith (In re Downtown Inv. Club III)*, 89 B.R. 59, 65 (B.A.P. 9th Cir. 1988). This requirement has been satisfied.

11 U.S.C. §1129(a)(3) -

The plan must be proposed in good faith and not by any means forbidden by law. 11 U.S.C. §1129(a)(3); see *In re Stolrow's Inc.*, 84 B.R. 167 (Bankr. 9th Cir. 1988). There is a presumption that a plan was filed in good faith if no objections are filed. Fed. R. Bankr. P. 3020(b). If the presumption in Rule 3020(b) arises, then the court need receive evidence on the issue of good faith. *Id.* The § 1129(a)(3) good faith question is determined on a case-by-case basis taking into account the totality of the circumstances with a view to whether the plan will fairly achieve a result consistent with the objectives and purposes of the Bankruptcy Code. *Platinum Capital, Inc. v. Sylmar Plaza, Ltd. P'ship (In re Sylmar Plaza, Ltd. P'ship)*, 314 F.3d 1070, 1074- 75 (9th Cir. 2002).

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

Wednesday, June 16, 2021

Hearing Room 302

1:00 PM

CONT... Hawkeye Entertainment, LLC

Chapter 11

The Debtor filed this Chapter 11 case in order to preserve its Lease. The Debtor will, through confirmation of the Plan, substantially achieve the foregoing goal. The Debtor's goal has been to bring about an expeditious resolution of this case that will maximize value for all constituencies. The Plan accomplishes this goal by paying claims over time, through continued operations, thereby preserving numerous jobs. The Debtor believes that the Plan allows the General Unsecured Creditors to realize greater benefit than they would otherwise receive through liquidation. The Court finds that the plan was proposed in good faith.

11 U.S.C. §1129(a)(4)-

Any payment to be made by a plan proponent, debtor, or person issuing securities or acquiring property under the plan, for services or costs in connection with the case or in connection with the plan and incident to the case, must be approved by the court as reasonable. 11 U.S.C. §1129(a)(4). The plan satisfies this requirement.

11 U.S.C. §1129(a)(5)-

§1129(a)(5) requires: (i) that the proponent of a plan disclose the identity of any individual proposed to serve after confirmation as a director, officer, or voting trustee of debtor, (ii) that the appointment of such individuals be consistent with the interests of creditors and shareholders and with public policy, and (iii) that the proponent disclose the nature of any insider that will be employed by the Debtor and the nature of the compensation to be provided to such an insider. The plan satisfies this requirement.

11 U.S.C. §1129(a)(6)-

§1129(a)(6) requires that any regulatory commission with jurisdiction over the rates of a debtor approve any changes in rate regulations. Debtor is not subject to any such regulation.

11 U.S.C. §1129(a)(7)-

The plan proponent must demonstrate that either each member of impaired class has either accepted plan or will receive as much if debtor liquidated in a chapter 7. 11 U.S.C. §1129(a)(7). This is known as the "best interests" of the creditors test. The plan satisfies this requirement. The distribution to creditors is more than creditors would receive in a chapter 7 liquidation, and the estate

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

Wednesday, June 16, 2021

Hearing Room 302

1:00 PM

CONT... Hawkeye Entertainment, LLC

Chapter 11

will not be burdened with the additional costs of a chapter 7 trustee and fees.

11 U.S.C. §1129(a)(8)-

The plan proponent must show that each class has either accepted the plan or is unimpaired. 11 U.S.C. 1129(a)(8). Otherwise, the plan proponent must "Cram Down" the rejecting class. 11 U.S.C. §1129(b); see *infra*, "Cram Down;" see also, *In re M. Long Arabians*, 103 B.R. 211, 215 (B.A.P. 9th Cir. 1989). Failure to vote does not constitute acceptance of the plan. A class must affirmatively vote to accept the plan. *In re Townco Realty Inc.*, 81 B.R. 707, 708 (Bankr. S.D.Fla. 1987). A class of claims has accepted a plan if it has been accepted by creditors that hold at least two-thirds in amount and more than one-half in number of the allowed claims of such class. 11 U.S.C. §1126(c). Class 2 is the only impaired class and has unanimously voted to accept the Plan by the requisite majority in number and amount.

11 U.S.C. §1129(a)(9)-

The plan can only be confirmed if administrative claimants are paid in full on the effective date unless otherwise agreed. 11 U.S.C. §1129(a)(9)(A). The plan may make deferred cash payments to accepting holders of non-priority tax claims, while rejecting holders of such claims must be paid the amount of their allowed claim on the effective date. *Id.* at §1129(a)(9)(B)(i)-(ii). However, the plan may make deferred cash payments to holders of allowed priority tax claims so long as the claimants will receive an amount equal to the allowed amount of the claim as of the effective date, over a period of not more than five years from the petition date. *Id.* at §1129(a)(9)(C). The plan satisfies this requirement.

11 U.S.C. §1129(a)(10)-

At least one class of claims that is impaired under the plan must accept the plan, exclusive of any acceptance by a plan insider. 11 U.S.C. 1129(a)(10). Class 2 has voted to accept the Plan.

11 U.S.C. §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

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

Wednesday, June 16, 2021

Hearing Room 302

1:00 PM

CONT... Hawkeye Entertainment, LLC

Chapter 11

plan has a “reasonable probability of success.” In re Acequia, Inc., 787 F.2d at 1364. Debtor appears to have enough cash on hand and the historical financial information suggests that the Debtor will have a consistent stream of revenue coming in in order to properly fund the plan. This requirement has been satisfied. Other than risks that were described in the Disclosure Statement, the Debtor has established compelling evidence of feasibility.

11 U.S.C. §1129(a)(12)-
Section 1129(a)(12) requires that all fees payable under 28 U.S.C. §1930 are paid or will be paid on effective date. The plan satisfies this requirement. Section IV of the Plan provides that the Debtor will pay Administrative Claims in cash on the Effective Date.

The Court finds the Debtor has satisfied all the requirements to confirm the Plan. No opposition has been filed. The Court will Confirm the Plan as well as the minor modifications.

Please advise if any objection to a post-confirmation status conference date of December 8 at 11:30 am.

Appearance Required.

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**

Thursday, June 17, 2021

Hearing Room 302

2:00 PM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614664132>

Meeting ID: 161 466 4132

Password: 100708

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 466 4132

Password: 100708

Docket 0

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

Thursday, June 17, 2021

Hearing Room 302

2:00 PM

1:19-11422 Joe Kearney

Chapter 13

#1.00 Case Status Conference

fr. 6/3/21

Docket 0

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
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**

Monday, June 21, 2021

Hearing Room 302

10:30 AM

1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613823736>

Meeting ID: 161 382 3736

Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 382 3736

Password: 271190

Docket 0

Courtroom Deputy:

- NONE LISTED -

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

Monday, June 21, 2021

Hearing Room 302

10:30 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 3

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21

Docket 1

Courtroom Deputy:

Trial Continued to June 24, 2021 at 1:00pm

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

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

Monday, June 21, 2021

Hearing Room 302

10:30 AM

CONT... Nazaret Kechejian Chapter 13

Arthur Aristakesyan Pro Se

Phantom Properties, LLC, a Nevada Pro Se

Dimitri Lioudkovski Pro Se

LDI Ventures, LLC, a California Pro Se

Plaintiff(s):

Nazaret Kechejian Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

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

Tuesday, June 22, 2021

Hearing Room 302

9:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1601002838>
Meeting ID: 160 100 2838
Password: 4619147

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 100 2838
Password: 4619147

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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

Tuesday, June 22, 2021

Hearing Room 302

9:00 AM

CONT...

- NONE LISTED -

Chapter

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

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

fr. 4/27/21; 5/25/21

Docket 139

***** VACATED *** REASON: Cont'd to 7/27/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:16-10396 Rogelio Mora

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

Docket 34

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rogelio Mora

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, June 22, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21; 1/26/21; 3/16/21, 4/27/21; 5/25/21

Docket 141

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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, June 22, 2021

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#19.00 Trustee's Motion to Dismiss Case due to Material Default:
Failure to Submit all Tax Refunds

Docket 71

*** VACATED *** REASON: Cont'd to 7/27/21 @ 11 am tk

Matter Notes:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:16-11244 Roxana Flores

Chapter 13

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

fr. 1/26/21; 3/16/21

Docket 52

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #63. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roxana Flores

Represented By
Alla Tenina

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, June 22, 2021

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

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

fr. 4/27/21; 5/25/21

Docket 145

Matter Notes:

- 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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

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

fr. 12/17/19, 2/25/20,4/28/20, 7/21/20, 9/22/20, 10/27/20;
11/17/20, 1/26/21, 4/27/21

Docket 145

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-10353 Annette Sanders-Wright

Chapter 13

#23.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of Plan:
Failure to Submit all Tax Refunds

fr. 2/23/21

Docket 58

Matter Notes:

- 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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

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

fr.9/22/20; 11/17/20; 1/26/21, 2/23/21, 4/27/21; 5/25/21

Docket 46

*** VACATED *** REASON: Cont'd to 8/24/21 @ 11 am tk

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-10982 Nicole Karen Lee

Chapter 13

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

fr. 2/23/21, 4/27/21; 5/25/21

Docket 100

***** VACATED *** REASON: Ntc. of w/drawal filed 6/21/21**

Matter Notes:

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

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

Docket 172

Matter Notes:

- 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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

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

fr. 4/27/21

Docket 92

*** VACATED *** REASON: Cont'd to 7/27/21 @ 11am tk

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro 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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21, 4/27/21; 5/25/21

Docket 138

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

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

fr. 7/30/19, 9/24/19, 11/19/19, 12/17/19, 2/25/20,
4/28/20, 7/21/20, 10/27/20; 1/26/21, 4/27/21

Docket 50

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele	Pro Se
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Movant(s):

Elizabeth (SV) F Rojas (TR)	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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

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

Docket 91

Matter Notes:

- 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 22, 2021

Hearing Room 302

11:00 AM

1:17-12363 Janice Marie Semien

Chapter 13

#31.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr. 5/25/21

Docket 79

***** VACATED *** REASON: Ntc. of w/drawal filed 6/14/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

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

fr. 1/26/21; 3/16/21; 5/25/21

Docket 119

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 11/19/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20, 2/23/21, 4/27/21

Docket 85

***** VACATED *** REASON: Cont'd to 8/24/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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, June 22, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

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

fr. 12/17/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20, 9/22/20; 12/15/20, 2/23/21, 4/27/21

Docket 89

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:18-11112 Mario Mauricio Gil and Edelina Chavez Cuayzon

Chapter 13

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

fr. 12/15/20, 2/23/21; 3/16/21, 4/27/21

Docket 34

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Mauricio Gil

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Edelina Chavez Cuayzon

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 22, 2021

Hearing Room 302

11:00 AM

1:18-11112 Mario Mauricio Gil and Edelina Chavez Cuayzon

Chapter 13

#36.00 Motion for Hardship Discharge Undere 11 USC Section 1328(b))

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

On November 27, 2018 the Court entered the Order Confirming the Second Amended Plan. The Second Amended plan provided for the payment of Toyota Financial Services in the amount of \$20,118.00 in class 3A and 100% to general unsecured creditors. Debtors plan provided for payments of \$1,270.00 for months 1-5 and \$891.00 for months 6-60, totaling \$55,355 (the plan base amount). The plan did not present liquidation issues.

Debtors assert that they have made the required \$1,270.00 for months 1-5 and \$891.00 for months 6-26, and that there are 34 payments remaining to complete the plan. Decl. of Joint Debtor Edelina Cuayzon ISO Motion, Ex. 3. On June 12, 2020, Debtor, Mario Mauricio Gil passed away after a long hospitalization. Id., Ex. 4. The Joint Debtor contends that she was unable to make the remaining plan payments due to the substantial reduction of the household income. Joint debtor's attests that her income is sufficient only for the payment of her living expenses. See Id. Ex. 5. Debtors move the court for entry of discharge pursuant to § 1328(b). Trustee opposes the motion, arguing that Debtors have not submitted tax returns for years 2018; 2019; and 2020.

Section 1328(b) allows the Court to grant a "hardship discharge" is if several requirements are met:

- (b) Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—
- (1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

CONT... Mario Mauricio Gil and Edelina Chavez Cuayzon Chapter 13

(2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and
(3) modification of the plan under section 1329 of this title is not practicable.

(c) A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

- (1) provided for under section 1322(b)(5) of this title; or
- (2) of a kind specified in section 523(a) of this title.

Here, the Court cannot make a hardship discharge finding without having the Trustee review the missing tax returns for the year 2018, 2019, and 2020. Has Joint Debtor's counsel had an opportunity to confer with the trustee about when the returns may be tendered?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mario Mauricio Gil

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Edelina Chavez Cuayzon

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 22, 2021

Hearing Room 302

11:00 AM

1:18-11550 Andrea L Cervantes

Chapter 13

#37.00 Trustee's Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20; 3/16/21; 5/25/21

Docket 49

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#38.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default:
Failure to Submit all Tax Refunds

Docket 92

***** VACATED *** REASON: Cont'd to 7/27/21 @ 11am tk**

Matter Notes:

- NONE LISTED -

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:18-12833 Marcie Berger

Chapter 13

#39.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 5/25/21

Docket 35

Matter Notes:

- 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

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

#40.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 5/25/21

Docket 73

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 10/27/20; 12/15/20, 2/23/21, 4/27/21; 5/25/21

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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 22, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 5/25/21

Docket 29

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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 22, 2021

Hearing Room 302

11:00 AM

1:19-10656 Rita Patricia Monteza

Chapter 13

#43.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of the Plan:
Failure to Submit all Tax Refunds

Docket 64

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

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**

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:19-10789 Carmen Ivy Garcia-Torres

Chapter 13

**#44.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 76

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Ivy Garcia-Torres

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 22, 2021

Hearing Room 302

11:00 AM

1:19-10802 Cristina Flor

Chapter 13

#45.00 Trustee's Motion to Dismiss Case due to Material Default of Plan: ailure to Submit all Tax Refunds

Docket 73

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cristina Flor

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 22, 2021

Hearing Room 302

11:00 AM

1:19-11081 Noel Dia and Imee Dia

Chapter 13

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

Docket 38

***** VACATED *** REASON: Cont'd to 8/24/21 @ 11am tk**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noel Dia

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Imee Dia

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11101 Jorge Silva

Chapter 13

#47.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default, Failure
to Submit all Tax Refunds

Docket 42

***** VACATED *** REASON: Case Dismissed 5/12/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Silva

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11176 Romeo Marinas Madrilejos and Joann Peralejo Madrilejos

Chapter 13

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

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Marinas Madrilejos

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Joann Peralejo Madrilejos

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 22, 2021

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

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

Docket 122

***** VACATED *** REASON: Cont'd to 7/27/21 at 11:00.**

Matter Notes:

- 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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11385 Dharam Raj Reddy

Chapter 13

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

Docket 40

***** VACATED *** REASON: Cont'd to 8/24/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dharam Raj Reddy

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11717 Lois Ann Harris

Chapter 13

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

fr. 10/27/20; 12/15/20; 1/26/21; 3/16/21; 5/25/21

Docket 89

***** VACATED *** REASON: Ntc. of w/drawal filed 6/14/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11762 Christopher Michael Niblett

Chapter 13

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

fr. 10/27/20; 11/17/20, 2/23/21, 4/27/21

Docket 66

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#53.00 Motion RE: Objection to Claim Number 3
by Claimant Los Angeles County Treasurer and Tax Collector

fr. 3/31/20, 9/22/20, 10/27/20; 1/26/21, 2/23/21; 3/16/21; 5/25/21

Docket 0

***** VACATED *** REASON: Ntc. of w/drawal filed 6/11/21 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20,
2/23/21; 3/16/21, 4/27/21; 5/25/21

Docket 41

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

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

fr. 9/22/20; 11/17/20; 12/15/20, 2/23/21; 3/16/21,
4/27/21; 5/25/21

Docket 32

*** VACATED *** REASON: Ntc. of w/drawal filed 6/14/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:19-12335 Emil Torosian and Lusine Balyan

Chapter 13

#56.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default: Failure to
Submit Tax Refunds

Docket 43

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emil Torosian

Represented By
Aris Artounians

Joint Debtor(s):

Lusine Balyan

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, June 22, 2021

Hearing Room 302

11:00 AM

1:19-12865 Michael Laxner

Chapter 13

#57.00 Trustee's Motion to Dismiss Case Chapter
13 Case due to Material Default: Failure to
Submit Tax Refunds

Docket 33

*** VACATED *** REASON: Cont'd to 8/24/21 at 11:00.

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Laxner

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F 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 22, 2021

Hearing Room 302

11:00 AM

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#58.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr.2/23/21; 3/16/21, 4/27/21

Docket 43

***** VACATED *** REASON: Cont'd to 7/27/21 @ 11am tk**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

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 22, 2021

Hearing Room 302

11:00 AM

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

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

Docket 47

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

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 22, 2021

Hearing Room 302

11:00 AM

1:19-13169 Lekan Aremu Gbadamosi and Diana Y Kuchmar

Chapter 13

#59.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default: Failure to
Submit Tax Refunds

Docket 29

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lekan Aremu Gbadamosi

Represented By
Elena Steers

Joint Debtor(s):

Diana Y Kuchmar Gbadamosi

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, June 22, 2021

Hearing Room 302

11:00 AM

1:20-10040 Giovanni Garofoli

Chapter 13

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

fr. 2/23/21; 5/25/21

Docket 51

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Garofoli

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 22, 2021

Hearing Room 302

11:00 AM

1:20-10250 Kenneth Larkin

Chapter 13

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

fr. 1/26/21; 3/16/21; 5/25/21

Docket 49

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

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, June 22, 2021

Hearing Room 302

11:00 AM

1:20-10272 Barjinder Singh

Chapter 13

#62.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 3/16/21; 5/25/21

Docket 47

***** VACATED *** REASON: Ntc. of w/drawal filed 6/9/21**

Matter Notes:

- 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 22, 2021

Hearing Room 302

11:00 AM

1:20-10314 Milton Travis Appel

Chapter 13

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

Docket 31

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milton Travis Appel

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, June 22, 2021

Hearing Room 302

11:00 AM

1:20-10457 Lidia Ovando Aguila

Chapter 13

#64.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 4/27/21

Docket 56

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lidia Ovando Aguila

Represented By
Dana M Douglas

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, June 22, 2021

Hearing Room 302

11:00 AM

1:20-11467 Jeris Spencer

Chapter 13

#65.00 Application for Compensation for Brad Weil, Debtor's Attorney, Period: 11/3/2020 to 12/17/2020, Fee: \$1250.00.

Docket 49

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Service proper. Having reviewed the Application of Attorney for Debtor for Allowance of Fees and Related Expenses (Following Conversion of Ch. 13) and the Trustee's Comments in response, 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 6-22-21

Party Information

Debtor(s):

Jeris Spencer

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, June 22, 2021

Hearing Room 302

11:00 AM

1:20-11518 Gloria Janeth Orellana

Chapter 13

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

Docket 36

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Janeth Orellana

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, June 22, 2021

Hearing Room 302

11:00 AM

1:18-10533 Marvin Eleid

Chapter 13

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

Docket 63

*** VACATED *** REASON: Withdrawn 6/17/21 doc. #68.

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marvin Eleid

Represented By
Steven Abraham 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 22, 2021

Hearing Room 302

11:00 AM

1:18-11771 Claudia Victoria Gonzalez

Chapter 13

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

Docket 51

***** VACATED *** REASON: Ntc. of w/drawal filed 6/21/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Victoria Gonzalez

Represented By
Giovanni Orantes
Luis A Solorzano

Trustee(s):

Elizabeth (SV) F 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 22, 2021

Hearing Room 302

11:00 AM

1:19-11486 Lester P. Speight

Chapter 13

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

Docket 31

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester P. Speight

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 22, 2021

Hearing Room 302

11:00 AM

1:19-13169 Lekan Aremu Gbadamosi and Diana Y Kuchmar

Chapter 13

#70.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default: Failure to Submit Tax Refunds

Docket 29

***** VACATED *** REASON: Duplicate to Cal. matter #59.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lekan Aremu Gbadamosi

Represented By
Elena Steers

Joint Debtor(s):

Diana Y Kuchmar Gbadamosi

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**

Thursday, June 24, 2021

Hearing Room 302

1:00 PM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606736084>
Meeting ID: 160 673 6084
Password: 822607

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 673 6084
Password: 822607

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, June 24, 2021

Hearing Room 302

1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 4

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21, 6/21/21

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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

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

Thursday, June 24, 2021

Hearing Room 302

1:00 PM

CONT... Nazaret Kechejian

Chapter 13

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
-------------------	-----------------------------------

Trustee(s):

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

Thursday, June 24, 2021

Hearing Room 302

3:00 PM

1:20-10577 Rooter Hero Plumbing, Inc.

Chapter 7

Adv#: 1:21-01035 Goldman v. RH Orange, Inc. et al

#2.00 Motion of Chapter 7 Trustee for Preliminary Injunction

Docket 2

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

Rooter Hero Plumbing, Inc.

Represented By
David S Hagen

Defendant(s):

RH LAN, Inc.

Pro Se

Plumber Hero, Inc.

Pro Se

RH Orange, Inc.

Pro Se

Call Pro's, Inc.

Pro Se

John Akhoian

Pro Se

RH BAS, Inc.

Pro Se

Plaintiff(s):

Amy L. Goldman

Represented By
Anthony A Friedman

Trustee(s):

Diane C. Weil

Pro Se

Amy L Goldman (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**

Friday, June 25, 2021

Hearing Room 302

1:30 PM
1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613823736>
Meeting ID: 161 382 3736
Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 382 3736
Password: 271190

Docket 0

Matter Notes:

- NONE LISTED -

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

Friday, June 25, 2021

Hearing Room 302

1:30 PM

CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

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

Friday, June 25, 2021

Hearing Room 302

1:30 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 4

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21, 6/21/21, 6/24/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Pro Se

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

Friday, June 25, 2021

Hearing Room 302

1:30 PM

CONT... Nazaret Kechejian

Chapter 13

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

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**

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1618291449>

Meeting ID: 161 829 1449

Password: 998796

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 829 1449

Password: 998796

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

CONT...

- NONE LISTED -

Chapter

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

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC et al v. CALPAC MANAGEMENT, INC., a California

**#1.00 Show Cause Why a Preliminary Injunction
Should not Issue.**

fr. 3/4/21; 5/3/21

Docket 1

***** VACATED *** REASON: Continued to September 9, 2021, at 10:00am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Continued to September 9, 2021, at 10:00am. No appearance required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a Pro Se

MED EQUITY LLC, a California Pro Se

JOSHUA RAYMOND KUKINI, an Pro Se

RYAN JUSTIN YOUNG, an Pro Se

FCI Lender Services, Inc., a Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC v. CALPAC MANAGEMENT, INC., a California corporation

#2.00 Status Conference Re: First Amended Complaint

for:

1 - Violation of 18 U.S.C. Sec. 1962(C);

2 - Violation of 18 U.S.C. Sec. 1962(D)

by Conspiracy;

3 - Fraud - Intentional Misrepresentation;

4 - Fraud - Concealment

5 - Negligent Misrepresentation;

6 - Violation of Cal. Bus. & Prof.

Code Sections 17200, ET. Seq.;

7 - For Disallowance of Claim;

8 - Declaratory Relief/Injunction

fr. 4/21/21

Docket 3

***** VACATED *** REASON: Continued to September 9, 2021, at
10:00am.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Continued to September 9, 2021, at 10:00am. No appearance required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a

Pro Se

MED EQUITY LLC, a California

Pro Se

JOSHUA RAYMOND KUKINI, an

Pro Se

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

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

CONT... PB-1, LLC

Chapter 11

RYAN JUSTIN YOUNG, an

Pro Se

FCI Lender Services, Inc., a

Pro Se

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

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

Tuesday, June 29, 2021

Hearing Room 302

10:00 AM

1:18-12855 PB-1, LLC

Chapter 11

#3.00 Post-Confirmation Status Conference and
Scheduling and Case Management Conference

fr. 2/6/19, 3/13/19; 4/3/19; 6/17/19; 6/24/19, 7/18/19
12/11/19, 3/11/20, 8/26/20, 8/27/20; 10/7/20; 12/18/20,
1/13/21; 3/17/21; 5/3/21

Docket 1

***** VACATED *** REASON: Continued to September 9, 2021, at
10:00am.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Continued to September 9, 2021, at 10:00am. No appearance required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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10:00 AM

1:19-11422 Joe Kearney

Chapter 13

#3.01 Case Status Conference

fr. 6/3/21, 6/17/21

Docket 0

***** VACATED *** REASON: Trial Decision forth coming.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

The Court will be issuing its ruling on the Objection to Claim trial prior to the scheduled status conference. As a result, the status conference is vacated.

No apperance required.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

2:00 PM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

**#4.00 Disclosure Statement Describing Trustee's
Chapter 11 Plan of Liquidation**

Docket 551

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor was a privately held insurance brokerage firm in Woodland Hills, California, that offered various insurance products, including commercial, personal, health and life insurance, as well as high net worth and entertainment insurance. Debtor acted as broker for approx. 162 carriers and as an agent for approximately 18 insurance carriers. Prior to filing this bankruptcy, Debtor had over 50 employees.

Debtor had been in business since 1939. Herbert Rothman owned 89% of Debtor and was the Chief Executive Officer. Herbert's son, Eric Rothman, owned the remaining 11% of Debtor and acted as Vice President. Herbert's spouse, Rebecca Rothman, acted as Secretary. Debtor had satellite offices in Torrance, CA and Dallas, TX.

In or around November 2011, it was determined that Debtor was out of trust by as much as \$1.2 million and this chapter 11 bankruptcy was filed on January 9, 2012. Thereafter, on January 20, 2012, the appointment of Chapter 11 Trustee Bradley Sharp (Trustee) was approved by the bankruptcy court. Trustee is the proponent of this disclosure statement and plan and asserts that Debtor was insolvent as of the petition date.

The assets of the estate were its brokerage business accounts and litigation claims and other miscellaneous assets. In February 2012, Trustee sold Debtor's business accounts to BTJ Insurance Services, LLC ("BTJ") for approximately \$750,000 and an assumption of liabilities in the approximate amount of \$460,000.00.

In 2013, Trustee filed an action against Debtor's directors and officers (D&O's)

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

Chapter 11

for their errors and omissions in operating Debtor's business, among other claims. After Debtor's Errors and Omissions carrier refused provide a defense for the defendants and denied any obligation for coverage for the claims asserted, Trustee and D&O's and Debtor's D&O insurance carrier settled the lawsuit. The Court approved the settlement as being in good faith and in the best interests of the estate. ECF Docket 328. The settlement provided, among other things, a cash payment of \$500,000.00 by the D&O's and the D&O insurance carrier and an assignment of the D&O's claims against C.M. Meiers' Errors & Omissions insurance carrier, Evanston Insurance Company ("Evanston"), for its failure to provide the D&O's a defense and coverage for the claims Trustee asserted against the D&O's in his lawsuit. From this amount Trustee paid special litigation counsels approved contingency fees and costs in the amount of \$170,000.00.

Trustee then filed a lawsuit against Evanston for breach of contract, among other things, in March 2014. Prosecution of the lawsuit resulted in a judgment against Evanston in the principal amount of \$3,800,000 plus interest in the amount of \$1,270,150. Based thereon, the District Court entered judgment against Evanston in the total amount of \$5,314,150 (principal, interest and costs). Evanston and Trustee then resolved Trustee's breach of duty to defend claim for \$244,000.00, reducing the amount of the judgment to \$5,070,150.00. Evanston appealed the District Court's decision to the Ninth Circuit Court of Appeal. On August 5, 2020, the Ninth Circuit Court of Appeal issued its mandate affirming the District Court's decision. Thereafter Evanston paid the judgment in full plus interest at the federal interest rate. From this amount, Trustee paid special litigation counsel's approved contingency fees and costs in the amount of \$1,704,630.75.

Plan Summary

As explained above, the assets of the estate have been liquidated. As of April 1, 2021, Trustee asserts that the estate has a cash balance in excess of \$4,000,000.00. Debtor identifies all classes, except Class 2 Subordinated Claims and those claims it seeks to disallow, as unimpaired because each is to be paid in full under the proposed plan. Thus, the only Class of creditors entitled to vote under the proposed Plan is the Class 2 Subordinated Claims.

- **Administrative Claims:** Total to be paid in full **\$663,138.01**

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

Chapter 11

- **Priority Wage Claims:** 52 claims totaling \$137,987.85, to be paid in full

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

Chapter 11

- **Class 1 – General Unsecured Claims**

- **Class 2 Subordinated Claims:** holders of subordinated claims will retain a right to receive cash that remains in the funds held by Disbursing Agent, after payment of all other Allowed Claims (IMPAIRED)

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

Chapter 11

Standard

References: *In re A.C. Williams*, 25 B.R. 173 (Bankr. N.D. Ohio 1982); See also *In re Metrocraft*, 39 B.R. 567 (Bankr. N.D.Ga. 1984); § 1125

1. Before a disclosure statement may be approved after notice and a hearing, the court must find that the proposed disclosure statement contains "adequate information" to solicit acceptance or rejection of a proposed plan of reorganization. 11 U.S.C. § 1125(b).
2. "Adequate information" means information of a kind, and in sufficient detail, so far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization. 11 U.S.C. § 1125(a).
3. Courts have developed lists of relevant factors for the determination of adequate disclosure. *E.g., In re A.C. Williams, supra.*
4. There is no set list of required elements to provide adequate information per se. A case may arise where previously enumerated factors are not

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Chapter 11

sufficient to provide adequate information. Conversely, a case may arise where previously enumerated factors are not required to provide adequate information. *In re Metrocraft Pub. Services, Inc.*, 39 B.R. 567 (Bankr. N.D.Ga. 1984). "Adequate information" is a flexible concept that permits the degree of disclosure to be tailored to the particular situation, but there is an irreducible minimum, particularly as to how the plan will be implemented. *In re Michelson*, 141 B.R. 715, 718-19 (Bankr. E.D.Cal. 1992).

5. The court should determine what factors are relevant and required in light of the facts and circumstances surrounding each particular case. *In re East Redley Corp.*, 16 B.R. 429 (Bankr. E.D.Pa. 1982).

6. LBR 3017-1(a) requires at least 36 days notice to all parties in interest.

Service

Service of Debtor's *Notice of Hearing on Disclosure Statement Describing Trustee's Chapter 11 Plan of Liquidation* (ECF doc. 552) was properly served on May 18, 2021, exactly 42 days before the scheduled hearing in accordance with LBR 3017-1(a).

The Objection of Cosmo is overruled, for the reasons stated in the tentative ruling for the hearing on *Trustee's Objection to Claim 34-1 of Cosmo Ins. Service Corp.*, cal. no. 6.

The Rothman Objection is overruled. The Disclosure Statement provides sufficient information about how Trustee liquidated the assets of the Estate, the amount of money in the Estate to satisfy claims, and how and why the Estate funds are being distributed among the classes. This is the kind of detailed information that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization. That is all that is required at this stage of the case.

Motion to Approve Disclosure Statement is GRANTED. Confirmation schedule to be set at Ch. 11 Status Conference (see next matter)

Party Information

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

Chapter 11

Debtor(s):

C.M. Meiers Company, Inc.

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Stanley H Shure
Larry W Gabriel
Justin Santarosa

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1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#4.01 Status 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, 2/6/19; 4/8/19

Docket 1

Matter Notes:

- 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

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

Chapter 11

Debtor(s):

C.M. Meiers Company, Inc.

Pro Se

Trustee(s):

Bradley D. Sharp (TR)

Represented By
David Gould

**United States Bankruptcy Court
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2:00 PM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#5.00 Trustee's Omnibus Motion for Order Disallowing Claims that were: (1) Assumed by Purchaser of Debtor's Assets; (2) Previously Satisfied in Full; or (3) Superseded by a Subsequent Claim

(Moved from 6/30/21)

Docket 562

Matter Notes:

- NONE LISTED -

Tentative Ruling:

In this Omnibus Objection, Trustee objects to the claims listed below (Objection, 6:18-7:17) as having been assumed and paid by the purchaser of assets of the Estate, and so there is not any money due and owing and thus the Claim is not an obligation of the Estate: **Claim 9-1; 16-1; 15-1 (secured, priority, unsecured); 36-1.**

Trustee also objects to the administrative or secured claims listed below (id., 7:20-28) on the grounds that each claim has been satisfied in full: **scheduled claims of Calif. Bank & Trust; Laurence and Elaine Friedman; Marvin Renshaw; Claim 50-1.**

Lastly, Trustee objects to the following claims on the grounds that each claim set forth below (id., 8:4 - 9:22) was superseded by the filing of a subsequent claim: **Claim 18-1 - 18-6; 20-1; 24-1 and 24-2; 25-1; 32-1; 37-1; 40-1; 41-1; 52-1; 17-1; 5-1; 28-1 (priority and general unsecured).**

Standard:

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)

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

Chapter 11

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].

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007. LR 3007-1.

Per In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of claim and its documentation. In re Heath, 331 B.R. at 435, 437-38. Section 502 deems a claim allowed and directs that the bankruptcy court “shall” allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., In re Heath, 331 B.R. 424, 437-438 (B.A.P. 9th Cir. 2005). “If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it.” Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, “creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection.” In re Heath, 331 B.R. at 436. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

“The court, after notice and a hearing, shall determine the amount of such claim... as of the date of the filing of the petition, and shall allow such claim, except to the extent that – (1) such claim is unenforceable against debtor and the property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unliquidated.” 11 U.S.C. §502(b).

Should objection be taken, the objector is then called upon to produce evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves. But the ultimate burden of persuasion is always on the claimant. Thus, it may be said that the proof of claim is some evidence as to its validity and amount. It is strong enough to carry over a mere formal objection without more. 3 L. King, Collier on Bankruptcy § 502.02, at 502–22 (15th ed. 1991).

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

Chapter 11

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).

Service of Omnibus Motion was proper. The only response filed to Trustee's Omnibus Motion was the Limited Response of Eric Rothman, wherein he noted that Trustee's objection to Claim 41-1 was based on it being superseded by the filing of Claim 41-2. ECF doc. 569. Having considered all relevant pleadings and evidence, the Court finds that Trustee has sustained his burden and the Omnibus Motion is GRANTED. The claims identified in the Omnibus Motion are disallowed on the basis identified therein.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

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
Justin Santarosa

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1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#6.00 Trustee's Motion for Order Disallowing Claim 34-1,
by Cosmo Insurance Services Corporation

(Moved from 6/30/21)

Docket 563

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Claim No. 34-1, which is the subject of this motion, is for \$128,828.00. The claim is signed by Stuart A. Wright, President, Cosmo Insurance Services Corp. dba Stuart Wright & Associates. Trustee argues that Claim 34-1 lacks of appropriate documentation and clarity to support the claim. Trustee notes that Claim 34-1 appears to be for commissions owed; however, the claimant does not attach to the claim any agreement demonstrating that an agency relationship exists between the Debtor and Cosmos.

Standard

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr. P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr. P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. (In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), aff'd, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with

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

Chapter 11

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. Under In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005), any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity.

“If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.” In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

The Claim breaks down as follows:

- Priority unsecured claim under § 507(a)(4) & (a)(5) for commissions from November 3, 2011 to January 8, 2012 not to exceed \$11,725.
 - Trustee's position is that Exhibits A-D to the Claim demonstrate that Cosmo was paid in full for these commissions
- Unsecured claim of \$36,114.00, based on the same Ex. A-D
 - Trustee's position is that Exhibits A-D to the Claim demonstrate that Cosmo was paid in full for these commissions
- Administrative Claim of \$80,986 for the period January 9, 2012 - July 31, 2012
 - Trustee's position is that Exhibits F-K, filed by Cosmo in support of its claim, appear to be statements by or from the Liberty Company Insurance Brokers” (the “Liberty Company” or “Liberty”), [Exh. 1, Claim 34-1, p.4 of 80], demonstrating that Cosmo was paid in full for these commissions

The substance of Claimant's opposition is that it is owed the amounts asserted in the Claim. In its opposition, Cosmo points to its pleading filed in response to Debtor's disclosure statement, ECF doc. 561, filed June 8, 2021. Cosmo's position seems to be that because the Court denied its Motion to Allow Claim 34 as an Administrative Claim without prejudice that the Court tacitly allowed the claim. In fact, Cosmo's position ignores that the Court

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Chapter 11

previously found that Cosmo's contract with the Debtor terminated prior to the filing of the instant bankruptcy and that "there is no contract for the Chapter 11 Trustee to assume and assign." ECF Doc. 156. The Court also found that "the Book of Business referenced in the Motion is Cosmo's property and not an asset of the estate." Id. Trustee notes that Cosmo did not address the fact that Liberty has paid Cosmo all monies purportedly due as relates to the commission payments Liberty received from insurers re previous clients of the Debtor.

Trustee has provided sufficient evidence to shift the burden to the claimant to prove the validity of the claim by a preponderance of the evidence. None of the exhibits submitted by Claimant are supportive of the Claim 34-1 as against the Debtor's Estate. Cosmo's objection is overruled.

Trustee's Objection to Claim 34-1 is SUSTAINED.
Trustee to lodge order within 7 days.

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
Justin Santarosa

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9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607990548>

Meeting ID: 160 799 0548

Password: 359962

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 799 0548

Password: 359962

Docket 0

Tentative Ruling:

- NONE LISTED -

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Hearing Room 302

9:30 AM

1:17-11205 Shahla Hariri

Chapter 13

#1.00 Motion for relief from stay

MTGLQ INVESTORS, LP

fr. 5/5/21

Docket 96

Tentative Ruling:

This hearing was continued from 5/5/21 so that the parties could discuss whether this can be resolved with a loan modification. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

5-5-21 TENTATIVE BELOW

Movant: MTGLQ Investors, LP.

Petition Date:05/05/2017

Chapter 13 plan confirmed: 06/29/2018

Service: Proper. Opposition filed on 4/20/21.

Property: 24143 Kittridge Street, West Hills, CA 91307

Property Value: \$710,000.00 (per debtor's schedules)

Amount Owed: \$686,806.46 (Per Movant's

Equity Cushion: 3.2%

Equity: \$23,193.54

Post-confirmation Delinquency: \$44,761.92 (4 Payments \$3,960.97, 7

Payments of \$3,963.78, Attorney's Fees and Costs \$1,238.00, Less

Suspense Account \$66.42)

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 argues cause exists for lifting the stay because the Debtor has not been making postpetition payments. Movant alleges that the last payment it received was on or about 3/10/2020 of the amount of \$3,935.97.

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CONT... Shahla Hariri

Chapter 13

Debtor opposes this motion for relief of stay because the Debtor has been involved in a loan modification with the Lender as a result of payments arising during the Covid 19 pandemic. The Motion stated that the Movant never received the documents. Debtor's counsel resent these documents to the Movant. On this basis, the Debtor believes that the Court should deny this motion.

Did the Movant receive the Loan Modification papers? Does this resolve the motion for relief from stay?

Appearance Required.

Party Information

Debtor(s):

Shahla Hariri

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:30 AM

1:19-10565 Pamela M. Sorenson

Chapter 13

#2.00 Motion for relief from stay

WILMINGTON TRUST NATIONAL ASSO.

fr. 11/18/20, 12/16/20, 2/24/21, 4/28/21; 5/5/21

Docket 51

Tentative Ruling:

This matter was continued because the County was revaluing the Property and parties were waiting for an update. What is the status of the County's assessment and this RFS motion?

Appearance Required.

PREVIOUS TENTATIVE BELOW

Petition Date: 03/11/2019

Chapter 13 plan confirmed: 7/22/19

Service: Proper. Opposition filed.

Property: 11052 Reseda Blvd., Northridge, CA 91326

Property Value: 582,000.00 (per debtor's schedules) (Property is owned in Tenancy in Common... Debtor's portion is \$145,000.00).

Amount Owed: \$358,890.82 (per Movant's papers)

Equity Cushion: 38.33%

Equity: \$223,109.18

Post-Petition Delinquency: \$ 6,419.86 (3 payments of \$2,323.05 less suspense \$549.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 3 (option to enter into forbearance agreement, loan modification, refinance agreement); 6 (relief from co-debtor stay); and 7 (waiver of the 4001(a)(3) stay). Movant asserts there are grounds for relief from the stay because the Debtor has failed to make postpetition payments. Movant alleges that the Debtor has only made

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9:30 AM

CONT... Pamela M. Sorenson

Chapter 13

partial payments for the months of August, September and October 2020.

The Debtor opposes this motion because the Debtor believes that the property was wrongfully reassessed by the LA County Assessor's Office. Debtor claims that there is \$390,000.00 in equity in the property.

Whether the Court applies the numbers provided by the Debtor's schedules and movant's papers or the Debtor's adjusted figures, there appears to be a substantial amount of equity in the property. Have the parties discussed entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Pamela M. Sorenson

Represented By
Michael D Luppi

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

9:30 AM

1:19-12138 Bruno Alain Rosenthal

Chapter 13

#3.00 Motion for relief from stay

JPMORGAN CHASE BANK, N.A.

fr. 6/9/21

Docket 71

***** VACATED *** REASON: Resolved per APO (doc. 76) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruno Alain Rosenthal

Represented By
Matthew D. Resnik

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:30 AM

1:19-12777 **Filipo Palako Vaka**

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST

fr. 5/19/21

Docket 29

***** VACATED *** REASON: Atty Ferry filed a Voluntary Dismissal of Motion - Doc. #34. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Filipo Palako Vaka

Represented By
Kevin T Simon

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:30 AM

1:20-10676 Andrea Viglietta-Pichler

Chapter 13

#5.00 Motion for relief from stay

WILMINGTON SAVINGS FU

fr. 5/19/21

Docket 37

Tentative Ruling:

This hearing was continued from 5-19-21 so that the parties had an opportunity to review Debtor's payment history. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

PRIOR TENTATIVE RULING BELOW

Movant: Wilmington Savings Fund Society

Petition Date: 03/22/2020

Confirmation Date: 07/09/2020

Service: Proper; Opposition filed.

Property: 8132 Oakdale Ave., Winnetka, CA 91306

Property Value: \$560,000.00 (Per Debtor's Schedules)

Amount Owed: \$415,348.28 (Per Movant's Papers)

Equity Cushion: 34.82%

Equity: \$144,651.72

Post-Petition Delinquency: \$6,490.36 (3 payments of \$5,598.57 less \$139.21 less suspense account).

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); 3 (option to enter into modification) and 7 (waiver of 4001(a)(3) stay). Movant asserts cause exists for lifting the stay because the Debtor has missed postpetition payments. According to the Movant, the last payment was received on March 15, 2021.

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CONT... Andrea Viglietta-Pichler

Chapter 13

Debtor opposes this motion and disputes the evidence submitted. Debtor has requested a loan payment history and is in the process of obtaining evidence of all post-petition mortgage payments made since the filing date. Debtor is requesting a continuance.

What is the status of the requested payment history? How long do you expect this will take?

Appearance Required.

Party Information

Debtor(s):

Andrea Viglietta-Pichler

Represented By
Steven Abraham Wolvek

Movant(s):

Wilmington Savings fund society,

Represented By
Arnold L Graff
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:30 AM

1:20-10991 Larry D Miller and Gloria J Miller

Chapter 13

#6.00 Motion for relief from stay

LOANDEPOT.COM, LLC

fr. 6/2/21

Docket 27

Tentative Ruling:

This hearing was continued from 5-19-21 so that the parties had an opportunity to review Debtor's payment history. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

PRIOR TENTATIVE RULING BELOW

Petition Date: 5/29/2020

Ch. 13 plan confirmed: 9/10/2020

Service: Proper. No opposition filed.

Property: 16415 Gilmore Street, Van Nuys (Los Angeles), CA 91406

Property Value: \$695,000 (per debtor's schedules)

Amount Owed: \$ 572,464.70

Equity Cushion: 9.63%

Equity: \$66,935.30

Post-Petition Delinquency: \$7,224.51 (2 payments of \$3,023.44)

Disposition: GRANT under 11 U.S.C. 362(d)(1) with the specific relief requested in paragraphs 7 (waiver of the 4001(a)(3) stay); and 12 (Debtor is a borrower for the 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

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9:30 AM

CONT... Larry D Miller and Gloria J Miller

Chapter 13

Debtor(s):

Larry D Miller

Represented By
Tom A Moore

Joint Debtor(s):

Gloria J Miller

Represented By
Tom A Moore

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 30, 2021

Hearing Room 302

9:30 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#6.01 Motion for relief from stay

METROPOLITAN LIFE INSURANCE CO.

fr. 10/28/20

Docket 44

Tentative Ruling:

This hearing was continued 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

PRIOR TENTATIVE RULING

Petition Date : 10/06/2019

Confirmation Date: 04/16/2020

Service: Proper. Opposition filed on 10/9/2020 (Docket No. 48)

Property: 7718 Maestro Avenue, Los Angeles, California 91304

Property Value: \$ 900,000 (per debtor's schedules)

Amount Owed: \$462,609.56 (per Movant's declaration)

Equity Cushion: 48.59%

Equity: \$437,390.44

Post-Petition Delinquency: \$24,009.37 (22 payments of \$2,090.85, \$1,030.00, less suspense account \$19.98).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification) and 7 (waiver of the 4001(a)(3) stay). Movant alleges that the Debtor has missed postpetition payments. The last partial postpetition payment occurred on 2/27/20.

The Debtor opposes this motion and asserts that the Movant is not taking additional payments into account. Further, the Debtor attempted to get a hardship modification or Covid relief but the lender failed to follow through.

There is substantial equity in the Property, have the parties discussed

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9:30 AM

CONT... **Stuart Malin and Patricia Malin**
entering into an APO or entering into a Loan Modification?

Chapter 13

Appearance Required.

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By
Steven Abraham Wolvek

Movant(s):

Metropolitan Life Insurance

Represented By
Daniel K Fujimoto
Christopher Giacinto
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 30, 2021

Hearing Room 302

10:00 AM

1:15-14137 Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

#7.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 125

Tentative Ruling:

RFS – Real property:

Movant: Nation Star Mortgage LLC

Petition Date:12/22/2015

Ch: 13

Service: Proper. No opposition filed.

Property: 7037 Aldea Avenue, Los Angeles, CA 91406

Property Value: \$545,000.00

Amount Owed: \$370,045.74

Equity Cushion: 32.10%

Equity: \$174,954.26

Post-Petition Delinquency: \$7,183.76

2 Post-petition payments have not been made to Movant. Last payment received on 04/15/2021

Has Movant discussed entering into an APO with the Debtor?

Disposition: (wait for answer from APO Question above prior to Grant) - GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into modification); 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 THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

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CONT... Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

Party Information

Debtor(s):

Ronald Krivitsky

Represented By
Todd J Roberts

Joint Debtor(s):

Tina Lynne Greisman

Represented By
Todd J Roberts

Movant(s):

Nationstar Mortgage LLC

Represented By
Kristin A Zilberstein
Nancy L Lee
Merdaud Jafarnia
Joseph C Delmotte
Jennifer C Wong

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, June 30, 2021

Hearing Room 302

10:00 AM

1:18-10258 Hernan Antonio Saravia and Vanessa Saravia

Chapter 13

#8.00 Motion for relief from stay

NATIONWIDE LEGAL, LLC

Docket 87

Tentative Ruling:

Petition Date: 1/29/2018
Service: Proper. No opposition filed.
Chapter 13 plan confirmed: 1/15/2019

Movant: Creditor Nationwide Legal, LLC
Relief Sought to: Pursue Pending Litigation ___ Commence Litigation
X Pursue Insurance ___ Other:
Litigation Information

Case Name: (Case is yet to be filed)
Court/Agency:
Date Filed:
Judgment Entered:
Trial Start Date:
Action Description:

Grounds

Bad Faith ___ Claim is Insured ___ Claim Against 3rd Parties ___
Nondischargeable X
Mandatory Abstention ___ Non-BK Claims Best Resolved in Non-BK Forum
X
Other:

Debtor Saravia allegedly falsified checks totaling \$1,465,909.74 as an employee of Nationwide Legal, LLC. Nationwide now wants to commence litigation in state court against the Debtor and all other appropriate defendants. In addition, movant wants to liquidate the claim to judgement and

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CONT... Hernan Antonio Saravia and Vanessa Saravia Chapter 13

assuming the suit results in a judgement, enforce the resulting judgement. They ask for a relief from stay in order to pursue this cause of action outside of the bankruptcy forum. On June 25, 2021, Debtors filed a notice of non-opposition to this Motion.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 3 (stay is annulled retroactively to the bankruptcy petition) e); 5 (waiver of the 4001(a)(3) stay); and 6 (order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case to the Nonbankruptcy Action).

DENY relief requested in paragraph 7 (order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice), as such relief requires the filing of an adversary proceeding under FRBP 7001(7).

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

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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Hearing Room 302

10:00 AM

1:19-11819 John Raymond Nardolilli

Chapter 7

#9.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA
CHRISTIANA TRUST

Docket 85

Tentative Ruling:

Petition Date: 07/19/2019

Ch: 7

Service: Proper. No opposition filed.

Property: 7445 Bryson Court, Lake Worth, FL 33467

Property Value: \$415,000.00

Amount Owed: \$ 321,584.97

Equity Cushion: 0.0%

Equity: \$93,415.03

Total Delinquency: \$154,784.53

The trustee abandoned the property at 7445 Bryson Court, Lake Worth, FL 33467 and that motion was ordered on 11/10/2020. Consequently, the request for a relief from stay is null and void. The automatic stay as to property of the bankruptcy estate applies once the bankruptcy case is filed until such property is no longer property of the estate. 11 U.S.C. Section 362(C)(1). Property ceases to be property of the estate when it is abandoned. 2 March, Ahart and Shapiro, California Practice Guide: Bankruptcy Bankruptcy, ¶ 8:1 at 8(l)-1 (emphasis in original), citing inter alia, 11 U.S.C. section 554 and in re D.Papaqni Fruit Co., 132 B.R. 42, 45 (Bankr. E.D. Cal. 1991); In re Matthews, 2017 Bankr. Lexis 1815 *6 (Bankr. C.D. Cal. 2017).

Disposition: DENY.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

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10:00 AM

CONT... John Raymond Nardolilli

Chapter 7

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

Party Information

Debtor(s):

John Raymond Nardolilli

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery

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10:00 AM

1:19-12170 Scott Kenneth Hoagland and Carolyn Elizabeth Hoagland

Chapter 13

#10.00 Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

Docket 37

***** VACATED *** REASON: Resolved per APO (doc. 43) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Kenneth Hoagland

Represented By

Gary S Saunders- SUSPENDED -

Joint Debtor(s):

Carolyn Elizabeth Hoagland

Represented By

Gary S Saunders- SUSPENDED -

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:20-11270 Pablo Fabian Aguirre

Chapter 13

#11.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 41

Tentative Ruling:

Movant: Wilmington Savings Fund Society, FSB
Petition Date: 07/20/2020
Ch: 13 - Plan Confirmed: 11/16/2020
Service: Proper. Opposition Filed
Property: 11884 Mariposa Bay LN. Northridge, CA 91326
Property Value: \$850,000
Amount Owed: \$571,405.37 (Total); \$481,995.37 (as to Movant).
Equity Cushion: 32.77%
Equity: \$278,594.63
Post-Petition Delinquency: \$7,700.31

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 relief is not granted, adequate protection shall be ordered).

Movant believes cause exists for lifting the stay because the Debtor has missed 3 postpetition payments. Movant asserts that the last payment received on April 21/2021.

Debtor contests the amount of the Post-Petition payments and argues that the debtor was only short \$22.81 on one payment and that when factoring in late fees and attorney's fees the total should be \$1,260.81 rather than \$7,700. Additionally, the Debtor asserts they overpaid by \$568.19 for the May 2021 payment. On balance then, Debtor argues they should only owe \$715.43. Debtor requests that the court continue the hearing to permit clarification over what is actually owed.

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CONT... Pablo Fabian Aguirre

Chapter 13

Are parties open to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Pablo Fabian Aguirre

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:21-10582 Margie Macareno Candelaria

Chapter 13

#12.00 Motion for relief from stay

JOSE ALBERTO DIAZ JR.

Docket 13

Tentative Ruling:

Movant: Jose Diaz Sr. & Jose Alberto Diaz, Jr. - Creditors
Petition Date: 4/04/2021
Ch: 13 (Not confirmed yet: Hearing currently scheduled for 7/27/2021)
Service: Proper. Opposition Filed
Property: 18223 Sandringham Court, Northridge, California 91326
Property Value: \$1,331,257.00 (Per Debtor's Schedules)
Amount Owed: \$1,215,785.96; (As to Movant) = \$620,000
Equity Cushion: 8.67%
Equity: \$115,471.04
Post-Petition Delinquency: None.

Movant requests relief under 11 U.S.C. 362(d)(1);(2); and (3), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 4 (Confirmation that there is no stay in effect); 11 (Order is binding and effective in any future bankruptcy case, no matter who the debtor may be without further notice) and 13 (if relief is not granted, adequate protection shall be ordered).

Movant believes cause exists for lifting the stay because their interest in the property is not adequately protected. Additionally, Movant asserts that the Bankruptcy case was filed in bad faith, in part because it was filed one day prior to the foreclosure of the Subject Property. Additionally, Movant claims that the filing of the bankruptcy petition was part of a scheme to delay hinder, or defraud creditors. Movants argue that the property listed is not actually owned by the Debtor but rather by the Debtor's daughter.

Debtor asks that the Court grant the Diaz's relief from automatic stay but narrowly tailor the order to preclude the collection of any resulting judgement

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CONT... Margie Macareno Candelaria

Chapter 13

against the Debtor and assets of the Bankruptcy estate. Instead, the relief from automatic stay should only allow for the pending case in LA Superior court to proceed so that the claims can be liquidated by the Superior Court. Is Movant amenable to Debtor's request for a tailored order?

Further, any request for relief under paragraph 11 that the order be binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice, will be DENIED as such relief requires the filing of an adversary proceeding under FRBP 7001(7).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Margie Macareno Candelaria

Represented By
Jeffrey J Hagen

Movant(s):

Jose Alberto Diaz, Jr.

Represented By
Aldo A Flores

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:21-10755 Sarkis Arshakovich Kamalyan

Chapter 7

#13.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 11

Tentative Ruling:

Movant: Honda Lease Trust
Petition Date: 04/28/2021
Ch: 7
Service: Proper. No opposition filed.
Property: 2018 Honda Civic
Property Value: \$ 17,350.00 (Note - a little unclear b/c debtor lists 4 of the same car on schedules -> Took value from RFS Motion as a result.)
Amount Owed: \$ 14,190.08
Equity Cushion: None
Equity: None -> This is a lease agreement
Total Delinquency: \$1,795.36 (Plus \$448.84 post lease terms).

Debtor has missed 8 prepetition payments and 2 post-petition (lease term) payments. The last Payment was received on 09/12/2020. The lease matured on 04/07/2021 but the Debtor still retains possession of 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):

Sarkis Arshakovich Kamalyan

Represented By
Tyson Takeuchi

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CONT... Sarkis Arshakovich Kamalyan

Chapter 7

Trustee(s):

Diane C Weil (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-12155 Gary Alan Kurtz

Chapter 13

#14.00 Motion for relief from stay

GARY ALAN KURTZ

Docket 134

Tentative Ruling:

Petition Date: 8/27/2019

Service: Proper. Opposition filed 06/24/2021. Reply filed 06/28/2021.

Chapter: 13

Movant: Gary Kurtz (Defendant in Nonbankruptcy action + Former spouse of the Debtor Starr Taxman).

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

Grounds

Bad Faith Claim is Insured Claim Against 3rd Parties

Nondischargeable

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

Other:

Litigation Information

Case Name: Starr Taxman v. Gary Kurtz (Docket Number = BD 510 825)

Court/Agency: Los Angeles Superior Court 111 North Hill Street, Los Angeles, CA 90012 Dept.43

Date Filed: 8/17/2009

Judgment Entered: 5/06/2021

Trial Start Date: June 15, 2021 (Further Hearings in Family Law court).

Action Description: Former family residence located at 21013 Kenwyn Court,

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CONT... Gary Alan Kurtz

Chapter 13

Topanga, CA 90290 has been ordered sold and Taxman was ordered to vacate the home by 5/13/2021 pursuant to orders of the family law court. The house is under contract with a closing in mid July 2021. On 5/6/2021, Kurtz (Debtor) obtained an order to enforce the 2014 family law court order requiring that the property be sold. Debtor seeks an order annulling the automatic stay as to his own bankruptcy case which may have existed in this case preventing the family law court from making any rulings relating to the 2014 order of the family law court.

Starr Taxman opposes the Motion for four reasons.

1. The motion is an attempt to proceed with the sale of the former family residence ("Residence").
2. There is no evidence of a pending sale of the Residence, that the Kurtz inferred. Claims that Kurtz currently occupies a real property that is an asset of his client that was granted RFS recently. (Case No. 1:17-bk-10673-VK). Taxman contends that Kurtz has not found alternative housing and this is the real reason Debtor filed this RFS. Taxman emphasizes again the lack of evidence of pending sale negotiations. Taxman notes that she is a co-owner of the Residence and has contributed significantly to the mortgage and should know about a pending sale.
3. Alleges that the Kurtz has surrendered his interest in the Property via the Ch.13 plan and thus does not have the authority to proceed with the sale of the Residence. (See page 5 of the Chapter 13 Plan and the Docket for Movant's Bankruptcy Case)
4. Taxman denies all allegations that she impeding or intending to impede the sale of the Residence. Notes that she is not selling any fixtures in the home so it sells for a high price.

Taxman asks that the motion be denied, or require Kurtz to market the Property and file a motion for authority to sell it at market rate.

In Reply, Kurtz argues that Taxman offers no legal authority in the Opposition. It is merely speculation about Kurtz's intent. Kurtz notes that the Ch. 13 Plan has been amended and approved after Jan. 2020 to provide for the surrender of the Residence. The surrender provision does not require a bankruptcy court order to sell. Taxman contends that the Residence is all her separate

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CONT...

Gary Alan Kurtz

Chapter 13

property, and if that's true then it's not part of the bankruptcy and the Motion for Annul should be granted. Taxman has made no effort to sell the home.

Here, where Debtor has surrendered this bankruptcy estate's interest in the Property and there has been a judgment ordering the Property sold entered in Family Court, any relevant paperwork regarding the sale is within the purview of the state court. The 2nd Amended Ch.13 Plan, confirmed on September 18, 2020, does contain the Surrender Provision. (Doc. 91 19-12155 p. 15). Based on the Surrender provision in the Confirmed Plan, the state court judgment ordering the Property be sold, and lack of grounds to oppose relief shown, this Motion is granted.

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); 3 (annul stay retroactively to the bankruptcy petition date. Post-petition acts taken by Movant in the Nonbankruptcy Action shall not constitute violation of stay); 5 (waiver of the 4001(a)(3) stay); and 6 (order is binding in any bankruptcy case commenced by or against Debtor for 180 days).

DENY relief requested in paragraph 7 (order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice), as such relief requires the filing of an adversary proceeding under FRBP 7001(7).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Gary Alan Kurtz

Represented By
Stephen L Burton

Movant(s):

Gary Alan Kurtz

Represented By
Stephen L Burton

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-10992 Osnat Bentov

Chapter 13

#15.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 6200 Corbin Avenue, Tarzana, California 91356 .

Docket 10

Tentative Ruling:

On 2/21/2017, Debtor filed this chapter 13 case. Debtor had 1 previous bankruptcy case that was dismissed within the previous year. The First Filing, case number: 1:17bk10437, was a chapter 13 that was filed on 2/21/2017 and dismissed on 2/3/2020 for "inability to make payments at that time."

Debtor now moves for an order continuing/imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make payments because Debtor has made significant payments to the IRS in the past year and needs a plan to pay the IRS and to deal with her outstanding mortgage payments. 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, Debtor has made significant payments to the IRS and has been working on her mortgage arrears. Additionally, Debtor's income has increased. Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence and her family lives with the Debtor.

Service proper. No opposition filed.

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

Party Information

Debtor(s):

Osnat Bentov

Represented By
Stella A Havkin

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Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-10986 Egor Lukashov

Chapter 13

#15.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate
20008 Community Street, Winnetka, CA 91306 .

Docket 15

Tentative Ruling:

On 5/31/2021, Debtor filed this chapter 13 case. Debtor had 1 previous bankruptcy case that was dismissed within the previous year. The First Filing, case number: 1:20-bk-11756-MT, was a chapter 13 that was filed on 09/30/2020 and dismissed on 03/19/2021 for lack of income and could not make plan payments.

Debtor now moves for an order continuing/imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments because, 'while the prior case was pending, Debtor had unforeseen repair expenses on his truck, which prevented him from making the plan payments. Now debtor has the ability to continue working and intends to comply with the plan requirements.' 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, Debtor now has the ability to continue working so to allow him to make the required plan payments. Debtor claims that the property is of consequential value/benefit to the estate because the fair market value of the property is greater than all liens on the Property.

Service proper. No opposition filed.

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

Party Information

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CONT... Egor Lukashev

Chapter 13

Debtor(s):

Egor Lukashev

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:21-10079 Ara Eric Hunanyan

Chapter 7

#16.00 Chapter 7 Trustee's Notice of Motion and Motion for Order Authorizing Trustee to Approve Compromise of Controversy with the Probate Estate of Azniv Kokikian (Deceased) aka Azniv Ann Kokikian aka Azniv Meguerian Under FRBP 9019

Docket 66

Tentative Ruling:

On January 19, 2021, Ara Eric Hunanyan ("Debtor") filed a petition under Chapter 7 of the bankruptcy code. Nancy Zamora ("Trustee") was appointed the Chapter 7 Trustee. Debtor has been a party to an ongoing marital dissolution proceeding with his wife Azinv Kokikian ("Kokikian") since 2006. In December of 2012, Kokikian was killed. As a result, a probate estate of Kokikian proceeded in family court.

In June 2020, the family court held a trial in order to determine whether three properties - 16925 Gault Street, Van Nuys, California 91406 ("Gault Property"); 15920 Sherman Way Property, Unit #4, Van Nuys, California 91406 ("Sherman Way Property"); 4409-4411 E. 10th Street, Long Beach, California (the "10th Street Property") – were community or separate property assets. On August 17, 2020, a Judgment for Dissolution on Reserved Issues (the "Dissolution Judgment") was entered in the divorce action whereby the family court confirmed the properties were community property of the Debtor and the Kokikian Estate. The Dissolution Judgment also ordered that the Kokikian Estate was authorized to immediately sell all three properties with the net sale proceeds (the "Sale Proceeds") held in the Attorney-Client trust account of counsel for the Kokikian Estate. The Dissolution Judgment also held that the Debtor owed the Kokikian Estate for past due rents on the three properties in the aggregate amount of \$6,900/month from January 31, 2006 through the date of the sale of the properties (the "Past Due Rents"). The Dissolution Judgment provided that the Past Due Rents were to be paid to the Kokikian Estate from the Debtor's portion of the Sale Proceeds.

On May 17, 2021, the 10th Street Property was sold for \$550,000.00 with a net

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Ara Eric Hunanyan

Chapter 7

profit of \$27,526.04. The Debtor's share of the net proceeds were applied to the rental damages owed to the Kokikian Estate pursuant to the Dissolution Judgment. On October 13, 2020, the Debtor filed a Notice of Appeal (the "Appeal") of the Dissolution Judgment in the divorce action. The Debtor listed the Appeal in his Statement of Financial Affairs at Part 4:9 but did not schedule the Appeal as an asset in his initial schedules. On April 29, 2021, the Debtor filed amended schedules that added the Appeal. [Dkt. No. 48]. The Debtor scheduled the Properties as assets in his Bankruptcy Case, listing the Gault Property as his primary residence. The Debtor's Schedule C asserts an exemption in the Gault Property of \$600,000 pursuant to California Code of Civil Procedure § 704.730 (the "Homestead Exemption"). The Trustee estimates that the Gault Property is worth \$620,000 based on pending offers presented to the Trustee, and that there is approximately \$197,296 in equity. The Parties estimate that the Sherman Way Property has approximately \$209,574 in equity after payment of liens and costs of sale.

On April 2, 2021, the Kokikian Estate filed a proof of claim in the Bankruptcy Case, asserting that as of the Petition Date the total sum of \$1,066,423.90 was due and owing under the Dissolution Judgment [Claim #4] (the "Kokikian Claim") as both a secured claim and priority unsecured claim. The Trustee and the Kokikian Estate have entered into a settlement agreement and now the Trustee seeks the Courts approval of the compromise pursuant to F.R.B.P. 9019. The material terms of this agreement are:

The Trustee shall sell the Gault Property pursuant to Section 363 of the Code (the "Gault Sale"). The Trustee shall pay, through the sale escrow (the "Escrow"), all valid liens and customary costs of sale associated with the Gault Sale, including required withholding of capital gains taxes. The net proceeds from the sale of the Gault Property (the "Gault Net Proceeds") that Debtor asserts are subject to the Homestead Exemption shall be turned over to the Kokikian Estate pursuant to the Dissolution Judgment.

The Kokikian Estate shall pay the Trustee fifty-percent (50%) of the Gault Net Proceeds (the "Payment").

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The Trustee shall assign the Estate's right, title, and interest in the Sherman Way Property to the Kokikian Estate by way of a Trustee's Quitclaim Deed (the "Assignment"). The Trustee shall retain any and all rents received from the tenant residing in the Sherman Way Property that were derived from the Sherman Way Property through the date the Trustee signs the Quitclaim Deed to the Kokikian Estate;

The Trustee shall dismiss the Appeal with prejudice; and

The Kokikian Claim shall be allowed as a general unsecured claim in the amount of \$1,066,423.90 (the "Amended Kokikian Claim"). The Amended Kokikian Claim shall be reduced in the amount of the Sherman Way Equity by way of the Assignment. The Amended Kokikian Claim shall be further reduced in the amount of the 50% of the Gault Net Proceeds retained by the Kokikian Estate upon sale of the Gault Property.

The Debtor and the United States Trustee ("UST") have both filed oppositions.

Standard:

Bankruptcy Rule 9019(a) empowers the bankruptcy court to approve a settlement on motion by the trustee after notice and a hearing is provided to all creditors. A bankruptcy court has wide latitude in approving compromise agreements which it determines to be fair, reasonable and adequate. See In re Woodson, 839 F.2d 610, 620 (9th Cir. 1988). Although the bankruptcy court has great latitude in authorizing a compromise, it may only approve a proposal that is fair and equitable to the creditors. In re MGS Marketing, 111 B.R. 264, 267 (B.A.P. 9th Cir. 1990), quoting In re Woodson, 839 F.2d at 620. The court generally gives deference to a trustee's business judgment in deciding whether to settle a matter. Id.

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In determining whether to approve a compromise, the bankruptcy court should "apprise [itself] of all facts necessary for an intelligent and objective opinion of the probabilities of ultimate success should the claim be litigated. Further, the judge should form an educated estimate of the complexity, expense, and likely duration of such litigation, the possible difficulties in collecting on any judgment which might be obtained, and all other factors relevant to a full and fair assessment of the wisdom of the proposed compromise" Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc. v. Anderson, 390 U.S. 414, 424 (1968). The court considers the following factors: "(a) The probability of success in the litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises." In re A&C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986), citing In re Flight Transportation Corp. Securities Litigation, 730 F.2d 1128, 1135 (8th Cir. 1984) cert. denied, 469 U.S. 1207, 105 S.Ct. 1169 (1985).

Here, the probability of a successful appeal by the Trustee is low. Nothing suggests that this appeal has any meritorious claims. The collection efforts are difficult as well because the Debtor has been ordered sell the properties to pay rent to the Kokikan Estate. The Debtor appears unwilling to comply with this and the sale by the Trustee, as proposed by settlement agreement, would be the easiest way for the Kikikan Estate to recover. The issues on the appeal do not appear to be complex but the litigation itself is an inconvenience and achieving nothing more than delay the inevitable. There is a great expense for pursuing this appeal that has very little merit. Final, it is in the interest of all creditors for the Trustee to resolve the appeal. The factors favor approving the settlement agreement.

The UST argues that the motion should be denied because the Trustee has not objected to the Debtor's Homestead Exemption and the Kokikan Estate's Claim of Priority has not been determined. Debtor argues that: (1) the notice by the Trustee was not proper, (2) there is a conflict of interest between the Trustee and Tavakoli the Trustee's real estate broker, (3) the appeal has a good chance of success and is of value to the bankruptcy estate, (4) the Kokikian Estate cannot object to dischargeability of debt, and (5) the debtor is entitled to homestead exemption.

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The motion was originally filed on May 26, 2021 (Dkt. No. 64) and due to an imaging error (Dkt. No. 65) it was refiled on May 27, 2021 (Dkt. No. 66). The motion was docketed, and the original motion was set for hearing 21 days later on June 16, 2021. The Trustee acknowledges there was an error in service of notice to all creditors. On June 3, 2021, the Trustee addressed the noticing issue by continuing the hearing to June 30, 2021 and amending its notice to parties. See Dkt. No. 75. The notice issue has been resolved and notice is now proper.

Trustee has not Objected to the Debtor's Claimed Homestead Exemption:

FRBP 4003(b)(1) allows any party in interest, including a bankruptcy trustee, to object to the list of exempt property, but requires the objection to be filed within 30 days after the conclusion of the 341 Meeting. Because Section 522(l) specifically provides that absent an objection "the property claimed as exempt on such list is exempt."

Here, the Trustee has not filed an objection to the Debtor's claim of exemption under C.C.P. § 704.730. The UST argues that the Trustee appears to be seeking to have the Debtor's claim of exemption disallowed solely by entering into this settlement agreement. The settlement agreement specifically states that "Pursuant to California Family Code §§ 1100, 1101, and 723, the Rents to be paid to the Kokikian Estate from that portion of the Net Proceeds otherwise to be paid to the Debtor, shall take priority over, or are not subject to, Debtor's Homestead Exemption claim in the Bankruptcy Case." Doc. No. 66, at p. 28(K). Trustee corrected their original motion by stating it was section 721 not section 723. The Settlement Agreement further provides that "[t]he net proceeds from the sale of the Gault Property . . . that the Debtor asserts are subject to the Homestead Exemption shall be turned over to the Kokikian Estate pursuant to the Judgment in order to pay the Rents as required by the Judgment." Id., at p. 29(3)(a)

Without a legal determination of whether the Debtor's claim of exemption is valid or not, as required by Rule 4003 of the Federal Rules of Bankruptcy Procedure,

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the UST argues that the Trustee's motion to approve the settlement is premature, and the Trustee should not be allowed to pay any creditors with funds in which the Debtor claims an exemption. Debtor makes similar arguments and joins in with the UST's opposition and asserts arguments. The Trustee essential argues that it would be absurd to assert such an exemption as against the Kokikian Estate and would result in divorcing parties asserting exemptions against each other in their shared community assets. The result here is no different than if the Trustee were to abandon the Gault Property and the Kokikian Estate could liquidate the property to recover the proceeds.

Here, the family court has already determined that the Debtor was required to pay rent on all three of the community properties and the rent payments were to come from the sale of the properties. Pursuant to the settlement agreement these proceeds are a part of the Kokikian Estate and will distributed as such. The Debtor is not entitled to claim a homestead exemption to past due rents that were to be paid from the sale of the properties, included the Gault Property. The Trustee is not trying to circumvent the required procedures for objection to the homestead claim; rather, the Debtor is not entitled to claim a homestead exemption on funds that were adjudicated to be a part of the Kokikian Estate. This court may not second guess the Superior Court's determination of community property as between the two spouses.

Kokikian Estate's Claim of Priority Determination:

Rule 3012 of the Federal Rules of Bankruptcy Procedure provides that "[o]n request by a party in interest and after notice—to the holder of the claim and any other entity the court designates—and a hearing, the court may determine . . . the amount of a claim entitled to priority under § 507 of the Code." FRBP 3012(a)(2).

The UST argues that the Trustee has not filed any motion with the Court to adjudicate the alleged priority of the Kokikian Estate's rent claim. The Trustee simply states that the Kokikian Estate's claim has priority over the Debtor's claim of exemption. Without a judicial determination of whether the Debtor's claim of exemption is valid, the Trustee should not be allowed to use the Motion to adjudicate the Debtor's claim of exemption or whether the Kokikian Estate's claim has priority over it. The Trustee argues that the Kokikian Estate claims are not subject to any exemption the Debtor could claim. Similarly as found above, the Debtor is not entitled to claim a homestead exemption funds that have already been apportioned to the

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Kokikian Estate. There is no issue with the settlement agreement modifying the priority of Kokikian Estate's claim. A division of community property does not trigger homestead claims as against each spouse.

Conflict of Interest:

The Debtor alleges numerous concerns about a potential conflict of interest with the Trustee's real estate professional. The Trustee's employment application included a declaration of disinterestedness. Debtor filed a late opposition to the application but did not raise any conflict of interest issues at that time. An order granting the Trustee's real estate professional's employment application was entered on June 10, 2021. Dkt. No. 80. It is improper to revisit this issue that the Debtor failed to raise at the proper time. Further, these allegations are either unsupported, mischaracterizes exhibits or relies on testimony that was stricken from evidence. There is no basis to revisit the disinterestedness of the Trustee's real estate professionals.

Appeal's Value to the Estate:

The Debtor argues that the appeal has substantial value to the estate and the Trustee not pursuing the appeal is not in the best interest of creditors. The Trustee is given great deference when it comes to how she wants to administer the estate. She is allowed to settle or litigate cases depending on her professional judgment. After reviewing this family law case, the Trustee chose to settle the matter rather than pursue an appeal. The exhibits attached to the parties' papers and argument thereto suggests that the Trustee would unlikely prevail. Rather than pursue an appeal she was unlikely to prevail on at her own expense, the Trustee chose to settle the matter. Nothing suggests the Trustee's professional judgment was flawed or harmful to the estate.

Dischargability:

The Debtor appears to make arguments relating to the dischargability of Kokikian's Estate's claim. These assertions are irrelevant for purpose of this motion to compromise and will only be relevant if Kokikian's Estate filed an adversary proceeding. See Fed. R. Bankr P. 7001.

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Conclusion:

The Court will GRANT this motion.

Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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1:21-10079 Ara Eric Hunanyan

Chapter 7

#17.00 Motion to Remove Trustee Zamora

Docket 77

***** VACATED *** REASON: Pro Se debtor filed a withdrawal on 6/22/21
- Doc. #89. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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1:11-13493 Jack Piandaryan

Chapter 11

#18.00 Motion of Chapter 11 Debtor 2004 for Order Requiring the Examination of the Person Most Knowledgeable of Nationstar Mortgage, LLC d/b/a Mr. Cooper Corporation and for Production of Documents Pursuant to Federal Rule of Bankruptcy Procedure 2004

Docket 173

Tentative Ruling:

Background: Debtor filed a voluntary chapter 11 bankruptcy petition on 3/21/2011. The Debtor owns real property and prior to filing for bankruptcy, the debtor obtained a mortgage loan on that property through CitiMortgage for \$460,000. On June 6th 2017, CitiMortgage transferred the claim to Nationstar and on July 25, 2018, the Debtor obtained a discharge. The case was closed on August 13, 2018. Debtor claims that he has made timely payments to CitiMortgage and thereafter to Nationstar but despite this, the Debtor continues to receive statements which set forth outstanding debts. Debtor has attempted to communicate with Nationstar to provide them with information regarding the discharge but Debtor continues to receive statements indicating that he owes various amounts. Consequently, Debtor moved to reopen the case to compel Mr. Cooper (creditor) to correct their records and to remove two liens which encumber Debtor's property that should have been dealt with under the Debtor's plan.

Now, Debtor requests documents relating to Nationstar's acquisition of the loan, accounting or payments, and all communications between the Debtor, Nationstar and Debtor's former lender (CitiMortgage) for production no later than July 12 to Debtor's counsel's office. The documents requested are records relating to Nationstar's acquisition of the loan secured by Debtor's real property and the subsequent servicing of that loan. After the review, the Debtor seeks a deposition via zoom of the person most knowledgeable from Nationstar on July 19, 2021. Nationstar Mortgage LLC opposes this motion on various grounds including; (1) improper service and (2) lack of jurisdiction to issue a 2004 Exam Post-Confirmation. Consequently, they request that the Motion be denied without prejudice. However, in the event that the Motion is

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not denied, Nationstar requests that it be continued for at least another full 21 days and that protective language be included in the 2004 exam order.

Standard:

USCS Bankruptcy R 2004

Fed. R. Bankr. P. 2004 states that a motion for the examination of an entity can be brought by any party in interest. USC Bankruptcy R. 2004 (a). Here, the scope of this examination is limited to, "acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtors right to a discharge." USC Bankruptcy R. 2004 (b). Debtors are parties of interest and thus have standing to seek examination of such an entity. Fed. R. Bankr. P. 2004 examinations. 9 Collier on Bankruptcy P 2004.01 (16th 2021). This court has previously held that the scope of a 2004 examination is unfettered and broad, akin to a fishing expedition. In re Subpoena Duces Tecum & Ad Testificandum Pursuant to Fed. R. Bankr. P. 2004, 461 B.R. 823, 829 (Bankr. C.D. Cal 2011). "Courts are generally reluctant to allow escape from a Rule 2004 examination unless the party can show that the examination is oppressive or burdensome." 9 Collier on Bankruptcy P 2004.01 (16th 2021). Additionally, a Rule 2004 examination can occur after a plan is confirmed but it should be limited to issues which the court can still entertain. In Re Cinderella Clothing Indus., Inc., 93 B.R. 373, 377 (Bankr. E.D. Pa. 1988)

Bankruptcy courts have subject matter jurisdiction over proceedings arising under title 11, or arising in or related to cases under title 11. 28 U.S.C. Section 1334(b). However, a court's related to jurisdiction is very broad and it includes nearly every matter directly or indirectly related to the bankruptcy. Wilshire Courtyard v. Cal. Franchise Tax Bd. (In re Courtyard), 729 F.3d 1279, 1287 (9th Cir. 2013); Citing Sason v. Sokoloff (In re Sasson), 424 F.3d 864,868 (9th Cir. 2005). However, once the debtor's plan has been confirmed, the court's jurisdiction is narrowed to matters affecting the interpretation, implementation, consummation, execution or administration of the confirmed plan. Id.

Service:

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Chapter 11

The motion was served upon Nationstar Mortgage LLC d/b/a Mr. Cooper c/o McCalla Raymer Leibert Pierce, LLP, Bankruptcy Dept, 1544 Old Alabama Road, Roswell, GA 90076. The opposition argues that service is improper under Bankruptcy Rule 7004 which states in relevant part, "Except as provided in subdivision (h)...service may be made within the United States by first class mail postage prepaid...(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Service may have been improper because it was given to the Bankruptcy Dept. rather than an agent authorized to accept service as required under rule 7004. Nation Star still received notice of the motion and timely filed an opposition. Notice is sufficient for purposes of this motion.

Jurisdiction

The opposition's challenge to jurisdiction is focused solely on the fact that the case was closed. The argument is as follows: 2004 Exam Post-Confirmation hearings are generally made pre-petition and while the motion is allowed post-petition it must be narrowly tailored to the issues for which the court can entertain. Here, the opposition cites to, In Re Cinderella Clothing Indus., Inc., 93 B.R. 373 (Bankr. E.D. Pa. 1988). There, the court held that 2004 Examination motions can be issued post-confirmation but they must be narrowly tailored to the issues which the court has the power to entertain. Id. At 377. The creditor then argues that because the case was closed in recognition of the completed confirmation payments, there are no issues to decide and the court does not have jurisdiction to grant a 2004 request. It is true that this is a 2004 motion requested post-confirmation and that jurisdiction is narrowed as a result. The problem however, is that the creditor never mentions that the case was reopened on 7/16/2019 for the purposes of seeking sanctions against Mr. Cooper (creditor - NationStar Mortgage LLC d/b/a) for their alleged failure to correct records in violation of the confirmed plan. The debtor is requesting this 2004 motion in furtherance of those efforts. The opposition does not make any arguments that the request is outside the scope or that it is burdensome, but rather just that the Court does

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not have jurisdiction because the case was closed by final decree.

Section 157(b)(1) of title 28, United States Code states "Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgements, subject to review under section 158 of this title." The broad language of Section 158 and Rule 2004 coupled with the fact that the case was reopened to settle the issue of whether or not sanctions and corrections should be applied to the creditor, warrant jurisdiction over this matter irrespective of whether the case was previously closed.

The opposition requests that the examination be limited to 1 seven hour day; that any documents be kept strictly confidential; and that the scope of the 2004 exam be strictly limited to questions regarding Debtor's allegation in the motion that: "Nationstar continues to treat Debtor's loan as if it was in bankruptcy by failing to apply payments, making demand upon Debtor for arrearages that have been paid and willfully violating Debtor's confirmed chapter 11 plan." The Debtor in his motion specifically requested, "records relating to Nationstar's acquisition of the loan secured by Debtor's real property and the subsequent servicing of that loan." As mentioned above and as held by this Court the examinations are generally very broad. With that said, this is a post-discharge 2004 examination and a "fishing expedition" seems inappropriate here. It seems plausible that Debtor can resolve his dispute even with the narrowly tailored request and the request does not seem too far off from the Debtors in the first place.

The dates will be discussed at the hearing.

The Court with GRANT the motion with Nationstar's requests to limit the 2004 examination.

Appearance Required.

Party Information

Debtor(s):

Jack Piandaryan

Represented By

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Vahe Khojayan
Jeffrey I Golden

Chapter 11

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

Wednesday, June 30, 2021

Hearing Room 302

10:30 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

#19.00 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 U.S.C. §§ 363(b) and (f); 2) Approve Overbid Procedures; and 3) Determine that Buyer is Entitled to Protection Pursuant to 11 U.S.C. § 363(m)

Docket 2569

Tentative Ruling:

Background:

Owner Management Service (Debtor) initiated this bankruptcy proceeding when it filed a voluntary Chapter 11 petition on 1/9/2012. The case was then converted to Chapter 7 and David Seror (trustee in this case) was appointed Trustee. On 4/25/2017, the Trustee filed a motion for Approval of Compromise seeking approval of a settlement agreement between the Trustee and the Consolidated Debtors. The motion was granted and approved on June 30, 2017. As part of the agreement, Trustee was provided with a mechanism to attempt to make a 100% distribution on allowed unsecured claims, which included that the Trustee would seek to liquidate real properties as needed to pay any such allowed claims. It is in connection with that motion that the Trustee now seeks authority to sell the Property here.

The assets of this Estate consist primarily of numerous parcels of residential real property and the rental income collected therefrom. Title to the Property stands in the name of Coldwater Canyon 5255 Trust, Trust Holding Service Co. The trust became the nominal owner of record by virtue of a grant from Ramon Garcia, with Trust Holding Services, a consolidated debtor. Coldwater Canyon 5255 Trust is a property specific trust and the transfer of the property from Mr. Garcia to the Trust itself had the effect of transferring legal title to the Property to the Consolidated Debtors. Thus, the Property is property of the estate.

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CONT... Owner Management Service, LLC

Chapter 7

The Trustee, moves pursuant to 11 U.S.C. §§ 363(b)(1), (f), and (m) of the Federal Rules of Bankruptcy Procedure, for an order (1) authorizing the Trustee to sell that certain real property located at 5255 Coldwater Canyon Avenue, Apt. B, Sherman Oaks, CA 91401 free and clear of all 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; (2) approving solicitation of overbids concerning the sale of the Property at the hearing on the Motion and the procedures for such solicitation; (3) finding that the purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m); and (4) approving payments for Broker's commissions, normal and customary escrow closing costs and the secured lienholders on the Property through escrow as set forth in the motion.

The Trustee received an offer to purchase the property from Buyer for \$730,000, subject to overbid procedures. This motion is brought to authorize the sale of the Property to Purchaser. The Trustee estimates that the sales price exceeds the listing price of \$655,000 by \$75,000. Based on the Broker's offered testimony regards the value of the property, the Trustee believes that the Purchase Price is on the high-end of reasonableness. The condition of the Property purchased is "as-is." Broker's commission is 6%.

The Trustee further moves the Court for an order authorizing the following overbid procedures: (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with written authority to participate in the overbid process; (2) an overbid will be defined as an initial overbid of \$740,000, with each additional bid in increments of at least \$5,000; (3) overbidders (except for the Buyer who has already paid Deposit to the Trustee) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "David Seror, Chapter 7 Trustee,"; (4) overbidders must purchase the Property on the same terms and conditions set out in the Purchase Agreement except for the purchase price; and (5) the Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 15 calendar days of entry of an order confirming the sale.

**United States Bankruptcy Court
Central District of California
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CONT... Owner Management Service, LLC

Chapter 7

Standard:

Section 363(b)(1) of the Bankruptcy Code provides that:

“The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.”

11 U.S.C. § 363(b)(1). The standard of review used in determining approval of a proposed sale of property is whether sound business reasons support the sale outside the ordinary course of business. In re Walter, 83 B.R. 14, 19 (9th Cir. BAP 1988); In re Lionel Corp., 722 F.2d 1063, 1066 (2d Cir. 1983). In order for a sale to be approved under section 363 of the Bankruptcy Code, the purchase price must be fair and reasonable. In re Coastal Indus., Inc., 63 B.R. 361 (Bankr. N.D. Ohio 1986).

Analysis

Based upon the current real estate market and other sale transactions in the area, the Trustee believes that the sale price represents the fair market value of the Property. Indeed, the listing price for the Property was in the amount of \$655,00, and the Purchaser has agreed to purchase the Property for \$730,000. Additionally, the trustee and the Broker believe that further marketing will not result in any substantial incremental benefit to the estate. Thus the Trustee submits that the proposed sale represents a sound exercise of the Trustee's business judgement. The Court agrees that the sale is in the best interest of the estate.

The Bankruptcy Court has the power to authorize the sale of property free and clear of liens or interests. See 11 U.S.C.

§ 363(f); In re Gerwer, 898 F.2d 730, 733 (9th Cir. 1990). Section 363(f) of the Bankruptcy Code permits a sale of property “free and clear of any interest in such property of an entity other than the estate” if any one of the following five conditions is met:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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CONT... Owner Management Service, LLC

Chapter 7

accept a money satisfaction of such interest.
11 U.S.C. § 363(f).

The Trustee is unaware of any disputes regarding any encumbrances of record, however, the relief here is requested so that the proposed sale may go forward even if a dispute arises later, such as with the details of payoff demands to be received in escrow.

Buyer is a Good Faith Purchaser
Section 363(m) provides that “[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith” 11 U.S.C. § 363(m). As set forth in the Declarations of David Seror (Trustee) and Rafael Figueroa (real estate broker), there is no affiliation between the Purchaser and the Trustee and that the agreement was negotiated at arms-length with fair consideration for the property. Accordingly, the Court finds the Purchaser is a good faith buyer.

Additionally, the Court finds the broker's fee of 6% reasonable and the court grants those fees.

Court should approve the Proposed Bidding Procedures
The Bidding Procedures here ensure that the Estate receives the maximum benefit of the sale. Here, the initial overbid exceeds the Purchase Price by \$10,000 with further overbids to be in increments of \$5,000. These amounts are appropriate.

Sale Approved. Are there any overbidders?
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, June 30, 2021

Hearing Room 302

10:30 AM

CONT... Owner Management Service, LLC

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
Robyn B Sokol
Jessica Wellington

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

Wednesday, June 30, 2021

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10:30 AM

1:13-13905 Irina Raskin

Chapter 11

#20.00 Motion to Avoid Lien JUDICIAL LIEN with Persolve, LLC

Docket 176

***** VACATED *** REASON: Cont'd to 7/28/21 at 10:30 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Raskin

Represented By
Renee E Linares
Stella A Havkin

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

Wednesday, June 30, 2021

Hearing Room 302

10:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#21.00 Post-confirmation Status Conference
Confirmed: 8/14/18
Continued from 12/9/2020

fr. 4/21/21

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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, June 30, 2021

Hearing Room 302

10:30 AM

1:19-12812 Morsheda Jhumur Hosain

Chapter 7

#22.00 Motion of Chapter 7 Trustee for Order:
(1) Denying Debtors Claim of Homestead
Exemption; and
(2) Requiring Turnover of the Exemption
Proceeds

Docket 116

***** VACATED *** REASON: Cont'd to 7/28/21 at 10:30 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Morsheda Jhumur Hosain

Pro Se

Trustee(s):

Nancy J Zamora (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, June 30, 2021

Hearing Room 302

10:30 AM

1:19-12812 Morsheda Jhumur Hosain

Chapter 7

#23.00 Motion For Order Determining that Homestead Exemption Proceeds Are Exempt Or, In The Alternative, To Equitably Toll The Deadline For Syed Hosain To Reinvest Homestead Exemption Proceeds

Docket 118

***** VACATED *** REASON: Cont'd to 7/28/21 at 10:30 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Morsheda Jhumur Hosain

Pro Se

Trustee(s):

Nancy J Zamora (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, June 30, 2021

Hearing Room 302

10:30 AM

1:17-10527 Sharique Ahmed Shaikh

Chapter 7

#24.00 Chaper 7 Trustee's Final Report, Application for Compensation

Docket 80

Tentative Ruling:

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

APPEARANCES WAIVED ON JUNE 30, 2021.

Party Information

Debtor(s):

Sharique Ahmed Shaikh

Represented By
Kenumi T Maatafale

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, June 30, 2021

Hearing Room 302

10:30 AM

1:17-10707 Bannaoun Engineers Constructors Corp.

Chapter 7

#25.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Diane C. Weil

Attorney for Trustee:
Clark & Trevithick

Docket 69

Tentative Ruling:

Service proper. Having reviewed the Trustee's Final Report and the Limited Opposition filed by the United States Trustee (UST), ECF doc. 73, the Court finds that the fees and costs are reasonable and are approved with the \$300 reduction requested by UST.

APPEARANCES WAIVED ON JUNE 30, 2021.

Party Information

Debtor(s):

Bannaoun Engineers Constructors

Represented By
Jeffrey J Hagen

Trustee(s):

Diane C Weil (TR)

Represented By
Leslie R Horowitz
Stephen E Hyam

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

Wednesday, June 30, 2021

Hearing Room 302

10:30 AM

1:20-10456 Green Environmental Group, Inc

Chapter 7

#26.00 Trustee's Final Report and Application for
Compensation and Deadline to Object:

Trustee:
Amy L. Goldman

Other Professional:
SLBiggs

Docket 31

Tentative Ruling:

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

APPEARANCES WAIVED ON JUNE 30, 2021.

Party Information

Debtor(s):

Green Environmental Group, Inc

Represented By
Eric Bensamochan

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 30, 2021

Hearing Room 302

10:30 AM

1:20-11178 Jennifer W. Lee

Chapter 7

#27.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
David Gottlieb

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 JUNE 30, 2021.

Party Information

Debtor(s):

Jennifer W. Lee

Represented By
R Grace Rodriguez

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 30, 2021

Hearing Room 302

11:00 AM

1:21-10020 Stephen Joseph Waichulis

Chapter 7

Adv#: 1:21-01016 Waichulis v. UNITED STATES OF AMERICA on behalf of the INTERNAL

#28.00 Status Conference Re: First Amended Complaint
to Determine Debts to be Discharged and for
Declaratory Relief

Docket 2

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Stephen Joseph Waichulis

Represented By
Stephen L Burton

Defendant(s):

UNITED STATES OF AMERICA

Pro Se

Plaintiff(s):

Stephen Joseph Waichulis

Represented By
Stephen L Burton

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 30, 2021

Hearing Room 302

11:00 AM

1:10-10209 R.J. Financial, Inc.

Chapter 7

Adv#: 1:18-01029 Seror v. Abalkhad et al

#29.00 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, 12/11/19, 4/1/20, 6/24/20; 10/7/20; 12/9/20, 2/24/21, 4/28/21; 5/5/21

Docket 47

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

R.J. Financial, Inc.

Pro Se

Defendant(s):

WELLS FARGO BANK

Represented By
Bernard J Kornberg

DIAMOND TRADING COMPANY

Represented By
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By

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

Wednesday, June 30, 2021

Hearing Room 302

11:00 AM

CONT... R.J. Financial, Inc.

Chapter 7

	Daniel J McCarthy
CALIFORNIA DIAMONDS	Represented By Daniel J McCarthy
ROMANO'S JEWELERS	Represented By Daniel J McCarthy
BRANDEN & COMPANY, INC	Represented By Daniel J McCarthy
OPEN BANK	Represented By John H Choi Tony K Kim
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
MBNM FINANCIAL, INC	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, June 30, 2021

Hearing Room 302

11:00 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, June 30, 2021

Hearing Room 302

11:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

#30.00 Status Conference Re: Complaint for
Quiet Title
1 - To Determine the Extent and Validity of
Liens on Real Property;
2 - Quiet Title - Fraud
3 - Fraud
4 - Violation of Home Equity Sales Contract
Act California Civil Code, Sec. 1695
5 - Breach of Contract
6 - Negligence
7 - Declaratory Relief

[Re Property located at:
19237 Charles St.
Tarzana, CA 91356]

fr. 4/28/21; 5/5/21

Docket 1

***** VACATED *** REASON: Second Summons Issued new hrg. date
8/18/21 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Svetlana Buzina	Pro Se
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Defendant(s):

Cardenas Three LLC, a California	Pro Se
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Franklin Advantage, Inc.	Pro Se
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Charles Street Investments, 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, June 30, 2021

Hearing Room 302

11:00 AM

CONT... Svetlana Buzina Chapter 13

Charles Street Investment, LLC. Pro Se

Inaam Rasheed Naeem, an Pro Se

Plaintiff(s):

Svetlana Buzina

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F 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 30, 2021

Hearing Room 302

11:00 AM

1:20-11099 Arthur Martiryan

Chapter 7

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

#31.00 Status Conference Re: Complaint for
Determination of Dischargeability of Debt
Under 11 U.S.C. Sec. 523

fr. 2/17/21, 3/31/21, 5/19/21

Docket 1

Tentative Ruling:

Having reviewed the Unilateral Status Report filed by Plaintiff on June 16, 2021, the Court finds cause to continue this matter to August 4, 2021 at 11:00am.

No appearance required on June 30, 2021.

Party Information

Debtor(s):

Arthur Martiryan Pro Se

Defendant(s):

Arthur Martiryan Pro Se

Plaintiff(s):

JPMORGAN CHASE BANK, N.A. Represented By
Jillian A Benbow

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 30, 2021

Hearing Room 302

11:00 AM

1:19-12735 Reynaldo Rene Vizcarra

Chapter 7

Adv#: 1:20-01024 Infinity Capital Funding, LLC v. Vizcarra

#32.00 Status Conference Re: Complaint to Determine
Dischargeability of a Debt under 11 U.S.C.
Sec. 523(a)(2) and 523(a)(6)

fr. 4/15/20; 7/22/20; 10/28/20, 1/6/21, 3/10/21, 6/9/21

Docket 1

Tentative Ruling:

Having reviewed the Stipulation to Dismiss Adversary Proceeding, filed on the docket for this adversary as ECF doc. 24, the Court finds cause to VACATE this status conference as moot.

NO APPEARANCE REQUIRED ON 6-30-21

Party Information

Debtor(s):

Reynaldo Rene Vizcarra

Represented By
David R Hagen

Defendant(s):

Reynaldo Rene Vizcarra

Pro Se

Plaintiff(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, June 30, 2021

Hearing Room 302

11:00 AM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#33.00 Trustee's Omnibus Motion for Order Disallowing Claims that were: (1) Assumed by Purchaser of Debtor's Assets; (2) Previously Satisfied in Full; or (3) Superseded by a Subsequent Claim

Docket 562

*** VACATED *** REASON: Moved to 6/29/21 at 2:00 per Ord. #570. If

Tentative Ruling:

- NONE LISTED -

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
Justin Santarosa

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

Wednesday, June 30, 2021

Hearing Room 302

11:00 AM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#34.00 Trustee's Motion for Order Disallowing Claim 34-1,
by Cosmo Insurance Services Corporation

Docket 563

***** VACATED *** REASON: Moved to 6/29/21 at 2:00 per Ord. #570. If**

Tentative Ruling:

- NONE LISTED -

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
Justin Santarosa

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

Wednesday, June 30, 2021

Hearing Room 302

11:00 AM

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

Chapter 11

#35.00 Confirmation Hearing
RE: Amended Chapter
11 Plan

fr. 3/31/21; 6/2/21, 6/16/21

Docket 179

Tentative Ruling:

After having reviewed Debtor's Plan, the ballot summary, and Motion for Confirmation, and the *Stipulation by Debtors and Objecting Creditors re Chapter 11 Plan Treatment*, ECF doc. 231, 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 January 5, 2022, at 11:00 a.m. Please advise if any date conflict.

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
Roksana D. Moradi-Brovia

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

Wednesday, June 30, 2021

Hearing Room 302

11:00 AM

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

Chapter 11

#36.00 Ch. 11 Scheduling and Case
Management Conference

fr. 8/27/20, 11/18/20, 1/27/21, 3/31/21; 6/2/21,
6/16/21

Docket 1

Tentative Ruling:

Continued to January 5, 2022, at 11:00 a.m., as post-confirmation status conference

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
Roksana D. Moradi-Brovia

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

Wednesday, June 30, 2021

Hearing Room 302

1:00 PM

1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01068 GOLDMAN v. Dardashti et al

#37.00 Motion For Summary Judgment

fr. 6/2/21

Docket 37

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, a tentative may not be posted and appearances are required.

Calls to the Court to check the status of tentative rulings are not permitted.

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Michael F Chekian

Defendant(s):

Shawn Dardashti

Represented By
Michael H Weiss

DOES 1 - 20, Inclusive

Pro Se

Joint Debtor(s):

Jenous Tootian

Represented By
Michael F Chekian

Plaintiff(s):

AMY L GOLDMAN

Represented By
Scott E Gizer

Trustee(s):

Amy L Goldman (TR)

Represented By

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

Wednesday, June 30, 2021

Hearing Room 302

1:00 PM

CONT...

Shawn Sharon Melamed

Scott E Gizer

Chapter 7

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

Wednesday, July 7, 2021

Hearing Room 302

9:30 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1611832966>

Meeting ID: 161 183 2966

Password: 651202

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 183 2966

Password: 651202

Docket 0

***** VACATED *****

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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

Wednesday, July 7, 2021

Hearing Room 302

9:30 AM

CONT...

Chapter

- NONE LISTED -

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

Wednesday, July 7, 2021

Hearing Room 302

10:00 AM

1:20-11215 David Mor

Chapter 7

Adv#: 1:20-01084 First Data Merchant Services, LLC v. Mor

#1.00 Status Conference Re:
Complaint to Determine Debt to be
Non-Dischargeable

fr. 12/16/20; 12/18/20

Docket 1

***** VACATED *** REASON: Stip. cont. to 9/1/21 @11am (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Mor

Represented By
Stephen S Smyth
William J Smyth

Defendant(s):

David Mor

Pro Se

Plaintiff(s):

First Data Merchant Services, LLC

Represented By
Allan Herzlich

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 7, 2021

Hearing Room 302

11:00 AM

1:16-11671 Yoram Talasazan

Chapter 7

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

#2.00 Post-Trial Status Conference

fr. 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd to 9/8/21 at 11 a.m. - hm**

Matter Notes:

- 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 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
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 7, 2021

Hearing Room 302

11:00 AM

1:19-12434 Walter Ernesto Aleman Olmedo
Adv#: 1:20-01049 Goldman v. Aleman et al

Chapter 7

- #3.00** Status Conference Re: Trustee's First Amended Compliant for:
- 1 - Avoidance of Actual Fraudulent Transfer (11 U.S.C. Sec. 548(a)(1)(A));
 - 2 - Avoidance of Constructive Fraudulent Transfer Sec. 548(a)(1)(B);
 - 3 - Avoidance of Actual Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.04(a)(1) and 3439.07 and 11 USC Sec. 544(b));
 - 4 - Avoidance of Constructive Fraudulent Transfer Under Applicable California Law (Cal. Civ. Code Sections 3439.05 and 3439.07 and 11 USC Sec. 544(b));
 - 5 - Recovery of Avoided Transfer (11 USC Sec. 550(a)); and
 - 6 - Preservation of Avoided Transfer (11 USC Sec. 551)

fr. 7/15/20 (stip), 9/9/20, 12/2/20; 2/3/21, 2/10/21

Docket 15

***** VACATED *** REASON: Cont'd to 8/4/21 @ 11 a.m. - hm**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walter Ernesto Aleman Olmedo

Represented By
Navid Kohan

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

Wednesday, July 7, 2021

Hearing Room 302

11:00 AM

CONT... Walter Ernesto Aleman Olmedo

Chapter 7

Defendant(s):

Oscar Aleman	Pro Se
Marisol Vega Aleman	Pro Se
Aleman Signs, Inc.	Pro Se

Plaintiff(s):

Amy L Goldman	Represented By Leonard Pena
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Trustee(s):

Amy L Goldman (TR)	Represented By Leonard Pena
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 20, 2021

Hearing Room 302

8:00 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608830760>
Meeting ID: 160 883 0760
Password: 983401

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 883 0760
Password: 983401

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

Tuesday, July 20, 2021

Hearing Room 302

8:00 AM
CONT...

Chapter

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10344 Debra Ilean Thomas

Chapter 7

**#1.00 Reaffirmation Agreement Between Debtor and
WELLS FARGO AUTO**

Docket 23

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: 3-1-21

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 Lexus RX350

Debtor's valuation of property (Sch. B): \$24,900

Amount to be reaffirmed: \$18,775

APR: 3.5% fixed

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... Debra Ilean Thomas

Chapter 7

Contract terms: \$681.63 per month for 27 months

Monthly Income (Schedule I): \$4,369

Monthly expenses: (Schedule J): \$4,234

Disposable income: \$135.00

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 provides no explanation for how she will make these payments. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until August 11, 2021, whichever is later.

Party Information

Debtor(s):

Debra Ilean Thomas

Represented By
A Boudreaux III

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, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10588 Felipe D. Ornelas and Carmela Ornelas

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor and
Capital One Auto Finance, a division of Capital One, N.A.**

Docket 36

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: 4/6/21

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 Honda Accord

Debtor's valuation of property (Sch. B): \$24,978

Amount to be reaffirmed: \$27,090.56

APR: 5.55% (fixed)

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... Felipe D. Ornelas and Carmela Ornelas

Chapter 7

Contract terms: \$575.81 per month for 52 months

Monthly Income (Schedule I): \$7,886.90

Monthly expenses: (Schedule J): \$7,876.95

Disposable income: \$9.95

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?

Debtors provide no explanation for how they will afford this payment. On Sch. J, this \$575.81 payment is listed under "Vehicle 1"

Debtor has a right to rescind agreement anytime prior to discharge, or until August 11, 2021, whichever is later.

Party Information

Debtor(s):

Felipe D. Ornelas

Represented By
R Grace Rodriguez

Joint Debtor(s):

Carmela Ornelas

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**

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10588 Felipe D. Ornelas and Carmela Ornelas

Chapter 7

**#3.00 Reaffirmation Agreement Between Debtor and
JPMorgan Chase Bank, N.A**

Docket 35

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: 4/6/21

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 Chevrolet Silverado

Debtor's valuation of property (Sch. B): \$43,471

Amount to be reaffirmed: \$50,470.71

APR: 5.76% (fixed)

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... Felipe D. Ornelas and Carmela Ornelas

Chapter 7

Contract terms: \$982.38 per month for 59 months

Monthly Income (Schedule I): \$7,886.90

Monthly expenses: (Schedule J): \$7,876.95

Disposable income: \$9.95

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?

Debtors provide no explanation for how they will afford this payment. On Sch. J, this \$982 payment is listed under "Vehicle 2"

Debtor has a right to rescind agreement anytime prior to discharge, or until August 10, 2021, whichever is later.

Party Information

Debtor(s):

Felipe D. Ornelas

Represented By
R Grace Rodriguez

Joint Debtor(s):

Carmela Ornelas

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**

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10713 John Clinton W. Carter and Anabel Barajas

Chapter 7

**#4.00 Pro se Reaffirmation Agreement with
USC Credit Union**

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: 4-21-21

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 Nissan Rogue

Debtor's valuation of property (Sch. B): \$14,180

Amount to be reaffirmed: \$6,288.40

APR: 2.25%

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... John Clinton W. Carter and Anabel Barajas

Chapter 7

Contract terms: \$317.85 per month for 20 months

Monthly Income (Schedule I): \$3,730

Monthly expenses: (Schedule J): \$4,563

Disposable income: <\$833>

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 II (C)(2)?

Debtors state that they have received Federal and State tax refunds, as well as Federal COVID-19 relief, that they will use to make these payments.

Debtor has a right to rescind agreement anytime prior to discharge, or until August 28, 2021, whichever is later.

Party Information

Debtor(s):

John Clinton W. Carter	Pro Se
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Joint Debtor(s):

Anabel Barajas	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**

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10856 Ivan Kozlovtssev

Chapter 7

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

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 _____

Tentative Ruling:

Petition date: 5-12-21

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: 2020 Toyota Prius

Debtor's valuation of property (Sch. B): \$25,970

Amount to be reaffirmed: \$27,699.69

APR: 8.3% (fixed)

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... Ivan Kozlovtsev

Chapter 7

Contract terms: \$599.95 per month for 55 months

Monthly Income (Schedule I): \$4,264

Monthly expenses: (Schedule J): \$4,251

Disposable income: \$13.00

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 provides no explanation for how they will make these payments. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until August 16, 2021, whichever is later.

Party Information

Debtor(s):

Ivan Kozlovtsev

Represented By
Elena Steers

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, July 20, 2021

Hearing Room 302

8:30 AM

1:21-10856 Ivan Kozlovtssev

Chapter 7

**#6.00 Reaffirmation Agreement Between Debtor and
WELLS FARGO AUTO**

Docket 16

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: 5-12-21

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: 2020 Toyota Prius

Debtor's valuation of property (Sch. B): \$25,970

Amount to be reaffirmed: \$27,699.69

APR: 8.3% (fixed)

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

Tuesday, July 20, 2021

Hearing Room 302

8:30 AM

CONT... Ivan Kozlovtsev

Chapter 7

Contract terms: \$599.95 per month for 55 months

Monthly Income (Schedule I): \$4,264

Monthly expenses: (Schedule J): \$4,251

Disposable income: \$13.00

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 provides no explanation for how they will make these payments. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until August 21, 2021, whichever is later.

Party Information

Debtor(s):

Ivan Kozlovtsev

Represented By
Elena Steers

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 21, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602013459>

Meeting ID: 160 201 3459

Password: 711042

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 201 3459

Password: 711042

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, July 21, 2021

Hearing Room 302

10:00 AM

1:21-11170 Anatoliy Chizmar and Maryna Koval

Chapter 13

#1.00 Show Cause re: Why the Bankruptcy case should not be dismissed and why Anatoliy Chizmar should not be held in contempt

Docket 31

Tentative Ruling:

Apperance Required.

Party Information

Debtor(s):

Anatoliy Chizmar

Represented By
Steven R. Houbeck

Joint Debtor(s):

Maryna Koval

Represented By
Steven R. Houbeck

Trustee(s):

Elizabeth (SV) F 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 27, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#1.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608063108>

Meeting ID: 160 806 3108

Password: 215208

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 806 3108

Password: 215208

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:13-17737 Pella Parker

Chapter 13

#30.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 10/22/19, 12/17/19; 1/28/20; 3/31/20,
7/21/20, 10/27/20; 12/15/20; 3/16/21; 5/25/21

Docket 115

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:14-15223 Saul O Aviles

Chapter 13

#31.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 12/17/19, 4/28/20; 8/25/20; 12/15/20, 4/27/21

Docket 65

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

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

fr. 4/27/21; 5/25/21, 6/22/21

Docket 139

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-10083 Griselda Renteria

Chapter 13

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

Docket 110

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-10396 Rogelio Mora

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

fr. 6/22/21

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rogelio Mora

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 27, 2021

Hearing Room 302

11:00 AM

1:16-10396 Rogelio Mora

Chapter 13

#34.01 Motion for hardship discharge and waiver to file education certificate; and declaration of Ali R. Nader in support thereof

Docket 38

Tentative Ruling:

Debtor moves the court for entry of discharge pursuant to § 1328(b). No opposition has been filed. Section 1328(b) allows the Court to grant a “hardship discharge” is if several requirements are met:

(b) Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

(1) the debtor’s failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

(2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

(3) modification of the plan under section 1329 of this title is not practicable.

(c) A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

(1) provided for under section 1322(b)(5) of this title; or

(2) of a kind specified in section 523(a) of this title.

Service proper. No opposition filed. Having reviewed the Motion and Trustee's comments filed in response (doc. 41), the Court finds that Debtor has met the requirements of 1328(b).

Motion for hardship discharge is GRANTED.

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... Rogelio Mora

Chapter 13

DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 7-27-21

Party Information

Debtor(s):

Rogelio Mora

Represented By
Ali R Nader

Movant(s):

Rogelio Mora

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 27, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

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

fr. 8/25/20, 10/27/20; 11/17/20; 12/15/21; 1/26/21; 3/16/21,
4/27/21; 5/25/21, 6/22/21

Docket 141

***** VACATED *** REASON: Trustee filed a w/drawal on 7/12/21 - doc.
#146. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline Desiree Landaeta Alvarez

Represented By
Matthew D. Resnik
Matthew D. Resnik

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#36.00 Trustee's Motion to Dismiss Case due to Material Default:
Failure to Submit all Tax Refunds

fr. 6/22/21

Docket 71

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-12160 Hernan Alberto Orantes and Maria Del Rocio Sanchez

Chapter 13

#37.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

fr. 4/27/21; 5/25/21

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hernan Alberto Orantes

Represented By
Eric Bensamochan

Joint Debtor(s):

Maria Del Rocio Sanchez

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:16-12613 Susan Griffin

Chapter 13

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

Docket 68

***** VACATED *** REASON: Ntc. of w/drawal filed 7/22/21**

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-13055 Mark David Cave

Chapter 13

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

fr. 4/27/21; 5/25/21, 6/22/21

Docket 145

Tentative Ruling:

APPEARANCE REQUIRED unless stipulation reached with Trustee.
Neither party cites to statutory language controlling payment of Chapter 13 Trustee's fee. It appears the language of 28 USC 586(e)(B) would control - the fee is a percentage of "payments made under the plan of such debtor." Section 586(e)(2) then refers to a percentage collected "from all payment received by" the trustee

The payment out of escrow is generally allowed as an administrative convenience to the debtor rather than turning all proceeds over to the trustee, so that payments out of escrow are deemed payments by the trustee. It is not clear what effect a pre- or post-petition debt has on the fee. Although relief from stay was granted, the trustee must still track and administer this claim as part of the case until relief was granted. Here, RFS was not granted for a year or 4 years into the case, depending on the lien.

The corporate debts appear to have also been debts of the debtor where no objection to claim was granted.

It appears that the following are properly assessed a trustee % fee: IRS, Espinet, Citi National, K. Cave, and Union.

As the FTB will issue a refund, it is unclear whether that would qualify.

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 27, 2021

Hearing Room 302

11:00 AM

CONT... Mark David Cave

Chapter 13

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

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

Docket 148

***** VACATED *** REASON: Cont. 8/24/21 @11am**

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, July 27, 2021

Hearing Room 302

11:00 AM

1:16-13393 Carmen Avellanosa

Chapter 13

#41.00 Trustee's Motion to Dismiss Case due to Material Default

Docket 89

***** VACATED *** REASON: Ntc. of w/drawal filed 6/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Avellanosa

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-10297 Felix Ray Wright

Chapter 13

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

fr. 12/17/19, 2/25/20,4/28/20, 7/21/20, 9/22/20, 10/27/20;
11/17/20, 1/26/21, 4/27/21, 6/22/21

Docket 145

***** VACATED *** REASON: Ntc. of w/drawal filed 7/23/21**

Tentative Ruling:

Party Information

Debtor(s):

Felix Ray Wright

Represented By
Vernon R Yancy

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-10317 James Patrick Sweet

Chapter 13

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

fr. 5/25/21

Docket 58

***** VACATED *** REASON: Cont'd to 8/24/21.**

Tentative Ruling:

- NONE LISTED -

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

**#44.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 154

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-11159 Levia Blane Arbuckle

Chapter 13

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

Docket 172

*** VACATED *** REASON: Debtor's atty filed an amended hearing
notice. See Doc. #177. lf

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 27, 2021

Hearing Room 302

11:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

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

fr. 4/27/21, 6/22/21

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro 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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

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

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21,
4/27/21; 5/25/21, 6/22/21

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Movant(s):

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

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

fr. 7/30/19, 9/24/19, 11/19/19, 12/17/19, 2/25/20,
4/28/20, 7/21/20, 10/27/20; 1/26/21, 4/27/21, 6/22/21

Docket 50

***** VACATED *** REASON: Cont'd to 8/24/21.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele	Pro Se
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Movant(s):

Elizabeth (SV) F Rojas (TR)	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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-11646 Elizabeth S. Silva

Chapter 13

#49.00 Trustee Motion for Order Dismissing Chapter
13 Proceeding due to Infeasibility of the Plan

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth S. Silva

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 27, 2021

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

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

Docket 73

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

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

fr. 6/22/21

Docket 91

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

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

fr. 1/26/21; 3/16/21; 5/25/21, 6/22/21

Docket 119

***** VACATED *** REASON: Cont'd to 8/24/21.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

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, July 27, 2021

Hearing Room 302

11:00 AM

1:17-12706 Rosalinda Montellano Werner

Chapter 13

#53.00 Motion to Authorize Appointment as Attorney and Approve Attorneys fees Nunc Pro Tunc

Docket 93

Tentative Ruling:

Service proper. No objections filed. Having reviewed Debtor's Motion to Authorize Employment of Counsel *Nunc Pro Tunc* to Prosecute a Civil Case to Cancel Fraudulent Instruments on Debtor Residence, Trustee's comments filed in response, the Court finds that the contingency fee requested was necessary and reasonable. The Court will approve the application once the Trustee approves the form of order to ensure that the concerns raised in her Response are addressed (ECF doc. 101).

Motion GRANTED. APPEARANCE WAIVED ON 7-27-21
APPLICANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Rosalinda Montellano Werner

Represented By
Omatshola E Dafeta
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**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:17-12885 Karen Marcy Santos Pham

Chapter 13

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

Docket 74

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #80. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Marcy Santos Pham

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-10250 Gabriela Kinney Puentes

Chapter 13

#55.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan

fr. 5/25/21

Docket 65

***** VACATED *** REASON: Moot case dismissed 7/2/21**

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:18-10559 Sam Shem Tov Dan

Chapter 13

#56.00 Motion for Order Disallowing claim of Kian Dowlatshahi (Claim No. 2) (Objection to Claim); Memorandum of Points and Authorities; Declaration of Sam Dan

Docket 66

Tentative Ruling:

Debtor filed an emergency petition for relief on March 2, 2018, in order to avoid disputed state court litigation matters and to otherwise reorganize his financial affairs. Debtor was being pursued by self-represented claimant Kian Dowlatshahi's ("Claimant") father, Houshang Dowlatshahi ("Houshang"), in state court for moneys lent. Debtor contends that he and Claimant opened Pizzeti, LLC, an Encino Pizzeria in 2012. Claimant and Houshang are both dentists and were to provide the financial backing for the venture. Debtor asserts that his contribution was to assist in the build-out as he is a licensed contractor but maintained a passion for cooking and developing recipes for pizza sauces.

When the business failed, Debtor states that he was served with the state court action by Houshang, LASC Case No. BC671113. Houshang did not pursue his son, and only named Debtor. Thereafter, Debtor learned that Claimant sold the business assets and/or lease and is believed to have pocketed the entirety of the sale proceeds of \$29,712.97. Proof of Claim 2-1, Page 27 of 29; Claimant Decl. in Opposition, ¶¶ 6-7 (ECF doc. 68). Debtor maintains that the decision to dissolve the LLC was made unilaterally by Claimant and that he did not involve Debtor in the decision making processes, nor distribute any proceeds to Debtor.

On or about April 23, 2018, Claimant filed Claim No. 2 for exactly \$65,000 without explanation or itemization. Motion to Disallow Claim, Ex. A. The Operating Agreement is attached and certain reports but Debtor points out that no explanation is provided.

Self-represented Claimant filed a declaration in opposition, arguing that the

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... **Sam Shem Tov Dan**

Chapter 13

Operating Agreement shows a 50% interest for both himself and Debtor. Claimant Decl. in Opposition, ¶¶ 3-4; Proof of Claim 2-1, Ex. A (the "Operating Agreement"), ¶ 1.18. Claimant also points to Paragraph 1.7 of the Operating Agreement to show that each member was to make a capital contribution in consideration for his percentage interest. *Id.* Claimant argues that, "Based on Paragraph 1.18 and 1.7m the members were supposed to contribute equally to fund the Capital Contribution." Claimant Decl. in Opposition, ¶4.

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 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

The paragraph of the Operating Agreement identified by Claimant as controlling are:

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT...

Sam Shem Tov Dan

Chapter 13

1.7 "Capital Contribution" means, with respect to either Member, the amount of money and the Fair Market Value of any property (other than money) and / or services contributed to the Company (net of liabilities secured by such contributed property that the Company is considered to assume or take "subject to" under Internal Revenue Code Section 752) in consideration for a Percentage Interest held by that Member. A Capital Contribution shall not be deemed a loan.

1.18 "Percentage Interest" means a fraction, expressed as a percentage, the numerator of which is the total of a Member's Capital Account and the denominator of which is the total Capital Accounts of both Members. A Member's Percentage Interest represents such Member's Percentage ownership interest in the Company. As of the date of this Agreement, the respective Percentage Interests of the Members are as follows:

Sam Dan	50%
Kian Dowlatshahi	50%

Claimant argues that his ledgers that are attached to Proof of Claim 2-1 show that he contributed \$208,627 and Debtor contributed \$50,000. Claimant's position is that because Debtor could not pay his share of the contribution, he paid additional money to fund the Company, half of which could be considered Debtor's share. Claimant calculates that he contributed \$158,627 more than Debtor, half of which is \$79,313. Thereafter, Claimant states that the Company was sold for proceeds totaling \$27,896, half of which is \$13,948. Claimant then deducted the half of the proceeds he considered to be owed to Debtor from the amount he believed Debtor owed to him: \$79,313, reduced by \$13,948 for half of the sale proceeds, resulted in Claimant's calculation of his claim as \$65,365.

A review of the Operating Agreement shows that the Paragraphs on which Claimant relies do not support his argument. Paragraph 1.7 shows that it is not only "money" that is used to measure the value of a Member's Capital Contribution. Instead, the Operating Agreement directs the parties to look at the "the Fair Market Value of **any property (other than money) and / or services** contributed to the Company [...] in consideration for a Percentage Interest held by that Member. **A Capital Contribution shall not be deemed**

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... **Sam Shem Tov Dan**

Chapter 13

a loan." Proof of Claim 2-1, Ex. A, ¶ 1.7 (emphasis added). The plain language of the Operating Agreement shows that Debtor's "sweat equity" by way of contracting skills, recipes, and labor at the Company is considered a "Capital Contribution." Claimant provides no evidence of a loan between himself and Debtor, by way of a note, instrument, or other evidence to support a finding that Debtor agreed to match Claimant's money contributions dollar for dollar. On the contrary, different paragraphs in the Operating Agreement support Debtor's position that his labor, cooking skills and recipes, and his skills as a contractor were considered a "Capital Contribution" by its definition in paragraph 1.7 which appears to treat the Fair Market Value for such "services" as equal to a money contribution. Further, paragraph 1.7 goes on to say that a Capital Contribution shall not be deemed a loan. Lastly, Debtor notes that paragraph 9.3 of the Operating Agreement provides for no recourse among the Members. Paragraph 9.3 states (emphasis in original):

9.3 **No Recourse.** Each Member shall look solely to the assets of the Company for the return of the Member's investment, and if the Company property remaining after the payment or discharge of the debts and liabilities of the Company is insufficient to return the investment of each Member, such Member shall have no recourse against the other Member for indemnification, contribution or reimbursement.

Debtor has produced sufficient evidence to shift the burden Claimant to prove the validity of the claim by a preponderance of the evidence. Here, Claimant has not sustained his burden to show that the terms of the Operating Agreement support Claim 2-1. Without a separate document or other evidence showing a separate agreement between Claimant and Debtor, wherein Debtor agrees to a separate indebtedness between himself and Claimant, this claim must be disallowed.

Motion to Disallow Claim GRANTED. As to Debtor's request for an Order under §§ 542 and 105 requiring Claimant to turn over to Debtor \$13,948 for half of the proceeds of the sale of the Company, such request is improper to bring in a Reply and is denied without prejudice so that Debtor may raise the issue in a properly noticed motion or adversary proceeding.

APPEARANCE REQUIRED

Party Information

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... Sam Shem Tov Dan

Chapter 13

Debtor(s):

Sam Shem Tov Dan

Represented By
Shai S Oved

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-11396 Chris Sekulic

Chapter 13

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

Docket 40

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**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-11550 Andrea L Cervantes

Chapter 13

#58.00 Trustee's Motion to Dismiss Chapter 13 Case due to
Material Default of Plan: Failure to Submit all Tax Refunds

fr. 12/15/20; 3/16/21; 5/25/21, 6/22/21

Docket 49

***** VACATED *** REASON: Ntc. of w/drawal filed 7/26/21**

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:18-11639 Armenak Abraham Dilanian

Chapter 13

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

Docket 72

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #78. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armenak Abraham Dilanian

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

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

Docket 87

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fredy A. Caballero

Represented By
Nathan A Berneman
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, July 27, 2021

Hearing Room 302

11:00 AM

1:18-12525 Jorge Hosegera and Nora Hosegera

Chapter 13

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

Docket 58

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #62. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Hosegera

Represented By
Steven A Alpert

Joint Debtor(s):

Nora Hosegera

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 27, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#62.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default:
Failure to Submit all Tax Refunds

fr. 6/22/21

Docket 92

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

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

Docket 97

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:18-12778 Maria Angeles Ricabal

Chapter 13

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

Docket 47

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #52. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Angeles Ricabal

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 27, 2021

Hearing Room 302

11:00 AM

1:18-12833 Marcie Berger

Chapter 13

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

fr. 5/25/21, 6/22/21

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcie Berger

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, July 27, 2021

Hearing Room 302

11:00 AM

1:18-12843 Francisco Romero

Chapter 13

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

Docket 82

***** VACATED *** REASON: Cont. 8/24/21 @11am**

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 27, 2021

Hearing Room 302

11:00 AM

1:18-12920 Juan Lozano Mata

Chapter 13

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

fr. 5/25/21, 6/22/21

Docket 73

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. 82. If**

Tentative Ruling:

- NONE LISTED -

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, July 27, 2021

Hearing Room 302

11:00 AM

1:19-10486 Luis Mauricio Iglesias

Chapter 13

**#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Mauricio Iglesias

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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Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 10/27/20; 12/15/20, 2/23/21, 4/27/21; 5/25/21, 6/22/21

Docket 25

***** VACATED *** REASON: Ntc. of w/drawal filed 7/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-10592 Irina Petrosova

Chapter 13

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

fr. 5/25/21, 6/22/21

Docket 29

***** VACATED *** REASON: Vol. dismissal filed 6-23-21 (doc. 37) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Petrosova

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
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-10656 Rita Patricia Monteza

Chapter 13

#70.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of the Plan:
Failure to Submit all Tax Refunds

fr. 6/22/21

Docket 64

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
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-10703 Debra Darlene Spille Bonnell

Chapter 13

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

Docket 29

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #35. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra Darlene Spille Bonnell

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 27, 2021

Hearing Room 302

11:00 AM

1:19-10789 Carmen Ivy Garcia-Torres

Chapter 13

**#72.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 6/22/21

Docket 76

***** VACATED *** REASON: Cont'd to 8/24/21 at 11 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Ivy Garcia-Torres

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 27, 2021

Hearing Room 302

11:00 AM

1:19-10984 Ernesto Martinez and Gabriela Martinez

Chapter 13

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

Docket 62

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

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

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

fr. 6/22/21

Docket 122

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 27, 2021

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 13

#75.00 Motion to Convert Case From Chapter 13 to 7.

Docket 244

Tentative Ruling:

Appearance required

On June 6, 2019, Joe Kearney ("Debtor") filed a chapter 13 bankruptcy case. The Debtor moved to convert to a chapter 11 and the case was converted to a Chapter 11 on April 20, 2020. Circumstances changed for the Debtor and on March 16, 2021 the Debtor moved to convert the case back to a chapter 13. Patricia Leupold ("Creditor") filed opposition thereto. The Court converted the case back to a chapter 13 bankruptcy case over the Creditor's opposition on April 14, 2021.

Prior to the Debtor commencing this bankruptcy case, the parties were litigating Creditor's claims in the state court. As the state court case proceeded towards trial, the Debtor filed for bankruptcy and stayed the state court trial. This Court then adjudicated the Creditor's claims and granted partial summary judgment in favor of the Creditor and conducted a trial on the remaining claims. The Court issued a memorandum decision resolving the remaining claims. Dkt. No. 243.

Creditor now moves to convert the Debtor's bankruptcy case to Chapter 7. Debtor opposes.

Standard:

Section 1307(c) authorizes a party in interest to request conversion or dismissal of a chapter 13 case for "cause" and provides a non-exclusive list of grounds constituting cause. The statute provides a non-exclusive list of what constitutes as cause, including:

- 1) unreasonable delay by the debtor that is prejudicial to creditors;
- ...
- (3) failure to file a plan timely under section 1321 of this title [11

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CONT...

Joe Kearney

Chapter 13

USCS § 1321];

(4) failure to commence making timely payments under section 1326 of this title [11 USCS § 1326]...

11 U.S.C §1307(c). Moreover, a lack of good faith constitutes "cause" to dismiss a chapter 13 case. Eisen v. Curry (In re Eisen), 14 F.3d 469, 470 (9th Cir. 1994); Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 919 (9th Cir. BAP 2011).

Section 1307(c) establishes a two-step analysis for dealing with questions of conversion and dismissal. "First, it must be determined that there is 'cause' to act. Second, once determination of 'cause' has been made, a choice must be made between conversion and dismissal based on the 'best interests of the creditors and the estate.'" Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (9th Cir. BAP 2006).

Creditor asserts that the cause exists because the Debtor is acting in bad faith, creditors have been prejudiced by a delay, Debtor has not filed a plan, and Debtor failed to timely commence plan payments. Since cause exists, Creditor asserts that it would be the best interest of creditors to have the case be converted to a chapter 7 over being dismissed. Debtor wants the case dismissed because his back problems and his wife's serious illness make any Chapter 13 infeasible at this time.

Delay:

1307(c)(1) refers to only "unreasonable delay" generally, not to unreasonable delay toward confirmation. There is a tipping point in every case, when the delay in moving the case forward, whether toward confirmation or another disposition, becomes unwarranted and unjustified. In re Malek, 591 B.R. 420, 431 (Bankr. N.D. Cal. 2018).

Creditor argues that unreasonable delay has occurred in this case. The timing of the bankruptcy forced the state court to stop moving forward with an imminent trial on the Creditor's claims. This Court ended up conducting the trial on the Creditor's claims; however, the trial was delayed numerous times. Creditor argues that the Debtor has unreasonably delayed not just the litigation but by failing to timely comply with provisions of the Code, which will be addressed later, the Debtor is unreasonably

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CONT... Joe Kearney

Chapter 13

delaying the administration of the bankruptcy case. Debtor argues that he has complied with the provisions of the Bankruptcy Code up until recently and recent delays are due to his emotional distress brought on by his wife's deteriorating condition.

There is no question that the trial on the Creditor's claims was delayed; however, both parties are at fault for these delays and these delays were brought on by medical emergencies of witnesses and parties. The parties requested a delay due to the Covid-19 pandemic, although were willing to do it by video when it became clear it would be delayed for some time for in-person proceedings. While it may not be ideal that this trial was delayed to the extent that it was, nothing suggests that it was an unreasonable delay when all the facts are considered.

The delay caused by delaying the State Court trial was not unreasonable as a Chapter 11 or 13 bankruptcy can sometimes be an orderly way to liquidate claims and pay creditors, avoiding the uncertainty and delay of a state court trial and appeal. Although the trial was delayed for legitimate reasons here, it is quite often speedier to resolve a claim and figure out how to pay it in this court. The filing of bankruptcy, in and of itself, does not indicate bad faith here.

Accordingly, there is no cause for converting or dismissing the case for unreasonable delay with the trial.

Filing Plan:

Section 1321 requires a debtor in a chapter 13 bankruptcy case to file a plan. Federal Rule of Bankruptcy Procedure 3015(b) provides:

The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

This case was reconverted to chapter 13 by an order entered on April 14, 2021. Dkt. No. 223. Pursuant to FRBP Rule 3015(b), the plan was due on April 28, 2021.

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CONT... Joe Kearney

Chapter 13

As of this date, the Debtor has not filed a plan nor a motion requesting an extension to file a plan. Debtor argues that he complied with FRBP 3015(b) because he filed a timely plan when this case was originally filed. Debtor's bankruptcy case was filed originally as a chapter 13, then it was converted to a chapter 11, and then back to a chapter 13. Debtor believes that the original plan is feasible and that it satisfies his obligations under FRBP 3015(b).

Debtor's position ignores the language of FRBP 3015 which provides: "If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter...". This does not provide an exception for cases where a case is reconverted, rather it specifically says if a case is converted to a chapter 13, then a plan must be filed within 14 days of the conversion. Even though this was originally filed as a chapter 13 bankruptcy case, Debtor converted it to a chapter 11 and proceeded under chapter 11 of the Bankruptcy Code for over a year. Nothing in the Bankruptcy Code or FRBP relieves the Debtor of his obligation to file a chapter 13 plan under FRBP 3015 because this case was originally filed as a chapter 13.

Even assuming the original plan could suffice under the rules, it is out of date and clearly not feasible now. The general basis for the original motion to convert to a chapter 11 and to reconvert back to a chapter 13 was that the Debtor's circumstances changed. This case is approaching two years old and the circumstances of the parties have changed drastically in that time frame. Debtor's health is in decline and his ability to work is questionable. Sadly, Debtor's wife has terminal cancer and she cannot contribute to the plan. Creditor's claim has been liquidated and is approximately seven times greater than what was provided for in the plan. Regardless of the timeline imposed by FRBP 3015, the fact that the Debtor has yet to file an amended plan as of this date provides cause to convert or dismiss the Debtor's case.

Payments:

Section 1326(a)(1) provides:

Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier...

Debtor has not made plan payments since the case was converted back to a

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CONT... Joe Kearney

Chapter 13

chapter 13 case. The Debtor asserts that since he complied with this requirement when he originally commenced his bankruptcy case as a chapter 13. A chapter 13 debtor has to keep making these payments, and the Chapter 13 Trustee's unopposed Objection to the plan indicates that Debtor has not made plan payments since the conversion. Dkt. No. 236.

Bad Faith:

While not specifically listed in the statute, "bad faith" is "cause" for dismissal or conversion under § 1307(c). Leavitt v. Soto (In re Leavitt), 171 F.3d 1219, 1224 (9th Cir. 1999).

Factors for determining whether a case was filed in bad faith include:

- (1) whether debtors misrepresented facts in the petition or plan, unfairly manipulated the Bankruptcy Code, or otherwise filed the chapter 13 petition or plan in an inequitable manner;
- (2) debtors' history of filings and dismissals;
- (3) whether debtors only intended to defeat state court litigation; and
- (4) whether egregious behavior is present.

Id.; Ho v. Dowell (In re Ho), 274 B.R. 867, 876 (9th Cir. BAP 2002). No one factor is determinative. Chiu Chuan Wang v. Hwang (In re Chuan Min Chang), 2021 Bankr. Lexis 1519 (9th BAP Cir. 2021). Rather, bad faith is determined by examining the "totality of the circumstances." Eisen v. Curry (In re Eisen), 14 F.3d 469, 470 (9th Cir. 1994). A finding of bad faith does not require fraudulent intent by the debtor, nor is evidence required of the debtor's ill will directed at creditors, or that the debtor was affirmatively attempting to violate the law — malfeasance is not a prerequisite to bad faith. In re Leavitt, 171 F.3d at 1225.

The Court converted the Debtor's chapter 11 case back to a chapter 13 due to the Debtor's assertions that a chapter 13 case would better fit his current circumstances. Reconversion is not ideal and uncommon, but the Court granted this motion based on unexpected health issues and in order to give the Debtor the opportunity to reorganize his debts. Since the conversion the Debtor has not attended the 341 meeting of creditors, has not filed a plan or amended plan, and has not

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CONT... Joe Kearney

Chapter 13

commenced plan payments. Some of this is typical in a case where parties are waiting for the Creditor's claims to be liquidated. In the weeks since the Court's memorandum decision was issued, the Debtor has still yet to file a plan or amend the original one filed almost two years ago to reflect circumstance as they are now. Debtor has explained this, indicating that he cannot figure out a way to file a feasible plan and has been in touch with the Chapter 13 trustee to discuss dismissal. There is no bad faith where the debtor's circumstances make it impossible to comply. As Debtor has not complied with Chapter 13 requirements since the claim ruling or since the case was reconverted, there is cause to convert or dismiss.

Convert or Dismiss:

Once determination of 'cause' has been made, a choice must be made between conversion and dismissal based on the 'best interests of the creditors and the estate.'" Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (9th Cir. BAP 2006). Conversion is in the best interests of both the creditors and the estate. First, an independent trustee performing this work is much more cost-effective and efficient than having creditors figuring out myriad ways to collect from the Debtor. Second, the creditors and the estate would suffer greatly if this case was dismissed. In early 2021, California significantly increased its homestead exemption (as high as \$600,000 in some cases). It has been represented to the Court at previous hearings that there is some equity in the Debtor's house. Lastly, neither party has briefed the binding effect of the court's objection to claim rulings following the partial summary judgment and trial, but any uncertainty about the binding effect of that ruling could prolong enforcement of this order. There has already been prolonged delay. Ms. Leopold has a right to collect and complete renovation of her house. If the case is dismissed, even with a bar on refile for a time period, the Debtor is likely to obtain this benefit at the expense of creditors and estate. Finally, with how prolonged this case has been, it would be beneficial to the estate and creditors to have an independent Chapter 7 Trustee put in charge of administering the estate. The case will be converted to Chapter 7.

Sanctions:

Debtor raised the issue of sanctions in his opposition. That matter has not been

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properly brought in the form of a separate motion. In any case, both parties had defensible positions. A lost at a trial does not equate to sanctionable conduct.

Conclusion:

The Court GRANTS the Creditors motion to convert this case to a chapter 7.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-11486 Lester P. Speight

Chapter 13

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

fr. 6/22/21

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester P. Speight

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-11758 Aram Setrak Ohanesian

Chapter 13

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

Docket 40

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #45. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aram Setrak Ohanesian

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 302

11:00 AM

1:19-11855 Jonathan Lauren Solomon, Sr. and Geneva Cheria Solomon Chapter 13

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

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #58. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Lauren Solomon Sr.

Represented By
Allan S Williams

Joint Debtor(s):

Geneva Cheria Solomon

Represented By
Allan S Williams

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-11885 Joanne Sherry Block and Paul Henry Block

Chapter 13

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

fr. 2/23/21, 4/27/21; 5/25/21

Docket 36

*** VACATED *** REASON: Cont'd to 9/28/21.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Sherry Block

Represented By
Jeffrey J Hagen

Joint Debtor(s):

Paul Henry Block

Represented By
Jeffrey J Hagen

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 27, 2021

Hearing Room 302

11:00 AM

1:19-11930 Vicente M Aguilar

Chapter 13

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

Docket 53

***** VACATED *** REASON: Ntc. of w/drawal filed 6/29/21**

Tentative Ruling:

- NONE LISTED -

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
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Tuesday, July 27, 2021

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11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

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

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20,
2/23/21; 3/16/21, 4/27/21; 5/25/21, 6/22/21

Docket 41

***** VACATED *** REASON: Cont'd to 8/24/21.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mauricio Nunez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

**#81.01 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 51

***** VACATED *** REASON: Cont. 8/24/21 @11am**

Tentative Ruling:

- NONE LISTED -

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
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Hearing Room 302

11:00 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

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

Docket 56

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #62. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By
Steven Abraham Wolvek

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, July 27, 2021

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11:00 AM

1:19-12892 John Gaitanis

Chapter 13

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

Docket 58

***** VACATED *** REASON: Cont. 9/28/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Gaitanis

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#84.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default of Plan: Failure to
Submit all Tax Refunds

fr.2/23/21; 3/16/21, 4/27/21, 6/22/21

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-12903 Enoch Gilbert Carabajal

Chapter 13

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

fr. 6/22/21

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enoch Gilbert Carabajal

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-12984 Philip Valerio Tanglao and Maria Ana Bautro Tanglao

Chapter 13

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

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip Valerio Tanglao

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Maria Ana Bautro Tanglao

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 27, 2021

Hearing Room 302

11:00 AM

1:19-13004 Galina Tovmasian

Chapter 13

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

fr. 4/27/21 ; 5/25/21

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Galina Tovmasian

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, July 27, 2021

Hearing Room 302

11:00 AM

1:19-13021 Peter Clayton Purcell

Chapter 13

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

fr. 9/22/20; 11/17/20; 1/26/21; 3/16/21, 4/27/21; 5/25/21

Docket 37

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #50. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Clayton Purcell

Represented By
David S Hagen

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, July 27, 2021

Hearing Room 302

11:00 AM

1:19-13062 Brandon Paul Lopez and Vicki Lynn Lopez

Chapter 13

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

fr. 3/16/21; 5/25/21

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandon Paul Lopez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Vicki Lynn 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**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:19-13135 Nicole Tanice Shepherd

Chapter 13

**#90.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 1/26/21; 3/16/21, 4/27/21; 5/25/21

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicole Tanice Shepherd

Represented By
Matthew D. Resnik

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, July 27, 2021

Hearing Room 302

11:00 AM

1:19-13157 Juan Maldonado Bastida

Chapter 13

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

fr. 5/25/21

Docket 73

***** VACATED *** REASON: Cont'd to 8/24/21.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Maldonado Bastida

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 27, 2021

Hearing Room 302

11:00 AM

1:19-13169 Lekan Aremu Gbadamosi and Diana Y Kuchmar

Chapter 13

#92.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default: Failure to
Submit Tax Refunds

fr. 6/22/21

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lekan Aremu Gbadamosi

Represented By
Elena Steers

Joint Debtor(s):

Diana Y Kuchmar Gbadamosi

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 27, 2021

Hearing Room 302

11:00 AM

1:20-10040 Giovanni Garofoli

Chapter 13

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

fr. 2/23/21; 5/25/21, 6/22/21

Docket 51

***** VACATED *** REASON: Ntc. of w/drawal filed 7/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Garofoli

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-10250 Kenneth Larkin

Chapter 13

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

fr. 1/26/21; 3/16/21; 5/25/21, 6/22/21

Docket 49

***** VACATED *** REASON: Resolved per Order Granting Motion to
Modify or Suspend Plan Payments (ECF doc. 67) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-10260 Raul Negrete Diaz and Dulce Rocio Negrete

Chapter 13

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

Docket 35

***** VACATED *** REASON: Ntc. of w/drawal filed 7/16/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Negrete Diaz

Represented By
Barry E Borowitz

Joint Debtor(s):

Dulce Rocio Negrete

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-10314 Milton Travis Appel

Chapter 13

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

fr. 6/22/21

Docket 31

***** VACATED *** REASON: Cont. 8/24/21 @11am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milton Travis Appel

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-10389 Marlene Evangelina Castellanos

Chapter 13

**#97.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 98

***** VACATED *** REASON: Cont'd to 9/28/21.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marlene Evangelina Castellanos

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 27, 2021

Hearing Room 302

11:00 AM

1:20-10457 Lidia Ovando Aguila

Chapter 13

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

fr. 4/27/21, 6/22/21

Docket 56

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #62. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lidia Ovando Aguila

Represented By
Dana M Douglas

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

1:20-10575 Laura Alfaro

Chapter 13

#99.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 57

*** VACATED *** REASON: Cont. 8/24/21 @11am

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Alfaro

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 27, 2021

Hearing Room 302

11:00 AM

1:20-10690 Manuel Real

Chapter 13

#100.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Real

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 27, 2021

Hearing Room 302

11:00 AM

1:20-11518 Gloria Janeth Orellana

Chapter 13

#101.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/22/21

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Janeth Orellana

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-11537 Juan Guillermo Talavera

Chapter 13

#102.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 42

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #48.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Guillermo Talavera

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 27, 2021

Hearing Room 302

11:00 AM

1:20-11601 Andrea Ricci and Tonya Crooks

Chapter 13

#103.00 Motion to Disallow Claims

Docket 64

Tentative Ruling:

Having reviewed the Motion to Disallow Claim and the related pleadings, under LBR 3007-1(b)(5), the Court will treat this initial hearing as a status conference, as it appears this objection involves disputed fact issues and will require substantial time for presentation of evidence or argument. Claimant Kinsella Weitzman Iser Kump Holley LLP should also be prepared to discuss scheduling submission of unredacted time records under seal or for in camera review so that the Court can conduct a review under 11 U.S.C. 502(b) (4) regarding the reasonableness of Claimant's fees related to its \$103,501.39 claim, and whether an evidentiary hearing is necessary. The objections to timeliness and late submission of the retainer agreement are overruled. The specific entries may be objected to once the court and debtor have copies submitted in camera.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Andrea Ricci

Represented By
Robert M Aronson

Joint Debtor(s):

Tonya Crooks

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, July 27, 2021

Hearing Room 302

11:00 AM

1:20-11880 Farima Jafarzadeh Hirschi and Que Hirschi

Chapter 13

#104.00 Motion to Avoid Lien Junior Lien with First National Acceptance Company, successor-in-interest to Figure Lending, LLC

Docket 39

Tentative Ruling:

Service: Proper
Property Address: 3768 Royal Meadow Rd., Sherman Oaks, CA 91403
First trust deed: \$1,157,544.01
Second trust deed: \$135,755.44
Third trust deed (to be avoided): \$104,360.88
Fair market value per Debtor's evidence: \$1,265,000

Creditor First National Acceptance Co. ("First Nat'l") (as holder of 3rd TD) opposed the Motion. Creditor alleges Debtor undervalued the property as it obtained a Broker's Price Opinion that assesses the value of the Property as \$1,720,000 and requests a continuance so that it can obtain its own appraisal.

Having reviewed the pleadings filed, the Court will continue this hearing to September 28, 2021 at 11:00 a.m. to allow Creditor to obtain an appraisal. The Court notes that Debtor's assertion of value is supported by Debtor's declaration and not an appraisal. Debtor should be prepared to inform the Court if she intends to obtain an appraisal to support her position in this matter.

APPEARANCE REQUIRED on 7-27-21

Party Information

Debtor(s):

Farima Jafarzadeh Hirschi

Represented By
Jeffrey J Hagen

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... Farima Jafarzadeh Hirschi and Que Hirschi

Chapter 13

Joint Debtor(s):

Que Hirschi

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 27, 2021

Hearing Room 302

11:00 AM

1:21-10014 Jesus Flores

Chapter 13

#105.00 Motion to Avoid Lien JUNIOR LIEN with The Secretary of Housing and Urban Development c/o Ruth Ruhl, P.C.,

Docket 28

Tentative Ruling:

Service: Proper
Property Address:
First trust deed: \$482,901
Second position lien (NOT avoided): \$66,451
Third position lien (NOT avoided): \$262,976
Fourth position lien (NOT avoided): \$46,517
Fifth position lien (NOT avoided): \$14,965
Sixth position lien (NOT avoided): \$11,652
Seventh position lien (**to be avoided**): \$180,668.99
Fair market value per appraisal: \$811,000

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):

Jesus Flores

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 27, 2021

Hearing Room 302

11:00 AM

1:21-10253 Sharareh Simhaei

Chapter 13

#106.00 Motion RE: Objection to Claim Number 8 by Claimant Kamran Kohan.

Docket 35

Tentative Ruling:

Having reviewed the Motion to Disallow Claim and the related pleadings, under LBR 3007-1(b)(5), the Court will treat this initial hearing as a status conference, as it appears this objection involves disputed fact issues related to whether Claimant made a reasonable endeavor to estimate their losses and whether the liquidated damages of \$100 per day that calculate to 65% of the principal (\$146,700) bear any reasonable relationship to the damages Claimant believed it would incur. Such inquiry will likely require substantial time for presentation of evidence or argument. The parties should be prepared to discuss whether this matter should be resolved in its own evidentiary hearing or whether it should be considered within the pending adversary 1:21-ap-01029.

The court's inclination is to continue this to November 16 and then have this trial the adversary proceeding.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Sharareh Simhaei

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, July 27, 2021

Hearing Room 302

11:00 AM

1:21-10405 Diego Huerta

Chapter 13

#107.00 Motion to Disallow Claims

Docket 49

Tentative Ruling:

Having reviewed the Motion to Disallow Claim and the related pleadings, under LBR 3007-1(b)(5), the Court will treat this initial hearing as a status conference, as it appears this objection involves disputed fact issues and will require substantial time for presentation of evidence or argument. Debtor should also be prepared to address why this matter is not an adversary proceeding under FRBP 3007(b) and 7001(2) and (9).

APPEARANCE REQUIRED

Party Information

Debtor(s):

Diego Huerta

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, July 27, 2021

Hearing Room 302

11:00 AM

1:21-10582 Margie Macareno Candelaria

Chapter 13

#108.00 Motion to Disallow Claims (Claim #8) Of Jose Diaz And Jose Alberto Diaz, Jr.

Docket 24

Tentative Ruling:

On June 15, 2021, Creditors filed proof of claim 8-1, wherein they assert a secured claim of 641,800, and an unsecured claim of \$388,333. The basis for Claim 8-1 is money loaned, partially secured by real property at 18223 Sandringham Ct., Porter Ranch, CA 91326. In the Mortgage Proof of Claim Attachment to Claim 8-1, Claimants indicate on that the amount of the Claim is calculated as follows:

\$773,000 - Principal
\$233,833 - Interest due
\$51,550 - fees and costs

\$1,030,133 TOTAL CLAIM ASSERTED

Motion to Disallow Claim, Ex. 1, p. 4.

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... Margie Macareno Candelaria

Chapter 13

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.

Debtor notes that Claimants' math is incorrect, as the amounts asserted above total \$1,058,383.00, not \$1,030,133. Debtor objects to the amount of the claim on several grounds, the first of which is that the amounts asserted in the claim do not reflect two payments made by Debtor: \$25,000 on 2/15/20 and \$10,000 on June 20, 2020. Debtor objects to the asserted principal balance of \$773,000 because both the 1/1/2018 promissory note (the "2018 Note") and the deed of trust, recorded on 4/27/2018, reflect a principal balance of \$473,000.

The interest reflected on the promissory note is 10.0% per year and charged solely on the principal balance, which Debtor calculates as \$154,081.37. See Motion, 3:5-10. Debtor argues that Claimants have not submitted any documentation with Claim 8-1 to support the \$300,000 increase in the principal amount. As to fees and costs, Debtor acknowledges that late fees are permitted under the terms of the 2018 Note, in the amount of 2.0% of each installment due, which Debtor calculates as \$10,051.00. See Motion, 3:17-4:2. Debtor's calculation of the amount of the Claim, which Debtor asserts is fully secured by the real property, is:

\$473,000 - principal balance as of 4/4/2021
\$154,081.37 - interest due between 1/1/2018 and 4/4/2018
\$10,051 - fees, costs between 1/1/2018 and 4/4/2018

\$602,132.37.00, fully secured by 18223 Sandringham Ct., Porter Ranch, CA 91326

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, July 27, 2021

Hearing Room 302

11:00 AM

CONT... Margie Macareno Candelaria

Chapter 13

Debtor objects to the unsecured claim asserted by Claimants in Claim 8-1. In addition to the reasons stated above, Debtor notes that Claim 8-1 was not timely filed by the 6/14/21 claims filing deadline and so any unsecured claim should be disallowed as untimely under 11 U.S.C. § 502(b)(9).

In their Opposition, Creditors do not specifically address Debtor's arguments related to the calculation of the Claim. Instead, Creditors focus on the allegations against Debtor and her family made in the adversary 21-01028. The parties should be prepared to discuss whether this objection should trail the resolution of the adversary complaint.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Margie Macareno Candelaria

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 27, 2021

Hearing Room 302

11:00 AM

1:21-10924 Jacobo Reyes

Chapter 13

#109.00 Motion RE: Objecting to the Proof of Claim
Filed by Department of the Treasury -
Internal Revenue Servic; Memorandum of
Points and Authorities in Support Thereof.

Docket 17

*** VACATED *** REASON: Ntc. of w/drawal filed 7/16/21 (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacobo Reyes

Represented By
Ghada Helena Philips

Trustee(s):

Elizabeth (SV) F 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 28, 2021

Hearing Room 302

9:30 AM
1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1619270628>
Meeting ID: 161 927 0628
Password: 697905

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 161 927 0628
Password: 697905

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

CONT...

- NONE LISTED -

Chapter

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:16-12373 Candice Hedrick

Chapter 13

#1.00 Motion for relief from stay

COMMUNITY LOAN SERVICING, LLC, fka
BAYVIEW LOAN SERVICING, LLC

fr. 2/10/21, 4/21/21; 6/16/21

Docket 35

*** VACATED *** REASON: Stip. cont. to 11/3/21 @10am (eg)

Courtroom Deputy:

Continued to 7/28/21 at 9:30 am

Tentative Ruling:

This matter was continued from April 21, 2021, so that parties could work out a loan modification. As of this date no loan modification has been entered into. What is the status of this case?

Appearance Required.

Party Information

Debtor(s):

Candice Hedrick

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 28, 2021

Hearing Room 302

9:30 AM

1:16-12695 Sonia E Mole

Chapter 13

#2.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

fr. 5/19/21; 6/16/21

Docket 106

***** VACATED *** REASON: Ntc. of w/drawal filed 7/7/21 (eg)**

Courtroom Deputy:

cont'd to July 28 at 9:30

Tentative Ruling:

This matter was continued from May 19, 2021, so that parties could work out an APO. As of this date no APO has been entered into. What is the status of this case?

Appearance Required.

Movant: Logix Federal Credit Union

Petition Date : 9/15/16

Confirmation Date: 11/27/18

Service: Proper. Opposition filed on 109 (Docket No. 109)

Property: 14815 San Fernando Mission Blvd., Mission Hills, CA 91345

Property Value: \$ 300,000.00 (per debtor's schedules)

Amount Owed: \$136,512.15 (per Movant's declaration)

Equity Cushion: 54.49%

Equity: \$163,487.85

Post-Petition Delinquency: \$2,759.58 (3 payments of \$1,137.72, less suspense account \$653.58).

Movant requests relief under 11 U.S.C.362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (option to enter into a loan modification); 6 (Co-debtor stay) and 7 (waiver of the 4001(a)(3) stay). Movant alleges cause exists for lifting the stay because the Debtor has missed post petition payments. The last payment received by the

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9:30 AM

CONT... Sonia E Mole

Chapter 13

Debtor was on April 9, 2021.

Debtor opposes the motion arguing that the Property is necessary for an effective reorganization because the loss of the home would result in significant costs to the estate. Further, Debtor asserts that more payments have been made to the Movant that have not been accounted for. Debtor's declaration states that on May 6, 2021, that she made a payment of \$2,500.00 and the remainder of the payment plus the May mortgage payment will be divided and paid over a 6th month period in the amount of \$243.26.

The Court notes that exhibit 2 that is referred to by the Debtor's declaration is not a receipt of the \$2,500.00 payment. Did the Movant receive a payment of this amount on May 6, 2021? There is substantial equity in the Property, are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Sonia E Mole

Represented By
Elena Steers
Edmond Richard McGuire

Movant(s):

Logix Federal Credit Union

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:17-11205 Shahla Hariri

Chapter 13

#3.00 Motion for relief from stay

MTGLQ INVESTORS, LP

fr. 5/5/21, 6/30/21

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 6/30/21 so that the parties could discuss whether this can be resolved with a loan modification. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

5-5-21 TENTATIVE BELOW

Movant: MTGLQ Investors, LP.

Petition Date:05/05/2017

Chapter 13 plan confirmed: 06/29/2018

Service: Proper. Opposition filed on 4/20/21.

Property: 24143 Kittridge Street, West Hills, CA 91307

Property Value: \$710,000.00 (per debtor's schedules)

Amount Owed: \$686,806.46 (Per Movant's

Equity Cushion: 3.2%

Equity: \$23,193.54

Post-confirmation Delinquency: \$44,761.92 (4 Payments \$3,960.97, 7

Payments of \$3,963.78, Attorney's Fees and Costs \$1,238.00, Less

Suspense Account \$66.42)

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 argues cause exists for lifting the stay because the

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CONT... Shahla Hariri

Chapter 13

Debtor has not been making postpetition payments. Movant alleges that the last payment it received was on or about 3/10/2020 of the amount of \$3,935.97.

Debtor opposes this motion for relief of stay because the Debtor has been involved in a loan modification with the Lender as a result of payments arising during the Covid 19 pandemic. The Motion stated that the Movant never received the documents. Debtor's counsel resent these documents to the Movant. On this basis, the Debtor believes that the Court should deny this motion.

Did the Movant receive the Loan Modification papers? Does this resolve the motion for relief from stay?

Appearance Required.

Party Information

Debtor(s):

Shahla Hariri

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:18-10018 Betty D Frey

Chapter 13

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 4/21/21; 6/16/21

Docket 111

***** VACATED *** REASON: Resolved per APO (doc. 124) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Betty D Frey

Represented By
Gregory M Shanfeld

Movant(s):

Deutsche Bank National Trust

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:18-10143 Mayra Hernandez

Chapter 13

#5.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC.

fr. 6/2/21

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 6-2-21 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

PREVIOUS TENTATIVE BELOW

Petition Date: 1/16/2018

Ch. 13 plan confirmed: 9/17/2018

Service: Proper. No opposition filed.

Property: 8723 Lucia Place, Sun Valley Area, CA 91352

Property Value: \$545,000 (per debtor's schedules)

Amount Owed: \$388,850.74

Equity Cushion: 20.65%

Equity: \$112,549.28

Post-Petition Delinquency: \$25,277.93 (3 payments of \$2,667.39; 6 payments of \$2,684.56)

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 appears to be sufficient equity to protect Movant's claim.

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CONT... Mayra Hernandez

Chapter 13

Have the parties had an opportunity to discuss whether an APO is appropriate here?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Mayra Hernandez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:18-12790 Frank Vincent Ciraci and Millicent Helen Whiteside

Chapter 13

#6.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING, INC.

fr. 4/7/21, 5/19/21

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 5-19-21 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

PREVIOUS TENTATIVE BELOW

Petition Date: 11/16/2018

Ch 13 plan confirmed: 06/04/2019

Service: Proper; Opposition filed.

Property: 23055 Ostronic Dr., Woodland Hills, CA 91367

Property Value: \$860,000.00 (Per Debtor's Schedules)

Amount Owed: \$458,939.44 (Per Movant's Papers).

Equity Cushion: 46.63%

Equity: \$401,060.56

Post-Petition Delinquency: \$17,412.00 (8 post-petition payment of \$17,412.00)

Movant seeks relief under 11 U.S.C. 362(d)(1) under the following paragraphs: 2 (proceed under applicable non-bankruptcy law); 3 (option to enter into forbearance agreement); and 7 (waiver of 4001(a)(3) stay). Movant asserts that cause exists for lifting the automatic stay because the Debtor has missed post petition payments. The last payment was received on October 5,

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**CONT... Frank Vincent Ciraci and Millicent Helen Whiteside
2020.**

Chapter 13

Debtor opposes this motion on the grounds that he disputes allegations/evidence contained in the motion. Specifically, there is a loan modification agreement in effect that lowered the monthly payments and the Movant has failed to acknowledge existing modification agreements in place for deferral of mortgage payments due to Covid 19.

According to the Debtor's exhibits, there appears to have been a deferral agreement that ended on January 31, 2021. Has the Debtor made payments since January 31, 2021? There is a significant equity cushion in the Property. Are parties amendable to entering into an APO?

Appearance Required.

Party Information

Debtor(s):

Frank Vincent Ciraci

Represented By
Steven L Bryson

Joint Debtor(s):

Millicent Helen Whiteside

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#7.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 5/19/21

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on 5-27-21, 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):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Movant(s):

Wilmington Savings Fund Society,

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:19-12077 Hakob Gevorgyan and Zhanna Sanamyan

Chapter 13

#8.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOC.

fr. 6/2/21

Docket 44

Courtroom Deputy:

CONT'D to 7/28/21 at 9:30 a.m.

Tentative Ruling:

This hearing was continued from 6-2-21 so that the parties could discuss whether this can be resolved with a loan modification. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

6-2-21 TENTATIVE BELOW

Petition Date: 8/19/2019

Ch. 13 plan confirmed: 2/13/2020

Service: Proper (includes co-debtor). Opposition filed 5/19/2021.

Property: 8119 Geyser Avenue, Reseda, CA 91335

Property Value: \$625,000 (per debtor's schedules)

Amount Owed: \$575,277.52

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$48,953.57 (3 payments of \$3,622.31; 10 payments of \$3,733.70; 8 late charges of \$146.66)

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); 6 (co-debtor stay is waived under 11 U.S.C. §1201(a) or §1301(a) as to Zhanna Sanamyan); 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).

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9:30 AM

CONT... Hakob Gevorgyan and Zhanna Sanamyan

Chapter 13

Debtors oppose the Motion, arguing that they are delinquent \$48,953.57 through April 2021; that they were negatively impacted by COVID-19 pandemic; that Movant is adequately protected as there is equity in the real property; that they are in the process of applying for a loan modification; that they have resumed ongoing mortgage payments beginning with May 2021 mortgage; that on 5/13/21, they tendered \$3,750.00 with proof; and that co-debtor has passed the bar and her income will increase beginning 6/1/21. Debtors request a 45-day continuance for the loan modification to be approved.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Hakob Gevorgyan

Represented By
Raj T Wadhvani

Joint Debtor(s):

Zhanna Sanamyan

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:30 AM

1:19-12112 Deborah Rose Sanders

Chapter 13

#9.00 Motion for relief from stay

PNC BANK, NATIONAL ASSOCIATION

fr. 6/16/21

Docket 104

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 6-16-21 so that the parties could discuss whether this can be resolved consensually. Nothing has been filed since the last hearing.

What is the status of this Motion?

APPEARANCE REQUIRED

6-16-21 TENTATIVE BELOW

Petition Date: 8/22/2019

Chapter 13 (Plan confirmed on 11/16/2020)

Service: Proper. No opposition filed.

Property: 10220 De Soto Ave Unit 23, Chatsworth, California 91311

Property Value: \$177,000.00 (per debtor's schedules)

Amount Owed: \$262,567.72 (\$77,979.70 to Movant)

Equity Cushion: 0.0%

Equity: \$0

Post-Petition Delinquency: \$4,219.79 (\$2981.79 in payments + \$1238 in attorney fees)

Debtor has missed seven payments, 1 preconfirmation and 6 postconfirmation, totaling \$2,981.79.

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); 12

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CONT... Deborah Rose Sanders

Chapter 13

(Debtor is a borrower as defined in Cal. Civ. Code §2920(c)(2)(C)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT
HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS

Party Information

Debtor(s):

Deborah Rose Sanders

Represented By
Kevin T Simon

Movant(s):

PNC Bank, National Association, its

Represented By
Nancy L Lee

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

9:30 AM

1:19-12945 Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

#10.00 Motion for relief from stay

SELECT PORTFOLIO SERVICING

fr. 4/21/21; 6/2/21

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 6-2-21 so that the parties could discuss whether the matter could be resolved via APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

6-2-21 TENTATIVE BELOW

Petition Date: 11/22/2019

Ch. 13 plan confirmed: 2/13/2020

Service: Proper. No opposition filed.

Property: 7504 Shoup Ave.

Property Value: \$587,959 (per debtor's schedules)

Amount Owed: \$365,573

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$18,131.54 (6 payments of \$2,253.25; 2 payments of \$2,306.02)

Movant requests relief under 11 U.S.C. 362(d)(1) 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).

There appears to be sufficient equity to protect Movant's claim. Have the parties had an opportunity to discuss whether an APO is appropriate here?

APPEARANCE REQUIRED

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9:30 AM

CONT... Roderick Panopio and Cecilia Veneracion Panopio

Chapter 13

Party Information

Debtor(s):

Roderick Panopio

Represented By
Susan Jill Wolf

Joint Debtor(s):

Cecilia Veneracion Panopio

Represented By
Susan Jill Wolf

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Joseph C Delmotte

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

9:30 AM

1:20-10991 Larry D Miller and Gloria J Miller

Chapter 13

#11.00 Motion for relief from stay

LOANDEPOT.COM, LLC

fr. 6/2/21, 6/30/21

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This hearing was continued from 6-30-21 so that the parties had an opportunity to review Debtor's payment history and see if this matter could be resolved via APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

PRIOR TENTATIVE RULING BELOW

Petition Date: 5/29/2020

Ch. 13 plan confirmed: 9/10/2020

Service: Proper. No opposition filed.

Property: 16415 Gilmore Street, Van Nuys (Los Angeles), CA 91406

Property Value: \$695,000 (per debtor's schedules)

Amount Owed: \$ 572,464.70

Equity Cushion: 9.63%

Equity: \$66,935.30

Post-Petition Delinquency: \$7,224.51 (2 payments of \$3,023.44)

Disposition: GRANT under 11 U.S.C. 362(d)(1) with the specific relief requested in paragraphs 7 (waiver of the 4001(a)(3) stay); and 12 (Debtor is a borrower for the purposes of Cal. Civ. Code. §2923.5).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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9:30 AM

CONT... Larry D Miller and Gloria J Miller

Chapter 13

Party Information

Debtor(s):

Larry D Miller

Represented By
Tom A Moore

Joint Debtor(s):

Gloria J Miller

Represented By
Tom A Moore

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, July 28, 2021

Hearing Room 302

9:30 AM

1:20-11270 Pablo Fabian Aguirre

Chapter 13

#12.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

fr. 6/30/21

Docket 41

***** VACATED *** REASON: Vacated per APO.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pablo Fabian Aguirre

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:16-11542 Dolores Margaret Lomeli

Chapter 13

#13.00 Motion for relief from stay

HSBC BANK USA

Docket 105

*** VACATED *** REASON: Resolved per APO - hm

Courtroom Deputy:

- NONE LISTED -

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

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Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

1:19-13113 Avetis Dzhigryan

Chapter 13

#14.00 Motion for relief from stay

ATHENE ANNUITY AND LIFE COMPANY

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 12/16/2019

Chapter: 13. Plan Confirmed on 09/10/2020.

Service: Proper. Opposition filed 6/1/21.

Property: 6418 Beck Ave. Los Angeles, CA 91606

Property Value: \$711,000 (per debtor's schedules)

Amount Owed: \$287,022.50

Equity Cushion: 59.63%

Equity: \$423,977.50

Post-Petition Delinquency: \$7,951.65 (3 payments of \$2,650.55). Additional payment of \$2,650.55 will be due on 06/01/2021, and every month thereafter.

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 protection). Movant argues the last payment received was on or about 03/19/2021.

There appears to be significant equity protecting Movant's claim. Have the parties had an opportunity to discuss whether this matter can be resolved via APO?

APPEARANCE REQUIRED

Party Information

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10:00 AM

CONT... Avetis Dzhigryan

Chapter 13

Debtor(s):

Avetis Dzhigryan

Represented By
Aris Artounians

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:19-13195 Daniel M Martinez

Chapter 13

#15.00 Motion for relief from stay

HSBC BANK USA

Docket 43

***** VACATED *** REASON: Resolved per APO (doc. 48) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel M Martinez

Represented By
Sevan Gorginian
Kevin T Simon

Movant(s):

HSBC Bank USA, National

Represented By
Kirsten Martinez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:21-10191 Parco Group LLC

Chapter 7

#16.00 Motion for relief from stay

THE GRAEFE FAMILY TRUST

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Parco Group LLC

Represented By
Bahram Madaen

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

#17.00 Motion for relief from stay

SANTANDER CONSUMER USA

Docket 53

*** VACATED *** REASON: Resolved per APO (doc. 59) - hm

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Svetlana Buzina

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:21-10492 Ira Kosberg

Chapter 13

#18.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on 6-24-21, 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):

Ira Kosberg

Represented By
Stephen L Burton

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

10:00 AM

1:21-10632 Maria G Castaneda

Chapter 7

#19.00 Motion for relief from stay

CAPITAL ONE AUTO FINANCE

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor received a discharge in this chapter 7 case on 7-26-21, 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):

Maria G Castaneda

Represented By
Sydell B Connor

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

10:00 AM

1:21-10755 Sarkis Arshakovich Kamalyan

Chapter 7

#20.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 04/28/2021

Chapter 7

Service: Proper. No opposition filed.

Property: 2018 Honda Civic

Property Value: \$14,375.00

Amount Owed: \$ 12,708.30

Equity Cushion: Unk.

Equity: Unk.

Delinquency: \$669.87 (\$646.66 in arrears + \$43.21 in late fees). Additional payment of \$215.62 due on 07/16/2021.

Movant argues that the lease matured on 03/16/2021 and the Property was not returned to Movant. The Movant's interest is not protected, and the fair market value of the Property is declining. Last payment was received on 03/18/2021.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and 11 U.S.C. 362(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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

CONT... Sarkis Arshakovich Kamalyan

Chapter 7

Debtor(s):

Sarkis Arshakovich Kamalyan

Represented By
Tyson Takeuchi

Movant(s):

U.S. Bank National Association

Represented By
Dane W Exnowski

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 28, 2021

Hearing Room 302

10:00 AM

1:21-10920 Gregory E. Corman

Chapter 7

#21.00 Motion for relief from stay

NISSAN-INFINITI LT

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/21/2021

Chapter 7

Service: Proper. No opposition filed.

Property: 2019 Infiniti QX60

Property Value: Unk,

Amount Owed: \$ 37,374.32 (Lease balance + purchase option)

Equity Cushion: Unk.

Equity: Unk.

Delinquency: \$2606.22 in arrears and another payment of \$843.74 due on 06/08/2021

Movant argues that their interest in the Property is not adequately protected. The car is under lease and therefore, Debtor has no equity. The fair market value of the Property is declining. Proof of insurance has not been provided. Movant notes Debtor's intention to surrender the Property. Last payment made 02/02/2021.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and 11 U.S.C. 362(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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

CONT... Gregory E. Corman

Chapter 7

Debtor(s):

Gregory E. Corman

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**

Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

1:21-10942 Cindy Elizabeth Perez

Chapter 7

#22.00 Motion for relief from stay

RICHARD SAMBRANO, TRUSTEE OF
THE EDNA SAMBRANO REVOCABLE TRUST

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 05/25/2021

Chapter: 7

Service: Proper. No opposition filed.

Movant: Richard Sambrano, Trustee of the Edna Sambrano Revocable Trust

Property Address: 14351 Lorne St. Panorama City, CA 91402

Type of Property: Residential

Occupancy: holdover tenant-at-will (Decl. ISO Motion, Ex. 2, ¶ 6(a))

Foreclosure Sale: N/A

UD case filed: 12/09/2020

UD Judgment: Trial continued to 07/21/2021

Movant argues that Debtor has no right to continued occupancy because (1) Movant caused a notice to quit to be served on 11/03/2020, and (2) an unlawful detainer proceeding was commenced on 12/09/2020. Further, Debtor has no equity in the Property, and the Property is not necessary for effective reorganization.

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, without further notice).

**United States Bankruptcy Court
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10:00 AM

CONT... Cindy Elizabeth Perez Chapter 7

DENY request for relief under paragraph 11 (order binding & effective in any bankruptcy case commenced by or against Debtor for 180 days, so that no further automatic stay shall arise as to the Property) as no allegation of bad faith was made as to Debtor's having filed this chapter 7.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS THAT SHALL INCLUDE THE FOLLOWING LANGUAGE:

"Moratoriums not affected. This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

Party Information

Debtor(s):

Cindy Elizabeth Perez	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
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Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

1:21-11051 John Hawkins

Chapter 13

#23.00 Motion for relief from stay

CITY VIEW APARTMENTS AT WARNER CENTER LLC

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

This case was dismissed on 7-6-21, 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):

John Hawkins

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, July 28, 2021

Hearing Room 302

10:00 AM

1:21-11060 David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 7

#24.00 Motion for relief from stay

KIA MOTORS FINANCE

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Petition Date: 06/17/2021

Chapter 7

Service: Proper. No opposition filed.

Property: 2014 KIA OPTIMA

Property Value: \$11,775.00

Amount Owed: \$ 8,477.25

Equity Cushion: Unk.

Equity: \$3,297.75

Delinquency: \$1,089.23 in arrears and an additional monthly payment of \$358.82 due on 07/20/2021.

Movant argues that their interest in the Property is not adequately protected. Proof of insurance has not been provided. Movant notes that Debtor filed statement of intention to surrender the Property. Further, monthly payments (pre-petition and post-petition) have not been made to Movant. Last payment received on 03/21/2021.

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
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Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

CONT... David Thomas Djolakian and Olivia Lucille Djolakian

Chapter 7

Debtor(s):

David Thomas Djolakian

Represented By
Elena Steers

Joint Debtor(s):

Olivia Lucille Djolakian

Represented By
Elena Steers

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 28, 2021

Hearing Room 302

10:00 AM

1:21-11084 Eric Carmen Vallante

Chapter 7

#25.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES INC., dba
GM FINANCIAL

Docket 8

***** VACATED *** REASON: Atty Ith filed a withdrawal - Doc. #12. If**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Carmen Vallante

Represented By
Raj T Wadhvani

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 28, 2021

Hearing Room 302

10:00 AM

1:21-11156 Maria Rosales

Chapter 13

#25.01 Motion in Individual Case for Order Imposing
a Stay or Continuing the Automatic Stay as the
Court Deems Appropriate
Re: 19125 Olympia Street Porter Ranch, CA 91326 .

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

On July 2, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-10367, was a chapter 13 that was filed on 2/28/20 and dismissed on 5/21/21 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 lost her job during the COVID-19 shutdowns, and so did the family member who was contributing to the chapter 13 case. Debtor claims that there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, she and her brother-in-law have regained employment and will be able to meet the plan obligations . 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.

NO APPEARANCE REQUIRED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Maria Rosales

Represented By
Joshua L Sternberg

**United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

10:00 AM

CONT... Maria Rosales

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 28, 2021

Hearing Room 302

10:30 AM

1:13-13905 Irina Raskin

Chapter 11

#26.00 Motion to Avoid Lien JUDICIAL LIEN with Persolve, LLC
fr. 6/30/21

Docket 176

*** VACATED *** REASON: Amended motion was filed - Doc. #211. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irina Raskin

Represented By
Renee E Linares
Stella A Havkin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

10:30 AM

1:18-12855 PB-1, LLC

Chapter 11

#27.00 Motion to Withdraw as Attorney Memorandum
of Points and Authorities in Support Thereof

Docket 228

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Wright, Finlay & Zak, LLP (“WFZ”), counsel of record for secured creditors, Construction Lenders¹ in Debtor’s bankruptcy proceeding, and for Defendants CALPAC MANAGEMENT, INC. (“CALPAC” or “Creditor”), JOSHUA RAYMOND PUKINI (erroneously sued as Joshua Raymond Kukini), RYAN JUSTIN YOUNG, FCI LENDER SERVICES, INC., CALIFORNIA TD SPECIALISTS, INC. and BDP INVESTMENTS, INC. (collectively, “Defendants”) in the adversary proceeding, hereby moves the Court, pursuant to Local Bankruptcy Rule (“LBR”) 2091-1 for an order allowing Counsel to withdraw as counsel of record for Construction Lenders in the bankruptcy and for Defendants in the adversary action.

There is currently a TRO in place, with a hearing on the preliminary injunction set for September 9, 2021, and the response deadline for the FAC is the same date as the opposition to the preliminary injunction motion, August 25, 2021. The Ch. 11 proceedings are nearly complete, and on May 20, 2021, Debtor filed its Application to Employ Realtor for the sale of the subject property, which finally is reportedly ready for sale. No opposition has been filed to this Application.

As a necessary part of its representation, WFZ provided a conflict waiver to Defendants and Construction Lenders for their review and, after consultation with independent counsel if they so choose, execution. To date, Defendants have failed and refused to sign and return the conflict waiver or to provide any reason for their refusal to do so. WFZ had made repeated attempts to communicate with Defendants on this issue but has not received a response. It appears that the attorney-client relationship has broken down as Defendants and Construction Lenders are not communicating or

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Hearing Room 302

10:30 AM

CONT... PB-1, LLC

Chapter 11

cooperating with WFZ, thus thwarting its ability to properly represent their interests.

WFZ has complied with LBR 2091-1. No Opposition has been filed.

The Motion to Withdrawal is granted. No 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 303 Calendar**

Wednesday, July 28, 2021

Hearing Room 303

10:30 AM

1:18-12855 PB-1, LLC

Chapter 11

Adv#: 1:20-01116 PB-1, LLC et al v. CALPAC MANAGEMENT, INC., a California

#28.00 Motion to Withdraw as Attorney Memorandum
of Points and Authorities in Support Thereof

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Wright, Finlay & Zak, LLP (“WFZ”), counsel of record for secured creditors, Construction Lenders¹ in Debtor’s bankruptcy proceeding, and for Defendants CALPAC MANAGEMENT, INC. (“CALPAC” or “Creditor”), JOSHUA RAYMOND PUKINI (erroneously sued as Joshua Raymond Kukini), RYAN JUSTIN YOUNG, FCI LENDER SERVICES, INC., CALIFORNIA TD SPECIALISTS, INC. and BDP INVESTMENTS, INC. (collectively, “Defendants”) in the adversary proceeding, hereby moves the Court, pursuant to Local Bankruptcy Rule (“LBR”) 2091-1 for an order allowing Counsel to withdraw as counsel of record for Construction Lenders in the bankruptcy and for Defendants in the adversary action.

There is currently a TRO in place, with a hearing on the preliminary injunction set for September 9, 2021, and the response deadline for the FAC is the same date as the opposition to the preliminary injunction motion, August 25, 2021. The Ch. 11 proceedings are nearly complete, and on May 20, 2021, Debtor filed its Application to Employ Realtor for the sale of the subject property, which finally is reportedly ready for sale. No opposition has been filed to this Application.

As a necessary part of its representation, WFZ provided a conflict waiver to Defendants and Construction Lenders for their review and, after consultation with independent counsel if they so choose, execution. To date, Defendants have failed and refused to sign and return the conflict waiver or to provide any reason for their refusal to do so. WFZ had made repeated attempts to communicate with Defendants on this issue but has not received a response. It appears that the attorney-client relationship has broken down

**United States Bankruptcy Court
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Wednesday, July 28, 2021

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10:30 AM

CONT... PB-1, LLC

Chapter 11

as Defendants and Construction Lenders are not communicating or cooperating with WFZ, thus thwarting its ability to properly represent their interests.

WFZ has complied with LBR 2091-1. No Opposition has been filed. The Motion to Withdrawal is granted. No Appearance Required.

Party Information

Debtor(s):

PB-1, LLC

Represented By
Jeffrey S Shinbrot

Defendant(s):

CALPAC MANAGEMENT, INC., a

Represented By
Arnold L Graff

MED EQUITY LLC, a California

Pro Se

JOSHUA RAYMOND KUKINI, an

Represented By
Arnold L Graff

RYAN JUSTIN YOUNG, an

Represented By
Arnold L Graff

FCI Lender Services, Inc., a

Represented By
Arnold L Graff

Plaintiff(s):

PB-1, LLC

Represented By
Christopher E Ng

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, July 28, 2021

Hearing Room 302

10:30 AM

1:19-12812 Morsheda Jhumur Hosain

Chapter 7

#29.00 Motion For Order Determining that Homestead Exemption Proceeds Are Exempt Or, In The Alternative, To Equitably Toll The Deadline For Syed Hosain To Reinvest Homestead Exemption Proceeds

fr. 6/30/21

Docket 118

Courtroom Deputy:

Anthony Freeman, requested second call, will be with in video with Judge Kauman (eg)

Tentative Ruling:

On January 24, 2020 Trustee Nancy H. Zamora ("Trustee") and Morsheda Jhumur Hosain ("Debtor") entered into a stipulation to amend a homestead exemption of \$75,000 on real property located at 5803 Wheelhouse Lane, Agoura Hills, California 91301 ("Property"). The Court approved this stipulation on January 29, 2020. Dkt. No. 31. Later, the Trustee filed a sale motion and on May 11, 2020 the court entered an order approving the sale. Dkt No. 64. Pursuant to the sale order:

The trustee shall retain the homestead exemption funds in the amount of \$75,000 in the Trustee's estate bank account as property of the estate unless and until (a) the Debtor and Syed mutually execute instructions, with notarized signatures, as to the division and disbursement of the funds, or (b) the Trustee receives an order from a court of competent jurisdiction providing instructions as to the division of the funds between, and disbursement of the funds to, the Debtor and Syed...

Docket No. 64.

The Property was sold on June 3, 2020 and the proceeds have been held in the Trustee's estate bank account. More than six months have passed since the sale of the Property. Moreover, the proceeds from that sale remain in the Trustee's account based on an order from this court to retain those funds until receipt of instruction on the

**United States Bankruptcy Court
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10:30 AM

CONT... **Morsheda Jhumur Hosain**

Chapter 7

disbursement of the funds from the Debtor and Ms. Hosain, and or, a court of competent jurisdiction. The Debtor is currently in the middle of a dissolution of marriage with Syed Hosain ("Ms. Hosain"). The trial in the dissolution of the marriage action is scheduled for September 20, & 21, 2021. One of the issues that will be addressed at this trial is how the proceeds from the Property will be divided between the Debtor and Ms. Hosain.

Ms. Hosain and the Trustee have filed two separate motions that address the same issue of what to do with these proceeds. The Chapter 7 Trustee moves to (1) deny Debtor's claim of a homestead exemption and (2) require turnover of the exemption proceeds to the bankruptcy estate. Ms. Hosain filed opposition and filed her own motion seeking a determination that the homestead exemption proceeds are exempt or in the alternative that the deadline to reinvest those proceeds should be equitably tolled until the family court makes a final ruling. The Trustee filed opposition to Ms. Hosain's motion, and the Debtor filed opposition to the Trustee's motion.

Standard

California gives debtors an exemption for their homesteads or principal dwellings. Wolfe v. Jacobson (In re Jacobson), 676 F.3d 1193, 1198 (9th Cir. 2012). According to California Code of Civil Procedure § 704.720 (b) homestead proceeds are, "exempt for a period of six months after the time the proceeds are actually received by the judgment of debtor." This reinvestment clock starts running once the debtor has "actually received" the funds as distinguished from the date of sale. See In re Dudley, 617 B.R. 149, 153 (Bankr. E.D. Cal. 2020). As such, "[i]f the debtor does not reinvest his proceeds in a new homestead within six months of receipt, they lose their exempt status." Jacobson, 676 F.3d at 1198.

Courts in the Ninth circuit have emphasized the well-established principle that California homestead statutes should be construed both broadly and liberally. In re Cumberbatch, 302 B.R. 675, 680 (Bankr. C.D. Cal. 2003) (citing Webb v. Trippet, 235 Cal.App.3d 647, 650 (Ct. App. 1991)). Moreover, "California intended a liberal homestead statute to protect from debtors losing their homes over a technicality." Canino v. Bleau (In re Canino), 185 B.R. 584, 590 (9th Cir. BAP 1995). Consequently, "exemption in homestead proceeds should not be lost so long as the

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CONT... **Morsheda Jhumur Hosain**

Chapter 7

proceeds are not squandered or used for nonexempt purposes." In re: Dudley, 617 B.R. 149, 154-55 (Bankr. E.D. Cal. 2020) (citing Jacobson 676 F.3d 1193). However, "if a debtor does not put his proceeds to proper use, they ought to be used to satisfy creditor's claims." Jacobson, 676 F.3d at 1200. If a debtor misuses their homestead exemption proceeds, the trustee has the burden of proving that the estate is entitled to a turnover. Id. at 1201.

The Trustee argues that the Debtor has not reinvested the \$75,000 in exemption proceeds in another residence within six months as required. Further, the Trustee has yet to receive adequate instructions regarding the disposition of those proceeds from either the Debtor and Ms. Hosain, or from a court of competent jurisdiction since June 3, 2020. According to the Trustee, the exemption status for the homestead proceeds should be revoked and reverted back to property of the bankruptcy estate pursuant to 11 U.S.C. § 541.

Ms. Hosain argues that the proceeds are still exempt given that neither the Debtor nor her have "actually received" the homestead exemption funds. Ms. Hosain believes that it would be unreasonable for the six-month reinvestment period to commence before the Debtor "actually received" the homestead exemption proceeds from the Property. Alternatively, Ms. Hosain argues that the Court should equitably toll the reinvestment period. Ms. Hosain moves for this equitable remedy based on her good faith efforts to reach an agreement with the Debtor regarding the division of the funds and to prosecute the dissolution of marriage action in order to adjudicate how the funds should be disbursed. The Debtor takes similar positions to Ms. Hosain in his opposition filing, "I pray that this Court understands my circumstances that I did everything I could possibly do in my power and allow for me to redeem my exemption funds as per the instructions Judge Tighe gave on May 11th, 2020 and continue to allow time for the family court to final decision with the instructions...on September 20th, 2021. " Dkt. No. 134. Both motions require a determination of whether the Debtor "actually received" the homestead exemption proceeds.

Actually Received

In Wolfe v. Jacobson (In re Jacobson), a debtor lost \$150,000 in homestead exemption proceeds when the debtor failed to reinvest those proceeds within the six-month period. 676 F. 3d 1193, 1198-1199 (9th Cir. 2012). However, in that case, the

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CONT... **Morsheda Jhumur Hosain**

Chapter 7

debtors were "actually" paid \$150,000 from the proceeds of the sale of their homestead exemption and thus were 'actually' in possession of those proceeds. Id. In contrast, here, "since June 3, 2020, the Trustee has **maintained** the Amended Exemption proceeds awaiting the Debtor and Syed's written instructions or order from a court of competent jurisdiction regarding the disposition of the Amended Exemption proceeds." Dkt No. 31 (emphasis added). As such, neither the Debtor nor Ms. Hosain has possession of the exemption funds because they have been in the complete control of the Trustee.

Alternatively, the Trustee argues that the Debtors are in constructive possession of the proceeds while it rests in the Trustee's control since the proceeds only remain in the Trustee's control pursuant to the Debtor's alleged failure to follow court instruction. There is some support for this argument in In re Woodburn, 2013 Bankr. LEXIS 4541, at *2-3, (Bankr. C.D. Cal. 2013), where the court held that a debtor was in effective possession of homestead exemption funds where the funds were paid by the trustee to the Debtor's attorney, who in turn disbursed some of the funds to the Debtor themselves. In Woodburn, the court held that debtors are in possession of homestead exemption funds when the trustee pays a Debtor's attorney, agent, or an individual on Debtor's behalf and where that individual disburses some of those funds to the debtor themselves. *See Id.* at 3. Consequently, "[w]hen the attorney received debtor's exempt funds from the trustee on debtor's behalf, that is the date of actual receipt". Id. at *4. Since the debtor had not reinvested those proceeds within six months, the homestead proceeds lost their exemption status. Id. at *5. Unlike in Woodburn, where the debtor's attorney had control over the proceeds, here, the Trustee has at all times retained the homestead exemption funds since the sale of the Property. Situations where proceeds are held by a debtor's attorney, hired to represent them, greatly differ from a scenario where a third party, such as a trustee, maintains possession over those funds.

Given the broad reading that courts give to homestead exemption statutes and the strong public policy towards favoring the benefit received therefrom to debtors, the phrase "actually received" should not apply in a scenario where neither the Debtor nor one of his agents has control over those proceeds. See Title Tr. Deed Serv. Co. v. Pearson, 132 Cal. App. 4th 168, 174(Ct. App. 2005); Cumberbatch, 302 B.R. at 680. Consequently, the six-month reinvestment window has not begun, and the proceeds

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CONT... Morsheda Jhumur Hosain

Chapter 7

do not revert to the estate.

While, the Trustee argues that she should not be required to maintain the exemption proceeds indefinitely without the reinvestment time expiring, the resolution of the dissolution of marriage is set for September 20th and 21st. Thus, the required retention does not appear to be for much longer.

Equitable Tolling

Even assuming *arguendo* that the proceeds were actually or constructively received, equitable tolling warrants an extension of the six-month re-investment window. "California's six-month reinvestment period has been equitably tolled when, through no fault of their own, exemption claimants lacked possession of or control over homestead proceeds following an involuntary or voluntary sale of the homestead and as a result, were unable to timely reinvest those proceeds." In re: Dudley, 617 B.R. 149, 154 (Bankr. E.D. Cal. 2020) (citing Chase v. Bank of America, Nat. Trust & Sav. Ass'n, 227 Cal. App. 2d 259, 38 Cal. Rptr. 567 (1964)). Here, the Debtor and Ms. Hosain appear to have attempted to resolve the distribution of the homestead exemption funds amicably and the parties are before the family court to resolve this very issue; their failure to do so on their own does not warrant the loss of the funds. Without possession of the proceeds, neither party could invest within the six-month window. Even if the Debtor was in "actual possession" of the homestead exemption proceeds, equitable tolling would apply until the resulting judgment from the dissolution of judgment action.

Conclusion

Accordingly, the Debtor is still entitled to the homestead exemption funds. The Trustee's motion to deny Debtor's claim of homestead exemptions is denied. Ms. Hossain's motion to declare those funds exempt from the bankruptcy estate is granted following the judgement in family court or an agreement between the Debtor and Ms. Hossain prior to.

Appearance Required.

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CONT... Morsheda Jhumur Hosain

Chapter 7

Party Information

Debtor(s):

Morsheda Jhumur Hosain

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
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1:19-12812 Morsheda Jhumur Hosain

Chapter 7

#30.00 Motion of Chapter 7 Trustee for Order:
(1) Denying Debtors Claim of Homestead
Exemption; and
(2) Requiring Turnover of the Exemption
Proceeds

fr. 6/30/21

Docket 116

Courtroom Deputy:

Anthony Freeman, requested second call, will be with in video
with Judge Kauman (eg

Tentative Ruling:

On January 24, 2020 Trustee Nancy H. Zamora ("Trustee") and Morsheda Jhumur Hosain ("Debtor") entered into a stipulation to amend a homestead exemption of \$75,000 on real property located at 5803 Wheelhouse Lane, Agoura Hills, California 91301 ("Property"). The Court approved this stipulation on January 29, 2020. Dkt. No. 31. Later, the Trustee filed a sale motion and on May 11, 2020 the court entered an order approving the sale. Dkt No. 64. Pursuant to the sale order:

The trustee shall retain the homestead exemption funds in the amount of \$75,000 in the Trustee's estate bank account as property of the estate unless and until (a) the Debtor and Syed mutually execute instructions, with notarized signatures, as to the division and disbursement of the funds, or (b) the Trustee receives an order from a court of competent jurisdiction providing instructions as to the division of the funds between, and disbursement of the funds to, the Debtor and Syed...

Docket No. 64.

The Property was sold on June 3, 2020 and the proceeds have been held in the Trustee's estate bank account. More than six months have passed since the sale of the Property. Moreover, the proceeds from that sale remain in the Trustee's account based

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CONT... **Morsheda Jhumur Hosain**

Chapter 7

on an order from this court to retain those funds until receipt of instruction on the disbursement of the funds from the Debtor and Ms. Hosain, and or, a court of competent jurisdiction. The Debtor is currently in the middle of a dissolution of marriage with Syed Hosain ("Ms. Hosain"). The trial in the dissolution of the marriage action is scheduled for September 20, & 21, 2021. One of the issues that will be addressed at this trial is how the proceeds from the Property will be divided between the Debtor and Ms. Hosain.

Ms. Hosain and the Trustee have filed two separate motions that address the same issue of what to do with these proceeds. The Chapter 7 Trustee moves to (1) deny Debtor's claim of a homestead exemption and (2) require turnover of the exemption proceeds to the bankruptcy estate. Ms. Hosain filed opposition and filed her own motion seeking a determination that the homestead exemption proceeds are exempt or in the alternative that the deadline to reinvest those proceeds should be equitably tolled until the family court makes a final ruling. The Trustee filed opposition to Ms. Hosain's motion, and the Debtor filed opposition to the Trustee's motion.

Standard

California gives debtors an exemption for their homesteads or principal dwellings. Wolfe v. Jacobson (In re Jacobson), 676 F.3d 1193, 1198 (9th Cir. 2012). According to California Code of Civil Procedure § 704.720 (b) homestead proceeds are, "exempt for a period of six months after the time the proceeds are actually received by the judgment of debtor." This reinvestment clock starts running once the debtor has "actually received" the funds as distinguished from the date of sale. See In re Dudley, 617 B.R. 149, 153 (Bankr. E.D. Cal. 2020). As such, "[i]f the debtor does not reinvest his proceeds in a new homestead within six months of receipt, they lose their exempt status." Jacobson, 676 F.3d at 1198.

Courts in the Ninth circuit have emphasized the well-established principle that California homestead statutes should be construed both broadly and liberally. In re Cumberbatch, 302 B.R. 675, 680 (Bankr. C.D. Cal. 2003) (citing Webb v. Trippet, 235 Cal.App.3d 647, 650 (Ct. App. 1991)). Moreover, "California intended a liberal homestead statute to protect from debtors losing their homes over a technicality." Canino v. Bleau (In re Canino), 185 B.R. 584, 590 (9th Cir. BAP 1995).

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Consequently, "exemption in homestead proceeds should not be lost so long as the proceeds are not squandered or used for nonexempt purposes." In re: Dudley, 617 B.R. 149, 154-55 (Bankr. E.D. Cal. 2020) (citing Jacobson 676 F.3d 1193). However, "if a debtor does not put his proceeds to proper use, they ought to be used to satisfy creditor's claims." Jacobson, 676 F.3d at 1200. If a debtor misuses their homestead exemption proceeds, the trustee has the burden of proving that the estate is entitled to a turnover. Id. at 1201.

The Trustee argues that the Debtor has not reinvested the \$75,000 in exemption proceeds in another residence within six months as required. Further, the Trustee has yet to receive adequate instructions regarding the disposition of those proceeds from either the Debtor and Ms. Hosain, or from a court of competent jurisdiction since June 3, 2020. According to the Trustee, the exemption status for the homestead proceeds should be revoked and reverted back to property of the bankruptcy estate pursuant to 11 U.S.C. § 541.

Ms. Hosain argues that the proceeds are still exempt given that neither the Debtor nor her have "actually received" the homestead exemption funds. Ms. Hosain believes that it would be unreasonable for the six-month reinvestment period to commence before the Debtor "actually received" the homestead exemption proceeds from the Property. Alternatively, Ms. Hosain argues that the Court should equitably toll the reinvestment period. Ms. Hosain moves for this equitable remedy based on her good faith efforts to reach an agreement with the Debtor regarding the division of the funds and to prosecute the dissolution of marriage action in order to adjudicate how the funds should be disbursed. The Debtor takes similar positions to Ms. Hosain in his opposition filing, "I pray that this Court understands my circumstances that I did everything I could possibly do in my power and allow for me to redeem my exemption funds as per the instructions Judge Tighe gave on May 11th, 2020 and continue to allow time for the family court to final decision with the instructions...on September 20th, 2021. " Dkt. No. 134. Both motions require a determination of whether the Debtor "actually received" the homestead exemption proceeds.

Actually Received

In Wolfe v. Jacobson (In re Jacobson), a debtor lost \$150,000 in homestead exemption proceeds when the debtor failed to reinvest those proceeds within the six-

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month period. 676 F. 3d 1193, 1198-1199 (9th Cir. 2012). However, in that case, the debtors were "actually" paid \$150,000 from the proceeds of the sale of their homestead exemption and thus were 'actually' in possession of those proceeds. Id. In contrast, here, "since June 3, 2020, the Trustee has **maintained** the Amended Exemption proceeds awaiting the Debtor and Syed's written instructions or order from a court of competent jurisdiction regarding the disposition of the Amended Exemption proceeds." Dkt No. 31 (emphasis added). As such, neither the Debtor nor Ms. Hosain has possession of the exemption funds because they have been in the complete control of the Trustee.

Alternatively, the Trustee argues that the Debtors are in constructive possession of the proceeds while it rests in the Trustee's control since the proceeds only remain in the Trustee's control pursuant to the Debtor's alleged failure to follow court instruction. There is some support for this argument in In re Woodburn, 2013 Bankr. LEXIS 4541, at *2-3, (Bankr. C.D. Cal. 2013), where the court held that a debtor was in effective possession of homestead exemption funds where the funds were paid by the trustee to the Debtor's attorney, who in turn disbursed some of the funds to the Debtor themselves. In Woodburn, the court held that debtors are in possession of homestead exemption funds when the trustee pays a Debtor's attorney, agent, or an individual on Debtor's behalf and where that individual disburses some of those funds to the debtor themselves. *See Id.* at 3. Consequently, "[w]hen the attorney received debtor's exempt funds from the trustee on debtor's behalf, that is the date of actual receipt". Id. at *4. Since the debtor had not reinvested those proceeds within six months, the homestead proceeds lost their exemption status. Id. at *5. Unlike in Woodburn, where the debtor's attorney had control over the proceeds, here, the Trustee has at all times retained the homestead exemption funds since the sale of the Property. Situations where proceeds are held by a debtor's attorney, hired to represent them, greatly differ from a scenario where a third party, such as a trustee, maintains possession over those funds.

Given the broad reading that courts give to homestead exemption statutes and the strong public policy towards favoring the benefit received therefrom to debtors, the phrase "actually received" should not apply in a scenario where neither the Debtor nor one of his agents has control over those proceeds. *See Title Tr. Deed Serv. Co. v. Pearson*, 132 Cal. App. 4th 168, 174 (Ct. App. 2005); Cumberbatch, 302 B.R. at 680.

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Consequently, the six-month reinvestment window has not begun, and the proceeds do not revert to the estate.

While, the Trustee argues that she should not be required to maintain the exemption proceeds indefinitely without the reinvestment time expiring, the resolution of the dissolution of marriage is set for September 20th and 21st. Thus, the required retention does not appear to be for much longer.

Equitable Tolling

Even assuming *arguendo* that the proceeds were actually or constructively received, equitable tolling warrants an extension of the six-month re-investment window. "California's six-month reinvestment period has been equitably tolled when, through no fault of their own, exemption claimants lacked possession of or control over homestead proceeds following an involuntary or voluntary sale of the homestead and as a result, were unable to timely reinvest those proceeds." In re: Dudley, 617 B.R. 149, 154 (Bankr. E.D. Cal. 2020) (citing Chase v. Bank of America, Nat. Trust & Sav. Ass'n, 227 Cal. App. 2d 259, 38 Cal. Rptr. 567 (1964)). Here, the Debtor and Ms. Hosain appear to have attempted to resolve the distribution of the homestead exemption funds amicably and the parties are before the family court to resolve this very issue; their failure to do so on their own does not warrant the loss of the funds. Without possession of the proceeds, neither party could invest within the six-month window. Even if the Debtor was in "actual possession" of the homestead exemption proceeds, equitable tolling would apply until the resulting judgment from the dissolution of judgment action.

Conclusion

Accordingly, the Debtor is still entitled to the homestead exemption funds. The Trustee's motion to deny Debtor's claim of homestead exemptions is denied. Ms. Hossain's motion to declare those funds exempt from the bankruptcy estate is granted following the judgement in family court or an agreement between the Debtor and Ms. Hossain prior to.

Appearance Required.

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Chapter 7

Party Information

Debtor(s):

Morsheda Jhumur Hosain

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Represented By
Anthony A Friedman

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1:20-12088 Godwin Osaigbovo Iserhien

Chapter 11

#31.00 Disclosure Statement

fr. 5/19/21

Docket 41

***** VACATED *** REASON: Am. Disclosure Stmt. set for hr'g on 8/4/21
at 10:30 a.m. - hm**

Courtroom Deputy:

cont'd to July 28 at 10:30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama
Diana Torres-Brito

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1:21-10079 Ara Eric Hunanyan

Chapter 7

- #31.01** Chapter 7 Trustees Motion for Entry Of an Order Authorizing:
- (1) The Sale of Real Property Located at 16925 Gault Street, Van Nuys, California 91406, Free And Clear of Liens and Interests;
 - (2) Approving Overbid Procedures;
 - (3) Authorizing Payment of Undisputed Liens, Real Estate Brokers Commission, And Ordinary Costs of Sale; and
 - (4) Finding Purchaser is a Good Faith Purchaser;

Docket 102

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Background:

Debtor commenced this case by the filing of a voluntary petition under chapter 7 of title 11 of the United States Code (the "Bankruptcy Code") on January 19, 2021 (the "Petition Date"). Thereafter, Nancy J. Zamora was appointed as chapter 7 trustee for the Debtor's Bankruptcy Estate. Among the assets of the Estate is the Property, which is a single-family residence located at 16925 Gault Street, Van Nuys, California 91406. The Property was listed as an asset of the Debtor's Estate in the scheduled amount of \$500,000.00. On May 26, 2021, the Trustee successfully filed a Motion for Order Authorizing Trustee to Approve Compromise of Controversy with the Probate Estate of Azniv Kokikian. Regarding the Property, the Agreement provided as follows:

The Trustee shall sell the Gault Property pursuant to Section 363 of the Code (the "Gault Sale"). The Trustee shall pay, through the sale escrow (the "Escrow"), all valid liens and customary costs of sale associated with the Gault Sale. The net proceeds from the sale of the Gault Property (the

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“Gault Net Proceeds”) that Debtor asserts are subject to the Homestead Exemption shall be turned over to the Kokikian Estate pursuant to the Judgment in order to pay the Rents as required by the Judgment. The Kokikian Estate shall pay the Trustee fifty-percent (50%) of the Gault Net Proceeds (the “Payment”). The Payment shall be made directly from the Escrow, on behalf of the Kokikian Estate, at the closing of the Gault Sale.

On July 7, 2021, the Court entered an Order Granting Chapter & Trustee’s Motion for Order Authorizing Trustee to Approve Compromise. On February 2, 2021, the Trustee’s Application to Employ Rodeo Realty, Inc. (“the “Broker”) as real estate broker for the estate was filed (the “Broker Application,” Dkt. No. 15). On June 10, 2021, the Court entered the order approving the Broker Application, effective February 1, 2021 (Dkt. No. 80). The Trustee originally listed the Property for \$550,000 in an as-is condition. The initial pricing was based on comparables and the Property’s condition as of the listing date. On February 2, 2021, the Property was listed for sale.

On May 21, 2021, the Trustee received an offer from Sandlot Ventures LLC, a California LLC (“Sandlot”). On June 15, 2021, Amended Escrow Instructions were executed substituting Sandlot out for Jeff Huberts and Lindsey Huberts (collectively, the “Purchaser”). On May 21, 2021, Purchaser and the Trustee negotiated a contract price of \$620,000, with an initial deposit of \$20,000 (the “Purchase Agreement”). There have been in total twelve offers and the Trustee provided counteroffers to all of the twelve offers. The Broker is continuing to actively market the Property to encourage overbidders until the sale hearing.

The Trustee has accepted an offer to sell the Property to the Purchaser pursuant to the terms of the Purchase Agreement for total consideration of \$620,000. The Estate will pay \$31,000 in Broker commissions (5% of Purchase Price). The Purchaser has submitted a deposit of \$20,000 into escrow (“Purchaser Deposit”), which is scheduled to close within fifteen (15) days after entry of the Court’s order approving the sale (the “Sale Order”). The Purchaser Deposit shall be refunded to Purchaser if the Trustee is unable to close the sale, or the Purchaser is not the approved overbidder. The sale is as-is, where-is, without representations or warranties of any kind and is not subject to any contingencies. Additionally, the Purchase

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Agreement provides that the Trustee does NOT have to deliver the Property vacant and that Purchaser will accept the Property subject to Debtor's occupancy of the Property.

The Trustee, moves pursuant to 11 U.S.C. §§ 363(b)(1), (f), and (m) of the Federal Rules of Bankruptcy Procedure, for an order (1) authorizing the Trustee to sell the Property free and clear of all 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; (2) approving overbids procedures; (3) authorizing payment of undisputed liens, real estate broker's commission, and (4) finding purchaser is a good faith purchaser.

Standard:

Section 363(b)(1) of the Bankruptcy Code provides that:

The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate."

11 U.S.C. § 363(b)(1). The standard of review used in determining approval of a proposed sale of property is whether sound business reasons support the sale outside the ordinary course of business. In re Walter, 83 B.R. 14, 19 (9th Cir. BAP 1988); In re Lionel Corp., 722 F.2d 1063, 1066 (2d Cir. 1983). In order for a sale to be approved under section 363 of the Bankruptcy Code, the purchase price must be fair and reasonable. In re Coastal Indus., Inc., 63 B.R. 361 (Bankr. N.D. Ohio 1986).

Analysis

Here, the Trustee believes that the proposed sale to the Purchaser for \$620,000 has a legitimate business justification, is in the best interest of the Estate, is expected to generate approximately \$393,4278 of net proceeds for the Estate, and will provide a source of funds from which unsecured creditors are to receive a distribution based on the statutory scheme of the Bankruptcy Code. Based upon the current real estate market, the marketing of the Property by the Trustee's court-approved real estate Broker, and the condition of the Property; the Trustee believes that the sale price represents

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the fair market value of the Property. The offer from the Purchaser is the highest and best offer received by the Trustee as of the date the Trustee executed the Purchase Agreement, and that has not been withdrawn. The Court agrees that the sale is in the best interest of the estate.

The Bankruptcy Court has the power to authorize the sale of property free and clear of liens or interests. See 11 U.S.C. § 363(f); *In re Gerwer*, 898 F.2d 730, 733 (9th Cir. 1990). Section 363(f) of the Bankruptcy Code permits a sale of property “free and clear of any interest in such property of an entity other than the estate” if any one of the following five conditions is met:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C. § 363(f).

The Trustee is informed and believes that Chase holds a first deed of trust on the Property that secures a debt in the approximate amount of \$176,973.07. The Trustee seeks to sell the Property free and clear of this lien pursuant to 11 U.S.C. § 363(f)(3). Following the Trustee’s approval of Chase’s updated payoff demand, to include any additional accrued mortgage and interest payments, Trustee seeks authorization to pay the first trust deed directly through escrow from the proceeds of the sale. The sale order shall provide that Chase is required to deliver the updated payoff demand to escrow at least five business days before the scheduled closing date. To the extent that there is any dispute (which the Trustee does not anticipate), payment will be made pursuant to further Order of this Court (to the extent necessary). The Trustee is informed that the secured tax obligations on the Property are paid in full. To the extent that there is any dispute (which the Trustee does not anticipate), payment will be made pursuant to further Order of this Court (to the extent necessary). Trustee is unaware of any other liens, claims or interests being asserted against the Property.

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Broker's Commission and Payment of Incurred Costs:

The Trustee requests that the Broker is paid the 5% Commission approved in the Order Approving the Broker Application through escrow. The Trustee's Broker Application to employ Broker, along with the terms of compensation, was approved pursuant to 11 U.S.C. §§ 327 and 328 by the Court Order entered on June 10, 2021 (Dkt No. 80). Pursuant to the commission terms in the listing agreement, the Broker is owed 5% percent of the sales price of the Property. But for Broker's efforts in marketing and selling this Property, the Estate may not have secured the current pending offer from Purchaser. Therefore, the Trustee respectfully requests that the Broker's commission and expense reimbursement request be approved by the Court for the sale of this Property.

The Trustee requests authority to pay the normal costs of sale associated with a sales transaction such as the one sought to be approved hereunder. These costs include city and county transfer taxes, title fees, and escrow fees.

Buyer is a Good Faith Purchaser

Section 363(m) provides that "[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith" 11 U.S.C. § 363(m). A good faith purchaser of property is protected from the effects of reversal of the order authorizing a sale as long as the trial court finds that the purchaser acted in good faith and an aggrieved party fails to obtain a stay of the sale order. 11 U.S.C. § 363(m). Although the Bankruptcy Code does not define "good faith," courts have provided guidance as to the appropriate factors to consider. Generally speaking, the requirement that a purchaser act in good faith speaks to the integrity of his conduct in the course of the sale proceeding and focuses primarily on the disclosure of all material sale terms and the absence of fraud or collusion. See *In re Pine Coast Enterprise, Ltd.*, 147 B.R. 30, 33 (Bankr. N.D. Ill. 1992); *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143, 147 (3rd Cir. 1986). A lack of

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good faith is shown by fraud, collusion between the purchaser and other bidders or the trustee, or any attempt to take grossly unfair advantage of other bidders. In re Ewell, 958 F.2d 276, 281 (9th Cir. 1992).

Here, the Purchaser is clearly identifiable and will be giving value. There is no affiliation between the Purchaser and the Trustee, the Debtor, or the Estate. The Purchase Agreement was negotiated at arms' length with all parties involved acting in good faith. There are no undisclosed side deals or terms. This is a good faith buyer.

Court should approve the Proposed Bidding Procedures
The Bidding Procedures laid out in the Trustee's motion are fair and reasonable.

Although there have been no official objections to the motion Debtor has filed numerous motions that attempt to delay the sale (Objection to Claim, adversary proceeding, motion to convert to a chapter 11, motion to remove the Trustee, and two motions to stay the sale). The relevant motions all attack the state court judgment and seek to violate the Rooker Fieldman Doctrine. There really is no basis for delaying the sale of the Property.

Motion GRANTED.

Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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1:21-10079 Ara Eric Hunanyan

Chapter 7

#31.02 Emergency motion to (1) Stay Sale of Gault Property Pending Appeal and (2) Request for Hearing and Waiver of Supersedeas Bond [FRBP 8007]

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has not directly filed opposition to the Trustee's Motion to approve the sale of 16925 Gault St, Van Nuys, CA 91406 ("Property"). Debtor filed this emergency motion to stay the sale of the Property until the appeal is complete. The Court set the matter for hearing to be heard alongside the Trustee's motion to approve the sale.

There are two procedural issues. First, there is no appeal pending. Debtor believes the Court erred in approving the motion to approve the compromise. Debtor appears to be wanting to appeal this ruling but as of this date has not filed an appeal. Second, as of the time the Debtor filed this motion, the Court has not approved the sale order. Because there is no sale order that has yet to be approved, there is no order to stay. Debtor filed this motion prematurely.

Even if this motion was proper procedurally, there is no substantive grounds for granting a stay.

Federal Rule of Bankruptcy Procedure ("FRBP") 8007 provides in relevant part that the court "may suspend ...or issue any other appropriate order during the pendency of an appeal on such terms as will protect the rights of all parties in interest." In NRDC v. Winter, 516 F.3d 1103 (9th Cir. 2008), the Ninth Circuit described as follows the elements considered in determining whether to issue a stay pending appeal: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of

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Ara Eric Hunanyan

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the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." 516 F.3d at 1105 quoting Golden Gate Restaurant Association v. City and County of San Francisco, 512 F.3d 1112, 1115 (9th Cir 2008). The burden of demonstrating each of these elements rests with the party seeking the stay pending appeal. See Westfall v. MII Liquidation, Inc., 2007 U.S. Dist. LEXIS 67331, 2007 WL 1989697 at *1 (S.D.Cal. 2007); In re Irwin, 338 B.R. 839, 843 (E.D.Cal. 2006).

The Debtor chance of success is slim. At the heart of the Debtor's position is that the state court's ruling in his dissolution of marriage ruled incorrectly. This raises issues of res judicate, issue preclusion, and Rooker Feldman Doctrine, all of which are fatal to the Debtor's positions. Debtor has not shown likelihood of success on appeal.

Debtor argues that he would be irreparably injured if the sale goes through because he would be forced to vacate the Property. The Debtor has done everything he could to delay the inevitable enforcement of the dissolution of marriage judgment. The sale of the Property is inevitable. Any injury the Debtor will suffer by the sale is minor.

A stay pending appeal would substantially injure the other parties interested. First, it would delay the Trustee from selling the asset and settling the former spouse's estate's claim. Further, the benefit of the estate at a later date may not be as high as it would now. Housing prices are at an all time high and the future of the housing market is unknown. Second, the administration former spouse's estate depends of the sale of the Property. These parties would suffer substantial injure by delaying this sale for a meritless appeal.

Finally public interest lies to expediate the administration of bankruptcy and probate estates and to compel compliance with a court's order or judgment.

These elements all support denying the stay.

Motion denied

Party Information

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CONT... Ara Eric Hunanyan

Chapter 7

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

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1:21-10962 Craig A. Lapiner

Chapter 11

#32.00 Ch. 11 Status and Case Management Conference

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Initial chapter 11 SC - Appearance Required

Proposed claim bar date: September 1, 2021

Objections to claims deadline: October 31, 2021

Avoidance actions deadline: October 31, 2021

Proposed disclosure statement filing deadline: November 30, 2021

Proposed disclosure statement hearing: January 12, 2022 at 10:30 a.m.

**DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE
INITIAL STATUS CONFERENCE**

Party Information

Debtor(s):

Craig A. Lapiner

Represented By
Thomas B Ure

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1:20-12037 Beatriz Perez

Chapter 7

#33.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Nancy Zamora

Accountant:
SLBIGGS & CO

Docket 39

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 7-28-21.

Party Information

Debtor(s):

Beatriz Perez

Represented By
Sydell B Connor

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:21-10168 Robert M. Friedman and Nikki Lynne Friedman

Chapter 7

#33.01 Trustee's Final Report and Application for
Compensation and Deadline to Objection

Trustee:
Nancy Zamora

Docket 39

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 7-28-21.

Party Information

Debtor(s):

Robert M. Friedman

Represented By
Nathan A Berneman

Joint Debtor(s):

Nikki Lynne Friedman

Represented By
Nathan A Berneman

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 28, 2021

Hearing Room 302

11:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#34.00 Motion of Debtor and Debtor-in-Possession
for an Order Pursuant to Section 364(c) of the
Bankruptcy Code Authorizing the Debtor to
Obtain Post-Petition Financing on a Permanent
Basis

fr. 6/9/21

Docket 327

Courtroom Deputy:

GRANTED

Final hearing is July 28, 2021 at 11 am

Tentative Ruling:

No opposition. The interim financing is approved. The stipulation requests a final hearing in 30 days. Due to the court's schedule, a final hearing cannot be held until July 28 at 11 am. If that is a problem, please appear so we can figure out what to do. If that date will work, please notify chambers and put that date in the order approving interim financing.

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, July 28, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Jeffrey S Kwong
Edward M Wolkowitz
Richard P Steelman Jr

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01090 Zamora, Chapter 7 Trustee v. Vasquez

#36.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21; 4/7/2, 5/19/21

Docket 1

Courtroom Deputy:

CONT'D to July 28, 2021 at 11 a.m.

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on July 14, 2021,
the Court finds cause to continue this matter to November 3, 2021 at
11:00am.

No appearance required on July 28, 2021.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Brayan Vasquez Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 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 28, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

11:00 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 7

Adv#: 1:20-01092 Zamora, Chapter 7 Trustee v. Osorio

#37.00 Status Conference Re: Complaint for:
(1) Avoidance and Recovery of Preferential
Transfers [11 U.S.C. Sections 547(b), 550(a),
and 551]

fr. 1/6/21; 4/7/21, 5/19/21

Docket 1

Courtroom Deputy:

CONT'D to July 28, 2021 at 11 a.m.

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on July 14, 2021, the Court finds cause to continue this matter to November 3, 2021 at 11:00am.

No appearance required on July 28, 2021.

Party Information

Debtor(s):

Green Nation Direct, Corporation Pro Se

Defendant(s):

Guadalupe Osorio Pro Se

Plaintiff(s):

Nancy J Zamora, Chapter 7 Trustee Represented By
 Richard P Steelman Jr
 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 28, 2021

Hearing Room 302

11:00 AM

CONT... Green Nation Direct, Corporation

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Represented By

Jeffrey S Kwong

Edward M Wolkowitz

Richard P Steelman Jr

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

11:00 AM

1:20-10069 Shawn Sharon Melamed

Chapter 7

Adv#: 1:20-01046 Mazakoda, Inc. v. Melamed et al

#38.00 Pre-trial conference re: complaint objecting to discharge pursuant to 11 U.S.C. sec 727(3)(3), 727(a)(4)(A); 727(a)(4)(D). and 727(a)(5)

fr. 6/17/20; 7/8/20; 7/15/20, 8/19/20; 4/14/21

Docket 1

Courtroom Deputy:

CONT'D to 4/14/2021 at 11 a.m.

Tentative Ruling:

APPERANCE REQUIRED

Party Information

Debtor(s):

Shawn Sharon Melamed

Represented By
Giovanni Orantes

Defendant(s):

Shawn Sharon Melamed

Pro Se

Jenous Tootian

Pro Se

Joint Debtor(s):

Jenous Tootian

Represented By
Giovanni Orantes

Plaintiff(s):

Mazakoda, Inc.

Represented By
Scott E Gizer

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

11:00 AM

CONT... Shawn Sharon Melamed

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Represented By
Scott E Gizer

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, July 28, 2021

Hearing Room 302

11:00 AM

1:20-11669 Alex Ashod Dadourian

Chapter 13

Adv#: 1:20-01119 Quicken Loans, LLC FKA Quicken Loans Inc. v. DADOURIAN

#39.00 Pre-Trial Status Conference Re: Complaint to
Determine NonDischargeability of
Certain Debts

fr. 2/17/21

Docket 1

***** VACATED *** REASON: Resolved per Order Granting Motion to
Approve Settlement under FRBP 9019 (20-11669, bankr. ECF doc. 25) - hm**

Courtroom Deputy:

continued to July 28, 2021 at 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Ashod Dadourian

Represented By
Kevin T Simon

Defendant(s):

ALEX ASHOD DADOURIAN

Pro Se

Plaintiff(s):

Quicken Loans, LLC FKA Quicken

Represented By
Christopher O Rivas

Trustee(s):

Elizabeth (SV) F 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 28, 2021

Hearing Room 302

11:00 AM

1:20-11823 Louis Michael Lookofsky
Adv#: 1:21-01018 Smith, Jr. v. Lookofsky

Chapter 7

#40.00 Status Conference Re: Complaint to
Determine Dischargeability of Debt
Pursuant to 11 U.S.C. Sec. 523(a)(2)(A)
523(a)(4) and 523(a)(6)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on, the Court finds cause to continue this matter to November 3, 2021 at 11:00am.

No appearance required on July 28, 2021.

Party Information

Debtor(s):

Louis Michael Lookofsky

Represented By
Benjamin Nachimson

Defendant(s):

Louis Michael Lookofsky

Pro Se

Plaintiff(s):

Craig Smith Jr.

Represented By
Alain Bonavida

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 28, 2021

Hearing Room 302

11:00 AM

1:20-12023 Gregory Scott Caul

Chapter 7

Adv#: 1:21-01023 Zhang et al v. Caul et al

#41.00 Motion to Dismiss Adversary Complaint

Docket 4

*** VACATED *** REASON: Moot - Plaintiff was granted Leave to file an Amended Complaint - Doc. #9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Scott Caul

Represented By
Kevin T Simon

Defendant(s):

Gregory Scott Caul

Represented By
David Brian Lally

Amber Marie Caul

Represented By
David Brian Lally

Joint Debtor(s):

Amber Marie Caul

Represented By
Kevin T Simon

Plaintiff(s):

Charles Zhang

Pro Se

Tian Ping Wang

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, July 28, 2021

Hearing Room 302

11:00 AM

1:20-12023 Gregory Scott Caul

Chapter 7

Adv#: 1:21-01023 Zhang et al v. Caul et al

#42.00 Status Conference re: Complaint

Docket 1

*** VACATED *** REASON: Plaintiff was granted Leave to file an Amended Complaint - Doc. #9. If

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Scott Caul

Represented By
Kevin T Simon

Defendant(s):

Amber Marie Caul

Pro Se

Gregory Scott Caul

Pro Se

Joint Debtor(s):

Amber Marie Caul

Represented By
Kevin T Simon

Plaintiff(s):

Charles Zhang

Pro Se

Tian Ping Wang

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, July 28, 2021

Hearing Room 302

11:00 AM

1:21-10251 Thomas John Shayman

Chapter 7

Adv#: 1:21-01025 Aquino v. Shayman

#43.00 Motion to Dismiss Adversary Proceeding Under
Fed. Rule Civ. Proc.12

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Prior to the filing of this bankruptcy case, a lawsuit and cross-complaint between Thomas Shayman ("Defendant") and Leila Aquino ("Plaintiff") were adjudicated in the state court. See. Case Nos. BC584799 and BC615815 ("State Court Case"). The basis for the State Court Case arose from a joint venture between the parties. The parties formed Acquisitions Unlimited, LLC (Acquisitions"), a Nevada limited liability company. Acquisitions purchased real property in the form of condos around 2003.

Around January 2, 2014, the parties entered into an agreement. Pursuant to this agreement, the Defendant would serve as a signatory and controller of the operating account for Burbank Management Group, dba Canyon Grille (BMG) and, in exchange, promised to give the Plaintiff 50% of the outstanding stock of BMG. In reliance on this promise, Plaintiff made a \$40,000 loan to Shayman Trust as instructed by the Defendant for a series of business expenses.

Later in 2005, the value of the condos that the partners had purchased doubled. The Plaintiff then requested that the parties sell the condos to realize the profits. However, the defendant refused and suggested that the parties take out a loan, split the proceeds 50-50, and continue to own the property for the time being. The plaintiff agreed.

Defendant then received \$242,00 on a Home Equity Loan line of credit against the Condos. After receiving those funds, Defendant did not split them but instead kept the proceeds and left the properties encumbered by the loan. When the Plaintiff requested

**United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar**

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11:00 AM

CONT... Thomas John Shayman

Chapter 7

her portion of the funds, the defendant refused.

Around January 2, 2014, the parties entered into another agreement. Pursuant to this agreement, the Defendant would serve as a signatory and controller of the operating account for Burbank Management Group, dba Canyon Grille (BMG) and in exchange promised to give the Plaintiff 50% of the outstanding stock of BMG. In reliance on this promise, Plaintiff made a \$40,000 loan to Shayman Trust as instructed by the Defendant for a series of business expenses.

Plaintiff obtained a judgment in his favor on April 9, 2019 ("Judgment"). On February 15, 2021 the Debtor filed bankruptcy. Thereafter, Aquino filed a complaint in this court seeking a determination that the above-alleged indebtedness owed to Aquino is non-dischargeable pursuant to 11 U.S.C. §§ 523(a)(2), (4), and (6).

Defendant has filed a motion to dismiss alleging that the Plaintiff has not stated sufficient facts for which relief can be granted. The Plaintiff opposes dismissal.

Standard

A motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, challenges the sufficiency of the allegations set forth in the complaint. The complaint must contain a "short and plain statement of the claim," which shows that the plaintiff is entitled to relief. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (citation omitted).

A dismissal under Rule 12(b)(6) may be appropriate when the complaint lacks a "cognizable legal theory" or "sufficient facts alleged under a cognizable legal theory." Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988) (citation omitted).

The Court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1122 (9th Cir. 2008) (citation omitted). However, the Court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Twombly, 550 U.S. at 555; Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994) (citations omitted).

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CONT... Thomas John Shayman

Chapter 7

Although "detailed factual allegations" are not required, a plaintiff must provide more than mere "labels and conclusions" or "formulaic recitation[s] of the elements of a cause of action" in order to provide grounds for relief. Twombly, 550 U.S. at 555 (2007) (citations omitted). Rather, a complaint "must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under *some* viable legal theory." Id. at 562 (emphasis in original) (citations omitted).

In Ashcroft v. Iqbal, 556 U.S. 662, 678 (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." (internal quotation marks and citations omitted). Facial plausibility exists when the plaintiff includes "factual content that allows the court to draw [a] reasonable inference that the defendant is liable for the misconduct alleged." Id. (citations omitted).

Under the Twombly and Iqbal standard, courts may use a two-pronged approach. First, courts should identify pleadings which are no more than "legal conclusion[s]" and therefore "not entitled to the assumption of truth." Id. at 680. (internal quotation marks and citations omitted). Legal conclusions must be supported by factual allegations. Id. at 678. Second, courts should determine whether the complaint's factual allegations "plausibly suggest an entitlement to relief," assuming the veracity of the well-pled factual allegations. Id. at 681.

When considering a 12(b)(6) motion to dismiss, the Court generally may not consider material beyond the pleadings, Fort Vancouver Plywood Co. v. United States, 747 F.2d 547, 552 (9th Cir.1984), unless properly submitted with the complaint. Amfac Mortg. Corp. v. Ariz. Mall of Tempe, Inc., 583 F.2d 426, 429-30 (9th Cir.1978). The Court may consider "allegations contained in the pleadings, exhibits attached to the complaint, and matters properly subject to judicial notice." Swartz v. KPMG LLP, 476 F.3d 756, 763 (9th Cir. 2007) (citation omitted).

In this case, the Debtor's motion to dismiss alleges that the Plaintiff's complaint does not match the findings in the Judgment. Defendant does not assert that the complaint itself is deficient; rather, Defendant believes the allegations made in the

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, July 28, 2021

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11:00 AM

CONT... Thomas John Shayman

Chapter 7

complaint are not supported by the findings in the Judgment. According to the Defendant, the state court's findings are more akin to negligence or breach of contract claims. Plaintiff argues that the complaint is sufficient.

Before addressing each of cause of action individually, it is important to discuss the problem with the Judgment itself. The Judgment is extremely vague. It is basically a series of yes or no questions that were given to a jury to answer. These questions, while adequate for the purposes they served in the state court, were not designed with having to determine dischargability in a bankruptcy proceeding. As such, the questions are deficient for purposes of a non-dischargability action. The Judgment does not discuss fraud (in fact it does not mention what the cause(s) of action that were adjudicated) or apportion damages appropriately. The Judgment provides no context as to how these findings are to fit in with the law.

For the most part the Defendant is correct. At first glance, the findings relate more to negligence or breach of contract; however, there is one finding that reveals that these findings are not just that. Question 25 states: "Did Thomas Shayman... As trustee of Shayman trust, intend to perform this promise when he made it?" The Judgment found that the Defendant did not intend to perform this promise when he made it. This is a specific finding with regard to fraud or a similar cause of action. Intent is irrelevant for negligence and breach of contract claims but intent is necessary for fraud. Even though the Judgment does not mention fraud or a similar cause of action, the finding that the Defendant had no intent to perform his obligations under the contract at the time entering into the contract reveals that the state court made its findings as to the Defendant's fraud. The Court could allow the Plaintiff to amend the complaint by adding exhibits of the State Court Case's complaint and counter claims in order to give the Judgment greater context but that is unnecessary at this time. More pleadings and information about what was alleged and what was actually decided will be necessary in any subsequent motion for summary judgment on an issue preclusion basis.

§ 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).

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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11:00 AM

CONT... Thomas John Shayman

Chapter 7

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 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).

The Judgment found that Shayman made a promise to Aquino and that at the time he did not intend to perform the promise when he made it. (Judgement 7:14-7:17; 7:12-7:23). Further, the Judgment states that the Plaintiff justifiably relied on this false promise and that the plaintiff was damaged as a result. (Judgement 8:7-8:8; 8:12-8:14). These findings offer more than a threadbare recital of the legal elements of 11 U.S.C. § 523(a)(2)(A) and give rise to a plausible factual allegation that the debt was incurred based on false pretenses, false representation, or actual fraud.

Assuming that the Defendant's interpretation of the Judgment was correct, the complaint is still sufficient. Mere breaches of contract, without more, do not support nondischargeability under §523(a)(2). Businger v. Storer (In re Storer), 380 B.R. 223, 235 (Bankr. D. Mont. 2007); see also Ubriaco v. Martino (In re Martino), 429 B.R. 66, 72 (Bankr. E.D.N.Y. 2010). For a breach of contract claim to fall under §523(a)(2)(A), a defendant must not have had intent to perform the contract. Chou v. Brody (In re Brody), 2017 Bankr. Lexis 696 * 24 (9th Cir. BAP 2017). Moreover, the debtor's lack of intent to perform must exist at the time he entered the contract. Paik v. Lee (In re Lee), 536 B.R. 848, 855 (Bankr. N.D. Cal. 2015). The Judgment made the finding that the Defendant had no intention to perform when he entered the contract.

§ 523(a)(4)

Next, the plaintiff alleges that the debt is non-dischargeable under 11 U.S.C. § 523(a)(4). Section 523(a)(4) excepts from discharge debts arising from any debt for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny. 11 U.S.C. §523(a)(4).

In Federal court, fiduciary is narrowly defined. In re Cantrell, 329 F.3d 1119. Here, the broad, general definition of fiduciary, as a relationship involving confidence,

**United States Bankruptcy Court
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11:00 AM

CONT... Thomas John Shayman

Chapter 7

trust, and good faith, does not apply. Ragsdale v. Haller, 780 F.2d 794, 796 (9th Cir. 1986). Instead, bankruptcy law must clearly and expressly impose trust-like obligations on the party. Double Bogey, Ltd. P'ship v. Enea, 794 F.3d 1047, 1050 (9th Cir. 2015).

The Defendant agrees that the Judgment found he was acting as an agent of the plaintiff. (Judgement 6:14) Additionally, the state court found that an express trust existed and that Shayman acted on Aquino's behalf when he obtained a \$242,000 line of credit. (Judgement 6:18). The Defendant argues, however, that nowhere in the Judgment is there a finding that the Debtor committed any fraud, embezzlement, or larceny while acting as the Plaintiff's agent. As stated previously, for purposes of a motion to dismiss, the Judgment made a finding as to fraud even if it did not explicitly use that word. The complaint alleges enough facts to support this cause of action

§ 523(a)(6)

A debt is nondischargeable under § 523(a)(6) if it results from debtor's willful and malicious injury to another or to the property of another. There are three elements in order to succeed in an Section 523(a)(6) action:(1) willfulness; (2) maliciousness and (3) injury. Smith v. Entepreneur Media, Inc. (In re Smith) 2009 Bankr. LEXIS 4582, *20 (9th Cir. BAP 2009). The Supreme Court in Kawauhau v. Geiger (In re Geiger), 523 U.S. 57, 118 S.Ct. 974, 140 L. Ed. 2d 90 (1998), made clear that for section 523(a)(6) to apply, the actor must intend the consequences of the act, not simply the act itself." Ormsby v. First American Title Co. of Nevada (In re Ormsby), 591 F. 3d 1199, 1206 (9th Cir. 2010). Both willfulness and maliciousness must be proven to prevent discharge of the debt. Id. But, reckless or negligent acts are not sufficient to establish that a resulting injury falls within the category of willful and malicious injuries under §523(a)(6). Kawauhau v. Geiger, 523 U.S. at 64.

Willfulness means intent to cause injury. Kawauhau v. Geiger, 523 U.S. at 61. "The injury must be deliberate or intentional, 'not merely a deliberate or intentional act that leads to injury.'" In re Plyam, 530 B.R. 456, 463 (9th Cir. BAP 2015) (quoting Kawauhau v. Geiger, 523 U.S. at 61) The court may consider circumstantial evidence that may establish what the debtor actually knew when conducting the injury creating action and not just what the debtor admitted to knowing. In re Ormsby, 591 F. 3d at 1206. Recklessly inflicted injuries, covering injuries from all degrees of recklessness, do not meet the willfulness requirement of §

**United States Bankruptcy Court
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11:00 AM

CONT... **Thomas John Shayman**

Chapter 7

523(a)(6). In re Plyam, 530 B.R. at 464. Reckless conduct requires an intent to act instead of an intent to cause injury. Id. Therefore, the willful injury requirement "... is met only when the debtor has a subjective motive to inflict injury or when the debtor believes that injury is substantially certain to result from his own conduct." Carillo v. Su (In re Su), 290 F.3d 1140, 1142 (9th Cir. 2002).

The "malicious" injury requirement under 11 U.S.C. §523(a)(6) is separate from the "willful" requirement, and both must be present for a claim under § 523(a)(6). Carillo v. Su (In re Su), 290 F.3d 1146 (9th Cir. 2002). A malicious injury is one that involves; "(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." Petralia v. Jercich (In re Jercich), 238 F.3d 1202, 1209 (9th Cir. 2001). "Malice may be inferred based on the nature of the wrongful act," but to make such an inference, willfulness must be established first. Ormsby v. First Am. Title Co. (In re Ormsby), 591 F.3d 1199, 1207 (9th Cir. 2010). When analyzing the plain meaning of "malice," "it is the wrongful act that must be committed intentionally rather than the injury itself." Jett v. Sicroff (In re Sicroff), 401 F.3d 1101, 1106 (9th Cir. 2005).

An intentional breach of contract generally will not give rise to a nondischargeable debt, where an intentional breach of contract is accompanied by tortious conduct which results in willful and malicious injury, the resulting debt is excepted from discharge under § 523(a)(6). Petralia v. Jercich (In re Jercich), 238 F.3d 1202, 1205 (9th Cir. 2001).

The Defendant argues that there is no allegation that the Debtor's actions were carried out with a specific intent to harm the plaintiff in the complaint. Consequently, there can be no 'willful' injury and the complaint should be dismissed. The Judgment may warrant the opposite conclusion. The Judgment held that the Defendant, did not intend to actually perform a promise to the Plaintiff; and that this intention and resulting failure to act on the promise harmed the plaintiff. (Judgment 7:24-25; 8:28-29). Again, the findings in the Judgment are not laid out in the context of a section 523(a)(6) nondischargeability action and may not be sufficient to prevail on summary judgment but are sufficient for purposes of a motion to dismiss.

Conclusion

**United States Bankruptcy Court
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Wednesday, July 28, 2021

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11:00 AM

CONT... Thomas John Shayman

Chapter 7

The Court DENIES Defendant's motion to dismiss.

Appearance Required.

Appearance required

Party Information

Debtor(s):

Thomas John Shayman

Represented By
Robert M Aronson

Defendant(s):

Thomas John Shayman

Represented By
Robert M Aronson

Plaintiff(s):

Leila Aquino

Represented By
Moses S Bardavid

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 28, 2021

Hearing Room 302

11:00 AM

1:21-10251 Thomas John Shayman

Chapter 7

Adv#: 1:21-01025 Aquino v. Shayman

#44.00 Status Conference re: Complaint for determination
that debt is non-dischargeable

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Appearance required

Party Information

Debtor(s):

Thomas John Shayman

Represented By
Robert M Aronson

Defendant(s):

Thomas John Shayman

Pro Se

Plaintiff(s):

Leila Aquino

Represented By
Moses S Bardavid

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 28, 2021

Hearing Room 302

1:00 PM

1:21-10253 Sharareh Simhaei

Chapter 13

Adv#: 1:21-01029 Kohan v. Simhaei

#45.00 Motion to Dismiss Adversary Proceeding
Pursuant to FRCP 12(b)(6) and FRBP 7012;
Request for Judicial Notice

Docket 4

***** VACATED *** REASON: Moot - am. complaint filed (doc. 7) - hm**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharareh Simhaei

Represented By
Stella A Havkin

Defendant(s):

Sharareh Simhaei

Represented By
Stella A Havkin

Plaintiff(s):

Kamran Kohan

Represented By
Alexandre I Cornelius

Trustee(s):

Elizabeth (SV) 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 29, 2021

Hearing Room 302

2:30 PM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607113310>

Meeting ID: 160 711 3310

Password: 436528

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 711 3310

Password: 436528

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, July 29, 2021

Hearing Room 302

2:30 PM

1:21-10082 Claudia Cadena

Chapter 7

#1.00 Motion in Limine #1 to Exclude Evidence Not Previously Disclosed in violation of the Court's April 26, 2021 Order [Dkt 40]; Declaration of Glenn Ward Calsada

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, July 29, 2021

Hearing Room 302

2:30 PM

1:21-10082 Claudia Cadena

Chapter 7

#2.00 Motion in Limine #2 to Exclude All Declarations
from Persons not on Petitioner's Witness List;
Declaration of Glenn Ward Calsada

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Thursday, July 29, 2021

Hearing Room 302

3:00 PM

1:21-10082 Claudia Cadena

Chapter 7

#3.00 Evidentiary Hearing
RE: [1] Chapter 7 Involuntary
Petition Against Claudia Cadena

fr. 5/10/21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, July 30, 2021

Hearing Room 302

8:30 AM
1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join ZoomGov Meeting
<https://cacb.zoomgov.com/j/16013938972>

Meeting ID: 160 1393 8972
Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666
Meeting ID: 160 1393 8972
Password: 271190

Docket 0

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, July 30, 2021

Hearing Room 302

8:30 AM

CONT...

Apperance Required.

Chapter

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, July 30, 2021

Hearing Room 302

8:30 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 6

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21, 6/21/21, 6/24/21, /6/25/21

Docket 1

Tentative Ruling:

APPEARANCE REQUIRED

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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, July 30, 2021

Hearing Room 302

8:30 AM

CONT... Nazaret Kechejian

Chapter 13

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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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, August 3, 2021

Hearing Room 302

12:00 PM

1:21-10082 Claudia Cadena

Chapter 7

#1.00 Evidentiary Hearing
RE: [1] Chapter 7 Involuntary
Petition Against Claudia Cadena

fr. 5/10/21; 7/29/21

Docket 1

Tentative Ruling:

Parties are to appear via ZoomGov for purposes of scheduling.
Use the following Zoom log in information.

Join ZoomGov Meeting
<https://cacb.zoomgov.com/j/1607113310>

Meeting ID: 160 711 3310
Password: 436528
One tap mobile
+16692545252,,1607113310#,,1#,436528# US (San Jose)
+16692161590,,1607113310#,,1#,436528# US (San Jose)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US
+1 646 828 7666 US (New York)
833 568 8864 US Toll-free
Meeting ID: 160 711 3310
Password: 436528

Party Information

Debtor(s):

Claudia Cadena

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, August 4, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: <https://cacb.zoomgov.com/j/1610274333>

Meeting ID: 161 027 4333

Password: 523593

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 027 4333

Password: 523593

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

9:30 AM

1:20-10676 Andrea Viglietta-Pichler

Chapter 13

#1.00 Motion for relief from stay

WILMINGTON SAVINGS FU

fr. 5/19/21,6/30/21

Docket 37

***** VACATED *** REASON: Resolved per APO (doc. 42) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Viglietta-Pichler

Represented By
Steven Abraham Wolvek

Movant(s):

Wilmington Savings fund society,

Represented By
Arnold L Graff
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, August 4, 2021

Hearing Room 302

10:00 AM

1:21-10203 Akop Chapanyan

Chapter 7

#2.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 11

***** VACATED *** REASON: Movant filed a withdrawal - Doc. #14. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Akop Chapanyan

Represented By
Todd L Turoci

Movant(s):

Wilmington Savings Fund Society,

Represented By
Erin M McCartney

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 4, 2021

Hearing Room 302

10:00 AM

1:21-10332 Edgar Hairapetyan

Chapter 13

#3.00 Motion for relief from stay

NISSAN-INFINITI LT

Docket 43

Tentative Ruling:

Petition Date: 02/26/2021

Chapter: 13

Service: Proper. No opposition filed.

Property: 2019 Infiniti QX80 2WD

Property Value: no value scheduled by Debtor (LEASE)

Amount Owed: \$ 72,606.84

Equity Cushion: n/a

Equity: n/a

Post-Petition Delinquency: \$4,111.68 (Four payments of \$1,027.92).

Additional payment due on 07/15/2021

Movant argues that their interest in the Property is not adequately protected. The fair market value of the Property is declining and four post-petition payments have not been made to Movant. Further, proof of insurance regarding the Property has not been provided to Movant. Movant notes that Debtor indicated his intention to surrender the Property in the schedules and pleadings filed in this case.

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); and).

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, August 4, 2021

Hearing Room 302

10:00 AM

CONT... Edgar Hairapetyan

Chapter 13

Debtor(s):

Edgar Hairapetyan

Represented By
Elena Steers

Movant(s):

Nissan-Infiniti LT, as serviced by

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, August 4, 2021

Hearing Room 302

10:00 AM

1:21-10755 Sarkis Arshakovich Kamalyan

Chapter 7

#4.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 19

Tentative Ruling:

Petition Date: 04/28/2021

Chapter 7

Service: Proper. No opposition filed.

Property: 2018 Honda Civic

Property Value: \$14,375.00

Amount Owed: \$ 12,708.30

Equity Cushion: Unk.

Equity: Unk.

Delinquency: \$669.87 (\$646.66 in arrears + \$43.21 in late fees). Additional payment of \$215.62 due on 07/16/2021.

Movant argues that the lease matured on 03/16/2021 and the Property was not returned to Movant. The Movant's interest is not protected, and the fair market value of the Property is declining. Last payment was received on 03/18/2021.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and 11 U.S.C. 362(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):

Sarkis Arshakovich Kamalyan

Represented By
Tyson Takeuchi

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:00 AM

CONT... Sarkis Arshakovich Kamalyan

Chapter 7

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

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 4, 2021

Hearing Room 302

10:00 AM

1:21-11165 Jeffrey Arthur Craddock

Chapter 13

#5.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket 8

Tentative Ruling:

On July 6, 2021, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 20-11538, was a chapter 13 that was filed on 8/26/20 and dismissed on 5/21/21 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 lost his job at the USPS after an injury, during the pendency of the First Filing. Debtor claims that there has been a substantial change in his financial affairs. Debtor states that since the First Filing was dismissed, Debtor has obtained new employment and his also looking for a second job. Debtor claims that the property is necessary for a successful reorganization because this is his/her primary residence.

Service proper on regular notice. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.
NO APPEARANCE REQUIRED ON 8-4-21.

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**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

- #6.00** 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 U.S.C. §§ 363(b) and (f);
 - 2) Approve Overbid Procedures;
 - 3) Determine that Buyer is Entitled to Protection Pursuant to 11 U.S.C. § 363(m); Memorandum of Points and Authorities and Declarations of David Seror and Rafael Figueroa in Support Thereof.

Docket 2585

Tentative Ruling:

Background:

Owner Management Service (Debtor) initiated this bankruptcy proceeding when it filed a voluntary Chapter 11 petition on 1/9/2012. The case was then converted to Chapter 7 and David Seror ("Trustee") was appointed Trustee. On 4/25/2017, the Trustee filed a motion for Approval of Compromise seeking approval of a settlement agreement between the Trustee and the Consolidated Debtors. The motion was granted and approved on June 30, 2017. As part of the agreement, Trustee was provided with a mechanism to attempt to make a 100% distribution on allowed unsecured claims, which included that the Trustee would seek to liquidate real properties as needed to pay any such allowed claims. It is in connection with that motion that the Trustee now seeks authority to sell the Property here.

The assets of this Estate consist primarily of numerous parcels of residential real property and the rental income collected therefrom. Title to the Property stands in the name of Boston Holding Company, i.e. the Original Debtor. Thus, the Property is property of the estate.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

CONT... Owner Management Service, LLC

Chapter 7

The Trustee, moves pursuant to 11 U.S.C. §§ 363(b)(1), (f), and (m) of the Federal Rules of Bankruptcy Procedure, for an order (1) authorizing the Trustee to sell that certain real property located at 16014 Horace Street, Granada Hills, CA 91344 free and clear of all 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; (2) approving solicitation of overbids concerning the sale of the Property at the hearing on the Motion and the procedures for such solicitation; (3) finding that the purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m); and (4) approving payments for Broker's commissions, normal and customary escrow closing costs and the secured lienholders on the Property through escrow as set forth in the motion.

The Trustee received an offer to purchase the property from Buyer for \$625,000, subject to overbid procedures. This motion is brought to authorize the sale of the Property to Purchaser. The Property was listed on several different platforms and received five purchase offers. Buyer's offer of \$625,000 is at the full asking price. The other potential purchasers either withdrew their offer, failed to respond to the Trustee's counter-offer, or did not accept the Trustee's counter-offer. Based on the above factors, the Trustee believes that the offer from Buyer represents an offer that within the range of reasonableness. Neither the Broker nor the Trustee believes no further marketing will result in a substantial benefit to the Estate. The condition of the Property purchased is "as-is." Broker's commission is 6%.

The Trustee further moves the Court for an order authorizing the following overbid procedures: (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with written authority to participate in the overbid process; (2) any person interested in the overbid process must notify the Trustee no later than close-of-business two (2) calendar days before the hearing on the Motion and must provide evidence of their financial ability to close; (3) overbidders (except for the Buyer who has already paid Deposit to the Trustee) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to Trustee in the amount of \$20,000. The Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

CONT... Owner Management Service, LLC

Chapter 7

purchase of the Property within 15 calendar days of entry of an order confirming the sale; (4) an overbid will be defined as an initial overbid of \$635,000, with each additional bid in increments of at least \$5,000; (5) overbidders must purchase the Property on the same terms and conditions set out in the Purchase Agreement except for the purchase price.

Standard:

Section 363(b)(1) of the Bankruptcy Code provides that "The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1). The standard of review used in determining approval of a proposed sale of property is whether sound business reasons support the sale outside the ordinary course of business. *In re Walter*, 83 B.R. 14, 19 (9th Cir. BAP 1988); *In re Lionel Corp.*, 722 F.2d 1063, 1066 (2d Cir. 1983). In order for a sale to be approved under section 363 of the Bankruptcy Code, the purchase price must be fair and reasonable. *In re Coastal Indus., Inc.*, 63 B.R. 361 (Bankr. N.D. Ohio 1986).

Analysis

Based upon the current real estate market and the marketing efforts, the Trustee believes that the sale price represents a reasonable market value of the Property. Indeed, the listing price for the Property was in the amount of \$625,00, and Buyer has agreed to purchase the Property for the full amount, \$625,000. Additionally, the Trustee and Broker believe that further marketing will not result in any substantial incremental benefit to the Estate. Thus, Trustee submits that the proposed sale represents a sound exercise of the Trustee's business judgement. The Court agrees that the sale is in the best interest of the Estate.

The Bankruptcy Court has the power to authorize the sale of property free and clear of liens or interests. See 11 U.S.C.

§ 363(f); *In re Gerwer*, 898 F.2d 730, 733 (9th Cir. 1990). Section 363(f) of the Bankruptcy Code permits a sale of property "free and clear of any interest in such property of an entity other than the estate" if any one of the following five conditions is met:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

CONT... Owner Management Service, LLC

Chapter 7

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
 - (2) such entity consents;
 - (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
 - (4) such interest is in bona fide dispute; or
 - (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.
- 11 U.S.C. § 363(f).

The Trustee is unaware of any disputes regarding any encumbrances of record, however, the relief here is requested so that the proposed sale may go forward even if a dispute arises later, such as with the details of payoff demands to be received in escrow.

Buyer is a Good Faith Purchaser

Section 363(m) provides that “[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith” 11 U.S.C. § 363(m). As set forth in the Declarations of David Seror (Trustee) and Rafael Figueroa (Broker), there is no affiliation between the Purchaser and the Trustee and that the agreement was negotiated at arms-length with fair consideration for the property. Accordingly, the Court finds the Purchaser is a good faith buyer.

Additionally, the Court finds the broker's fee of 6% reasonable and the court grants those fees.

Court should approve the Proposed Bidding Procedures

The Bidding Procedures here ensure that the Estate receives the maximum benefit of the sale. Here, the initial overbid exceeds the Purchase Price by \$10,000 with further overbids to be in increments of \$5,000. These amounts are appropriate.

Sale Approved. Are there any overbidders?
Appearance Required.

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

CONT... Owner Management Service, LLC

Chapter 7

Party Information

Debtor(s):

Owner Management Service, LLC Pro Se

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Michael W Davis
David Seror
David Seror (TR)
Steven T Gubner
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet
Talin Keshishian
Jorge A Gaitan
Robyn B Sokol
Jessica Wellington
Jeffrey L Sumpter

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

1:13-13905 Irina Raskin

Chapter 11

#7.00 Amended Debtor's Motion to Avoid Lien
Under 11 U.S.C. Sec. 522(f)
(Real Property)

Docket 211

Tentative Ruling:

Debtor seeks to avoid judicial lien held by Persolve LLC pursuant to section 522(f)(1). Section 522(f)(1) states in relevant parts that:

Notwithstanding any waiver of exemptions but subject to paragraph (3), the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section if such lien is ...

(A) a judicial lien, other than judicial lien that secures a debt of a kind that is specified in section 523(a)(5).

The judicial lien amount is for \$25,640.00. The value of 4047 Falling Leaf Drive, Los Angeles, CA 91316 ("Property") is \$950,000. The amount of the claimed homestead exemption is \$24,060.00. The Property was heavily encumbered by other liens. The Debtor's exemption is impaired by Persolve LLC's lien.

Notice is proper. There has been no opposition filed to the Debtor's amended motion.

The motion is GRANTED.

No Appearance required. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Irina Raskin

Represented By
Renee E Linares
Stella A Havkin

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

CONT... Irina Raskin

Chapter 11

Movant(s):

Alex Raskin

Represented By
Alla Tenina

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

1:16-13613 Margie Ann Lieser

Chapter 7

#8.00 Trustee's Final Report and Applications for
Compensation and Deadline to Object

Docket 108

Tentative Ruling:

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Limited Opposition filed by the US Trustee, and the Stipulation Among US Trustee, Chapter 7 Trustee, Debtor, and firm Danning Gill to Reduction in Fees (ECF doc. 112), Court finds that the stipulated reduced fees of \$27,504.50 and costs of \$1,648.17 are reasonable and are approved as requested.

APPEARANCES WAIVED ON 8-4-21.

Party Information

Debtor(s):

Margie Ann Lieser

Represented By
Eric Ridley

Trustee(s):

Diane C Weil (TR)

Represented By
Brad Krasnoff
David Seror
Talin Keshishian
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

1:20-12088 Godwin Osaigbovo Iserhien

Chapter 11

#9.00 1st Amended Disclosure Statement 41 Disclosure Statement

Docket 55

***** VACATED *** REASON: Duplicate of cal. no. 10 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama
Diana Torres-Brito

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 4, 2021

Hearing Room 302

10:30 AM

1:20-12088 Godwin Osaigbovo Iserhien

Chapter 11

#10.00 Motion for Order Approving First Amended Disclosure Statement in Support of Debtor's First Amended Plan of Reorganization

Docket 56

Tentative Ruling:

Godwin Iserhien ("Debtor") is an individual who fell ill with a chronic disease which required him to stop working. As a result, Debtor fell behind on the mortgage payments on these three pieces of real property: (1) 13458 Vose St., Valley Glen, CA 91405 (Debtor's principal residence); (2) 12010 Dresden Pl., Granada Hills, CA 91344 (rental); and 13507 Hart St., Van Nuys, CA 91405 (rental).

Debtor intends to fund the proposed first amended plan through his income, including rental income from the Dresden and Hart Properties. Debtor projects a monthly disposable income of \$4,488.34, with \$47,565.81 in cash available on the Effective Date:

- Administrative Claims: Approx. \$15,000 for Debtor's counsel's fees
- Class 2(a) – Wilmington Savings Fund/ BSI Financial (Unimpaired / Secured)
 - o Collateral: 13488 Vose St., Van Nuys, CA 91405
 - o Total Claim: \$846,770.69
 - Arrearage: \$46,125.62
 - o Stipulated plan treatment: Contractual terms of \$4,426.66 at 6.0% fixed to continue
- Class 5(b) – US Bank, N.A. (Impaired / Secured)
 - o Collateral: 120 Dresden Pl., Granada Hills, CA 91344
 - o Total Allowed Secured Claim: \$601,301.21
 - Arrearage: \$93,700.77
 - o Treatment: \$3,332.00/ mo at 4.0% fixed

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10:30 AM

CONT... **Godwin Osaigbovo Iserhien** Chapter 11

- Class 5(c) – JP Morgan Chase (Impaired / Secured)
- o Collateral: 13507 Hart St., Van Nuys, CA 91405
- o Total Allowed Secured Claim: \$416,465.50
 - Arrerage: n/a (amortized per Loan Mod.)
- o Treatment per Loan Modification: \$1,490.86 per mo. at 3% fixed

Standard

References: In re A.C. Williams, 25 B.R. 173 (Bankr. N.D. Ohio 1982); See also In re Metrocraft, 39 B.R. 567 (Bankr. N.D.Ga. 1984); § 1125

1. Before a disclosure statement may be approved after notice and a hearing, the court must find that the proposed disclosure statement contains "adequate information" to solicit acceptance or rejection of a proposed plan of reorganization. 11 U.S.C. § 1125(b).
2. "Adequate information" means information of a kind, and in sufficient detail, so far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization. 11 U.S.C. § 1125(a).
3. Courts have developed lists of relevant factors for the determination of adequate disclosure. *E.g.*, *In re A.C. Williams*, *supra*.
4. There is no set list of required elements to provide adequate information per se. A case may arise where previously enumerated factors are not sufficient to provide adequate information. Conversely, a case may arise where previously enumerated factors are not required to provide adequate information. In re Metrocraft Pub. Services, Inc., 39 B.R. 567 (Bankr. N.D.Ga. 1984). "Adequate information" is a flexible concept that permits the degree of disclosure to be tailored to the particular situation, but there is an irreducible minimum, particularly as to how the plan will be implemented. In re Michelson, 141 B.R. 715, 718-19 (Bankr. E.D.Cal. 1992).

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Chapter 11

5. The court should determine what factors are relevant and required in light of the facts and circumstances surrounding each particular case. In re East Redley Corp., 16 B.R. 429 (Bankr. E.D.Pa. 1982).

Service

Interested parties must receive notice of the request for approval of a disclosure statement at least 42 days prior to the scheduled hearing. LBR 3017-1(a). Notice of this hearing was proper.

Objections

Creditor US Bank's objects, arguing that the proposed interest rate of 4.0% fixed over 30 years is insufficient under the Till analysis & requests that the interest rate be set at 5.25% (current prime rate of 3.25% with adjustment of at least 2.0%). The original prepetition contract rate of interest for the loan secured by the Dresden Property was 3.75%. See Proof of Claim 3-2. Creditor argues for the 2.0% increase over Debtor's proposed 4.0% rate due to risk factors increasing the likelihood of default including the prepetition default of over \$93,000 and the fact that the collateral 12010 Dresden Pl., Granada Hills, CA 91344 is being used as a rental property. Further, the Plan does not provide for reimbursing Creditor for postpetition escrow advances incurred for the benefit of the estate. Creditor maintains that such advances qualify as administrative expenses and must be cured on or before the effective date of the plan.

A contract rate of interest may be evidence of the proper rate for a plan, but it is neither presumptive nor conclusive. See Till v. SCS Credit Corp., 541 U.S. 465 at 477–78, 124 S.Ct. 1951 (rejecting presumptive contract rate approach in favor of the formula approach). In the final analysis, the interest rate determination is to be made on a case-by-case basis. In re Camino Real Landscape Maint. Contractors, Inc., 818 F.2d 1503, 1508 (9th Cir. 1987). Whether one starts with a “base rate” and adds for risk, or just accepts that a proven market rate includes relevant risk (in an appropriate case), Fowler requires the bankruptcy courts to make “explicit findings” regarding (1) how it assesses the risk of default; (2) how it assesses the nature of the security; (3) what market rates exist for the type of loan at issue; and (4) what risks reduce

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CONT... **Godwin Osaigbovo Iserhien**

Chapter 11

or heighten the risks associated with a particular debtor. In re Seaons Partners, LLC, 439 B.R. 505, 520 (Bankr. D. Ariz. 2010), order confirmed, 2010 WL 6556774 (Bankr. D. Ariz. Nov. 8, 2010), citing In re Fowler, 903 F.2d 694.

The Ninth Circuit, in Fowler, further asked the trial courts to follow the “guiding principal ... that the bankruptcy court's findings must be sufficient to allow meaningful review, and must demonstrate to the reviewing court that the bankruptcy judge's determination was supported by the evidence.” In re Fowler, 903 F.2d at 699 n. 7.

Having reviewed Debtor's amended disclosure statement and plan, the Opposition filed by US Bank, Debtor's filing history, and the facts of this case, the Court finds that Creditor's requested interest rate of 5.25% fixed is appropriate, given the increased risk of default with this Debtor, who has incurred over \$93,000 in prepetition arrears and has had five bankruptcies filed in the more than 10 years before this sixth case was filed. Further, the nature of the security, a rental property, also requires the Court to adjust the interest rate upward, as Debtor acknowledges the risk that "tenants may default on their rental obligations and Debtor may experience lapse in time before securing new tenants." Am. Disclosure Stmt., p. 5. Given the risk of default with this type of use of real property, and Debtor's financial and filing history heightening the risk associated with this plan, the Court finds that the appropriate rate of interest to be paid on the claim treated in Class 5(b) is 5.25% fixed.

The Court finds that, with the interlineations made to correct the interest rate for Class 5(b) and the additional provision for administrative expense claims that will need to be paid on or before the effective date, for postpetition escrow advances incurred for the benefit of the estate, this Amended Disclosure Statement can be approved.

Parties to discuss ballot & solicitation schedule at hearing.
APPEARANCE REQUIRED

Party Information

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CONT... Godwin Osaigbovo Iserhien

Chapter 11

Debtor(s):

Godwin Osaigbovo Iserhien

Represented By
Onyinye N Anyama
Diana Torres-Brito

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11:00 AM

1:18-11538 Momentum Development LLC

Chapter 7

Adv#: 1:19-01129 Weil v. The Pyramid Center, Inc.

#11.00 Pretrial Conference re: Amended Complaint to Avoid Fraudulent Transfers

fr. 1/15/20, 2/5/20, 3/4/20; 6/10/20, 12/2/20, 2/3/20 ,2/10/21
4/14/2, 6/16/21

Docket 9

***** VACATED *** REASON: Cont'd per Stipulation to 11/4/21 at 11 a.m.
(doc. 59) - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Momentum Development LLC

Represented By
Michael H Raichelson

Defendant(s):

The Pyramid Center, Inc.

Represented By
Michael H Raichelson

Plaintiff(s):

Diane Weil

Represented By
David Seror
Jorge A Gaitan

Trustee(s):

Diane C Weil (TR)

Represented By
David Seror
Jorge A Gaitan

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11:00 AM

1:19-10726 Victoria Kristin Burak

Chapter 7

Adv#: 1:19-01111 Coho et al v. Burak

#12.00 Pre-trial Conference re: Complaint objecting to discharge of debtor based upon false pretenses, false representations, actual fraud

fr. 6/2/20; 10/7/20; 3/17/2, 5/19/21

Docket 12

Tentative Ruling:

This matter was continued from May 19, 2021 because the parties represented that they were reducing a settlement to writing. The settlement has not been filed since the May status conference. On Nov. 25, 2019, discharge was entered in the bankruptcy case 1:19-10726-VK. If the settlement is not filed with the Court before this matter is called for hearing, an Order to Show Cause re Dismissal for Lack of Prosecution under LBR 7016-1(g) will issue. What is the status of this case?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Defendant(s):

Victoria Kristin Burak

Represented By
R Grace Rodriguez

Plaintiff(s):

Loretta M Coho

Represented By
James W Bates

Equity Trust Company, Custodian

Represented By

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CONT... Victoria Kristin Burak

James W Bates

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, August 4, 2021

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

Adv#: 1:19-01082 Coha et al v. Burak

#13.00 Status Conference Re: Complaint Objecting to Discharge of Debtor based Upon False Pretenses, False Representations, Actual Fraud.

fr. 9/18/19; 12/11/19; 5/20/20, 6/2/20; 10/7/20; 3/17/21, 5/19/21

Docket 1

***** VACATED *** REASON: Adv., Moot Main Case Dismissed on 5/27/21 (eg)**

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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11:00 AM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#14.00 Motion For Order Removing Judgment Lien And/Or Requiring Withdrawal Of Abstract Of Judgment Recorded By Debtor And Releasing The Lien Against Landlord's Real Property; Declarations Of Steven F. Werth And Michael S. Chang

Docket 379

Tentative Ruling:

On July 17, 2009, Hawkeye Entertainment, LLC (the "Debtor") entered into a lease agreement ("Lease Agreement") with Pax America Development, LLC ("PAX"). Pursuant to the terms of the Lease, the Debtor was entitled to use the first four floors and the basement of a building located at 618 South Spring Street, Los Angeles, California, more commonly referred to as the Pacific Stock Exchange Building (the "Property").

The Property is now owned by Smart Capital, LLC ("Smart Capital"). There have been ongoing disputes between Smart Capital and Debtor for years. This culminated in Smart Capital's service of a Notice of Default and Three-Day Notice on Debtor. The Debtor responded by filing this second chapter 11 case followed by a motion to assume ("Assumption Motion") the Lease Agreement. The Court granted the Assumption Motion over the opposition of Smart Capital.

On November 6, 2020, Debtor filed a motion seeking attorney's fees and costs against Smart Capital. The Court issued a memorandum decision granting attorney fees and costs in favor of the Debtor and an order was entered on March 8, 2021. Dkt. No. 297. Smart Capital filed a motion requesting that the Court reconsider the attorney fees and costs order or in the alternative impose a stay pending appeal. The Court granted partial reconsideration and issued an amended order granting attorney's fees and costs. The Court granted a stay orally at a hearing on April 29, 2021 and signed an order from that hearing on May 19, 2021.

On May 12, 2021, an abstract was recorded with the Los Angeles County

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CONT... Hawkeye Entertainment, LLC

Chapter 11

Recorder's Office, resulting in a lien ("Judgment Lien") on the Property. On May 28, 2021, Smart Capital filed a notice of appeal of the attorney fees and costs.

Smart Capital filed a motion to remove the Judgment Lien on the Property which Debtor opposes.

The question presented is when the stay was pending appeal order was effective. A judgment or order is effective when entered under Rule 5003. Fed. Rule. Bankr. P. 9021. FRBP 5003 relates to the procedures for the clerk to enter orders. In the Ninth Circuit, it is a "well-accepted rule that orders are effective when written and docketed." Sewell v. MGF Funding, Inc (In re Sewell), 345 B.R. 174, 180 (9th Cir. BAP 2006).

The Debtor believes the stay was effective on May 19, 2021, when the order was signed and entered by the Court. Smart Capital asserts the stay was effective on April 29, 2021, when the Court ruled from the bench. Smart Capital argues that "oral orders are entitled to the same force and effect as an order reduced to writing." Lorenz v. Beltio, Ltd., 76 F.3d 387 (9th Cir. 1996) (citing Noli v. CIR, 860 F.2d 1521, 1525 (9th Cir. 1988)).

Here, the Debtor began taking steps to perfect its judgment against Smart Capital as it was entitled to do under California law. On April 16, 2021, an abstract was completed by Debtor's counsel and was submitted in order to obtain a certified copy for recoding. On April 22, 2021, Debtor's counsel was notified of a deficiency in the submitted abstract and resubmitted the abstract on April 26, 2021. On April 27, 2021, the abstract was issued, and Debtor's counsel obtained a certified copy of recordation. The Court granted the stay pending appeal on April 29, 2021 and tasked Debtor's counsel to draft an order. On May 12, 2021, the abstract was recorded against the Property. Debtor's counsel submitted the order that same day. The Court held the order for seven days as required pursuant to LBR 9021-1. Smart Capital did not oppose the form of order and on May 19, 2021 the order was approved and uploaded by the Court.

While it is true that orders are generally effective when they are signed and docketed, there are exceptions to that rule. The court in Sewell explained the ruling in Noli well:

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CONT...

Hawkeye Entertainment, LLC

Chapter 11

The Ninth Circuit observed that the debtors in Noli "were present when the oral order was issued and clearly had notice of its existence and content," they "understood and accepted the order as final for purposes of appeal," and immediate relief from the automatic stay was appropriate because they had used bankruptcy as the latest in a series of tactics to evade liability on the eve of trial. *Id.* at 1525-26. It is hardly surprising that an oral order granting immediate relief from the automatic stay was valid in these circumstances, but the issues in this case are entirely different and in general orders are effective when reduced to writing and docketed. *See In re Brown*, 290 B.R. at 419 and 422 (noting "well-accepted rule that orders are effective when written and docketed" even though oral rulings can be "immediately effective" in emergency situations).

Sewell, 345 B.R. at 181.

The facts here are a bit unusual. The Debtor never said that it was in the process of perfecting the Judgment Lien on the Property at the hearing for stay pending appeal. The Court granted a stay pending appeal and on the condition that Debtor's rent payments be held in an account until the appeal was complete. Parties were to work out language and the details on how to best achieve this. The Debtor never represented to the Court that it was in the process of securing this judgment against the Property and that it wished to continue to pursue obtaining a lien in light of the Court granting the stay. Had Debtor provided this information at the hearing then the ruling would have been different.

Second, the actions of the Debtor run afoul with what the Court ordered. The Court granted a stay pending appeal on the condition that rent is paid into and held in an account during the duration of the appeal. Similar to Noli, the parties were all present at the hearing and understood what the Court's ruling was and the Debtor acts were contrary to the ruling. Attaching a lien as the Debtor did violates the stay of a collection effort until the appeals process was completed. The Debtor had every right to pursue this remedy until the Court granted the stay but once the stay was granted the Debtor could no longer pursue this remedy. It is generally understood that during the time between the ruling and the entry of the order that parties act on good faith to comply with the Court's ruling. Using this time to perform acts that go against the

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CONT... Hawkeye Entertainment, LLC

Chapter 11

Court's ruling goes against this standard of judicial process.

Finally, the Court tasked the Debtor with submitting the order. The order was submitted almost two weeks after the hearing. The order was submitted May 12, 2021. The same day that the Judgment Lien was attached to the Property. This raises questions that need no be resolved at this point about delay in submitting the order.

If the Debtor had been upfront about their desires to attach a lien to the Property, it could have been factored into the discussion at the hearing. For all these reasons, the effective date of the stay was on April 29, 2021. Because the lien was attached after the stay was in effect the Court GRANTS Smart Capital's motion to remove the judicial lien.

The motion is GRANTED. Appearance Required.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

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11:00 AM

1:19-12434 Walter Ernesto Aleman Olmedo

Chapter 7

Adv#: 1:20-01049 Goldman v. Aleman et al

#15.00 Status Conference Re: Trustee's First Amended
Compliant for:

- 1 - Avoidance of Actual Fraudulent Transfer
(11 U.S.C. Sec. 548(a)(1)(A));
- 2 - Avoidance of Constructive Fraudulent
Transfer Sec. 548(a)(1)(B);
- 3 - Avoidance of Actual Fraudulent Transfer
Under Applicable California Law (Cal. Civ.
Code Sections 3439.04(a)(1) and 3439.07 and
11 USC Sec. 544(b));
- 4 - Avoidance of Constructive Fraudulent
Transfer Under Applicable California Law (Cal.
Civ. Code Sections 3439.05 and 3439.07 and
11 USC Sec. 544(b));
- 5 - Recovery of Avoided Transfer (11 USC Sec.
550(a)); and
- 6 - Preservation of Avoided Transfer (11 USC
Sec. 551)

fr. 7/15/20 (stip), 9/9/20, 12/2/20; 2/3/21, 2/10/21,
7/7/21

Docket 15

Tentative Ruling:

Having reviewed the Joint Status Report filed by the parties on July 23, 2021, the Court finds cause to continue this matter to September 8, 2021 at 1:00 p.m.

No appearance required on August 4, 2021.

Party Information

Debtor(s):

Walter Ernesto Aleman Olmedo

Represented By

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CONT... Walter Ernesto Aleman Olmedo

Chapter 7

Navid Kohan

Defendant(s):

Oscar Aleman	Pro Se
Marisol Vega Aleman	Pro Se
Aleman Signs, Inc.	Pro Se

Plaintiff(s):

Amy L Goldman	Represented By Leonard Pena
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Trustee(s):

Amy L Goldman (TR)	Represented By Leonard Pena
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11:00 AM

1:20-11099 Arthur Martiryan

Chapter 7

Adv#: 1:20-01121 JPMORGAN CHASE BANK, N.A. v. Martiryan

#16.00 Status Conference Re: Complaint for
Determination of Dischargeability of Debt
Under 11 U.S.C. Sec. 523

fr. 2/17/21, 3/31/21, 5/19/21, 6/30/21

Docket 1

Tentative Ruling:

Having reviewed the Unilateral Status Report filed by Plaintiff on July 21, 2021, the Court finds cause to continue this matter to September 8, 2021 at 11:00am.

No appearance required on August 4, 2021.

Party Information

Debtor(s):

Arthur Martiryan Pro Se

Defendant(s):

Arthur Martiryan Pro Se

Plaintiff(s):

JPMORGAN CHASE BANK, N.A. Represented By
Jillian A Benbow

Trustee(s):

Diane C Weil (TR) Pro Se

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Monday, August 9, 2021

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10:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 IN PERSON TRIAL - DAY 7

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21,6/21/21, 6/24/21, 6/25/21, 7/30/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Pro Se

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CONT... Nazaret Kechejian Chapter 13

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

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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Trustee(s):

Elizabeth (SV) F Rojas (TR)	Pro Se
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9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1604065253>

Meeting ID: 160 406 5253

Password: 748751

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 406 5253

Password: 748751

Docket 0

Tentative Ruling:

- NONE LISTED -

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Wednesday, August 11, 2021

Hearing Room 302

10:00 AM

1:17-10557 Dat Phuc Nguyen

Chapter 13

#1.00 Motion for relief from stay

ARMANDO CARRASCO

Docket 46

Tentative Ruling:

Petition Date: March 6, 2017
Service: Proper. Opposition filed.
Chapter 13 Plan confirmed: Oct. 16, 2017

Movant: Armando Carrasco
Relief Sought to: Pursue Pending Litigation Commence Litigation
_____ Pursue Insurance _____ Other

Litigation Information

Case Name: Carrasco v. Café Orient, et al.
Court/Agency: Los Angeles Superior Court
Date Filed: Sept. 22, 2020
Judgment Entered: n/a
Trial Start Date: 8/3/2021
Action Description: discrimination; wrongful termination; wage and hour violations

Grounds

Bad Faith _____ Claim is Insured ___ Claim Against 3rd Parties _____
Nondischargeable _____
Mandatory Abstention _____ Non-BK Claims Best Resolved in Non-BK Forum
XX
Other:

Movant Carrasco, a former employee of Debtor's restaurant Café Orient, worked for Debtor from approx. February 2015 until March 2019. Motion for

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CONT... Dat Phuc Nguyen

Chapter 13

RFS, Ex. A. Movant alleges that the work conditions that violate Labor and other Codes began before the petition date, sometime in September 2016, and continued through March 2019. Movant argues that this non-bankruptcy action for employment violations is best resolved in state court and contends that there are grounds for annulment because he filed his complaint on Sept. 22, 2020 without notice or knowledge of the bankruptcy filing.

Debtor opposes the Motion, arguing that payments under Debtor's chapter 13 plan are due to be completed on or about March 2022 - approximately 8 months. Debtor explains that, at the time this case was filed, he did not know (or have reason to know) that Movant had any claims against him. Debtor request the Court allow him to complete this case and deny the relief requested by Movant. If the Court is inclined to grant relief, however, Debtor maintains that relief should be conditioned to allow Movant to pursue only those claims (if any) that arose after this case was filed on March 6, 2017.

Given the timing of the actions that were alleged to have violated state labor and employment law, Movant may have a claim against the estate for any portion of the damages that accrued prepetition. The claim will need to be liquidated and it is prudent to have that done in the state court. Whether any judgment rendered in favor of Movant would create a claim against the estate is an issue appropriately resolved here, after the claim is liquidated.

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 without further order of this Court); 3 (stay annulled retroactively to the bankruptcy petition date); and 5 (waiver of the 4001(a)(3) stay).

DENY request for binding and effective relief under paragraph 6 and 7, as no bad faith is alleged as to Debtor's conduct in this bankruptcy case.

APPEARANCE REQUIRED

Party Information

Debtor(s):

Dat Phuc Nguyen

Represented By

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10:00 AM

CONT... Dat Phuc Nguyen

Chapter 13

Bobby Samini

Movant(s):

Armando Carrasco

Represented By
Dawn Ly

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Wednesday, August 11, 2021

Hearing Room 302

10:00 AM

1:17-13285 Angela Jean Garcia

Chapter 13

#2.00 Motion for relief from stay

NEWREZ LLC DBA DBA SHELLPOINT
MORTGAGE SERVICING

Docket 54

Tentative Ruling:

Petition Date: 12/8/2017

Ch. 13 plan confirmed: 11/26/2018

Service: Proper. No opposition filed.

Property: 1934 Lucas St. #3, San Fernando, CA 91340

Property Value: \$322,521 (per debtor's schedules)

Amount Owed: \$246,650

Equity Cushion: 16%

Equity: \$50,069

Post-Petition Delinquency: \$18,896.41 (12 payments of \$1,708.10, less
suspense balance of \$1,600.79)

Movant alleges the last payment received was on or about May 17, 2021

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 THAT SHALL INCLUDE
THE FOLLOWING LANGUAGE:**

"Moratoriums not affected. This order does not terminate any moratorium on
evictions, foreclosures or similar relief. Nothing in this order should be
construed as making any findings of fact or conclusions of law regarding the
existence of, or merits of any dispute regarding, any such moratorium."

Party Information

**United States Bankruptcy Court
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San Fernando Valley
Chief Judge Maureen Tighe, Presiding
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Wednesday, August 11, 2021

Hearing Room 302

10:00 AM

CONT... Angela Jean Garcia

Chapter 13

Debtor(s):

Angela Jean Garcia

Represented By
David H Chung

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Nancy L Lee
Jennifer C Wong

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:19-11044 Cindy Violeta Aquino

Chapter 7

#3.00 Order to Show Cause why West Coast Dental Services and Access Capital Service, Inc., should not be held in Contempt of Court for Intentionally Violating the Discharge

Docket 0

Tentative Ruling:

Having considered the *Notice of Settlement of Order to Show Cause*, ECF doc. 29, the Court finds cause to VACATE the OSC.

Debtor to lodge *Order Vacating Order to Show Cause due to Settlement* within 7 days.

NO APPEARANCE REQUIRED ON 8-11-21

Party Information

Debtor(s):

Cindy Violeta Aquino

Represented By
Ali R Nader
David Brian Lally

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:21-10079 Ara Eric Hunanyan

Chapter 7

#4.00 Motion to Remove Trustee Zamora

Docket 109

Tentative Ruling:

ra Hunanyan ("Debtor") filed a motion to remove Nancy Zamora ("Trustee).

§ 324(a) of the Federal Bankruptcy Code provides, "[t]he court, after notice and a hearing, may remove a trustee, other than the United States trustee, or an examiner for cause." 11 U.S.C.S. § 324. This is an extreme remedy given the impact on all parties involved. See *United States Trustee v. Repp* (In re Sheehan), 185 B.R. 819, 822 (Bankr. D. Ariz. 1995) (removal of trustee is extreme remedy even where trustee has acted negligently). While, the Code is silent on who may seek removal, courts have held that Chapter 7 debtors have standing to seek removal of a trustee. 2 Collier Bankruptcy Practice Guide P 29.03 (2021); *In re Bennett*, 2007 Bankr. LEXIS 2970, at *27 (Bankr. N.D.N.Y. 2007).

Ultimately, "[c]ause for removal of an appointed panel trustee under § 324(a) is not susceptible to sharp definition, but is determined on a case-by-case, totality-of-circumstances approach, subject to the bankruptcy court's broad discretion." *Dye v. Brown* (In re AFI Holding, Inc.), 355 B.R. 139, 155 (B.A.P. 9th Cir. 2006). The burden is on the party seeking removal to show cause and this contention must be supported by specific facts. *Id.* at 148.

Examples of sufficient cause may include, "trustee incompetence, violation of the trustee's fiduciary duties, misconduct or failure to perform the trustee's duties, or lack of disinterestedness or holding an interest adverse to the estate." *Id.*

Here, the Debtor argues cause exists to remove the Trustee because the Trustee has not been fighting his former spouse's probate estate's proof of claim. Debtor believes that if the Trustee opposes the former spouse's claim then there would be more assets in the estate to distribute. Further, Debtor believes there is a conflict of interest between the Trustee and the real estate agent. The Trustee opposes this motion.

"A Chapter 7 trustee is given a substantial degree of discretion in deciding

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10:30 AM

CONT...

Ara Eric Hunanyan

Chapter 7

how to administer the bankruptcy estate and his or her actions are governed by a business judgment standard." Therefore, a trustee will not be removed for mistakes in judgment where the judgment is discretionary and reasonable under the circumstances. Nor is a trustee required to prosecute every cause of action belonging to the estate. Courts should consider the best interests of the estate, rather than those of a single complaining creditor when determining whether to remove a trustee. However, even an honest trustee may be removed if the trustee loses so much of the creditors' confidence that discord threatens the estate." 3 Collier On Bankruptcy, ¶ 324.02 (Alan N. Resnick & Henry J. Sommer, eds., 16th ed. 2012); see also *In re Moore*, 110 B.R. 924, 928 (Bankr. C.D. Cal. 1990) ("The test involved is a balancing of the principle of discretion which the business judgment rule allows trustees in the management and distribution of estate property, and the duty imposed on trustees to maximize the value of the estate pursuant to the Code. The business judgment rule should allow a trustee discretion in balancing the costs and benefits of administering an asset of the estate.").

Here, the former spouse's claim against the estate relates to a state court dissolution of marriage judgment that the Debtor believes came out wrong. The Debtor believes that the Trustee should be appealing this judgment rather than settling with the former spouse's estate. The cost of litigation the Debtor would like the Trustee to do in order to overturn the state court's ruling would be high. Further, based on the Debtor's previous pleadings, it appears the basis for overturning the judgment is low. The Trustee analyzed the risk versus the reward and chose to settle with the former spouse's estate rather than litigate. Nothing suggests that the Trustee abused her discretion by not pursuing the course of action that the Debtor believed to be appropriate.

Additionally, the assertion of a conflict of interest between the Trustee and the real estate agent is not persuasive. The Trustee disclosed her prior connection with the real estate agent in the real estate employment application. Dkt. No. 15. Nothing suggested that the employment of the real estate firm would have raised any conflict of interest issues and the Court granted the application. Again, nothing suggests there is a conflict of interest between the Trustee and the real estate agent.

Debtor also raises a straw buyer argument. This position is unsupported by

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10:30 AM

CONT... **Ara Eric Hunanyan**
sufficient evidence.

Chapter 7

The Court DENIES the motion.

Appearance Required.

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

**United States Bankruptcy Court
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Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:09-16565 David Schwartzman

Chapter 11

#5.00 Post confirmation status conference

fr. 10/27/11, 11/1/12, 5/23/13, 12/5/13,
4/24/14, 9/4/14, 2/26/15, 5/7/15, 11/5/15; 5/5/16,
11/16/16, 11/17/16, 4/6/17; 4/12/17, 12/13/17;
8/1/18; 3/6/19, 8/21/19, 12/18/19, 1/8/20, 7/15/20,
1/6/21; 6/16/21

Docket 1

Tentative Ruling:

Having reviewed Debtor's Post-Confirmation Status Report (doc. 427), the Court finds cause to continue this post-confirmation status conference to February 9, 2022, at 10:30 a.m. Debtor to give notice of the continued status conference.

NO APPEARANCE REQUIRED ON 8-11-21

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
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Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:19-11292 Mani Mukherjee

Chapter 7

#6.00 Trustee's Final Report and Applications for
Compensation

Docket 116

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.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS

APPEARANCES WAIVED ON 8/11/2021.

Party Information

Debtor(s):

Mani Mukherjee

Represented By
Armen Shaghzo

Trustee(s):

Nancy J Zamora (TR)

Represented By
Peter J Mastan
Dinsmore & Shohl LLP
Ashleigh A Danker

**United States Bankruptcy Court
Central District of California
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Courtroom 302 Calendar**

Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:21-10091 Gilberto Mendez Serrano

Chapter 7

#7.00 Trustee's Final Report and Application for
Compensation and Deadline to Object

Trustee:
Nancy Zamora

Docket 31

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.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS

APPEARANCES WAIVED ON 8/11/2021.

Party Information

Debtor(s):

Gilberto Mendez Serrano

Represented By
Lauren Ross

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, August 11, 2021

Hearing Room 302

10:30 AM

1:20-10839 Olga Lidia Sienna and Lisandro Sienna

Chapter 13

#7.01 Motion for Authority to Sell or Refinance Real Property
under LBR 3015-1

Docket 27

Tentative Ruling:

Debtor mover to sell real property located at 6741 Case Avenue, North Hollywood, CA 91606 ("Property"). The motion was set on shortened time. The sale price of the Property is \$680,000. There are three encumbrances against the Property. After the payment of the encumbrances and all costs of sale there will be \$357,502.43 remaining. The Ch 13 Trustee will be authorized to demand upon escrow for sufficient fund to pay off the plan with 100% dividend to unsecured creditors.

The Trustee approves the sale of the Property on the following demands: the Trustee can take the statutory fees on claims which would otherwise be paid through the plan, the plan remains 100%, and the Trustee will demand \$67,200.00.

The Court will GRANT the motion.
Appearance Required.

Party Information

Debtor(s):

Olga Lidia Sienna

Represented By
Danny K Agai

Joint Debtor(s):

Lisandro Sienna

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, August 11, 2021

Hearing Room 302

11:00 AM

1:21-10582 Margie Macareno Candelaria

Chapter 13

Adv#: 1:21-01028 Diaz et al v. Candelaria et al

#8.00 Status Conference re Complaint to Determine
Non-Dischargeability of Debt and in Objection
to Discharge.

Docket 1

Tentative Ruling:

Having reviewed the docket for this adversary proceeding and finding that there is a Motion to Dismiss under FRBP 12(b)(6) set for hearing on Aug. 18, 2021, the Court finds cause to continue this status conference to **August 18, 2021, at 1:00 p.m.** to be heard with the Motion to Dismiss.

APPEARANCES WAIVED ON 8-11-21

Party Information

Debtor(s):

Margie Macareno Candelaria

Represented By
Jeffrey J Hagen

Defendant(s):

Margie Macareno Candelaria

Pro Se

Pauline Macareno

Pro Se

Erik Candelaria

Pro Se

DESIGN TO BUILD

Pro Se

PAUL AND JOSEPH, LLC

Pro Se

FOR THE CHILDREN LLC

Pro Se

MARCHLAND, INC.

Pro Se

Margie Candelaria trustee of The

Pro Se

**United States Bankruptcy Court
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Wednesday, August 11, 2021

Hearing Room 302

11:00 AM

CONT... Margie Macareno Candelaria

Chapter 13

Plaintiff(s):

Jose Diaz

Represented By
Aldo A Flores

Jose Alberto Diaz, JR, an individual

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, August 11, 2021

Hearing Room 302

11:00 AM

1:21-10253 Sharareh Simhaei

Chapter 13

Adv#: 1:21-01029 Kohan v. Simhaei

#9.00 Status Conference Re: Complaint for
Determination of Dischargeability
Pursuant to 11 U.S.C Sec. 523

Docket 1

***** VACATED *** REASON: Another Summons was issued S/C set for
9/22/21 at 11:00 a.m. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharareh Simhaei

Represented By
Stella A Havkin

Defendant(s):

Sharareh Simhaei

Pro Se

Plaintiff(s):

Kamran Kohan

Represented By
Alexandre I Cornelius

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 302 Calendar**

Wednesday, August 11, 2021

Hearing Room 302

1:00 PM

1:19-12102 Hawkeye Entertainment, LLC

Chapter 11

#10.00 Motion For Order Removing Judgment Lien
And/Or Requiring Withdrawal Of Abstract Of
Judgment Recorded By Debtor And Releasing
The Lien Against Landlord's Real Property;
Declarations Of Steven F. Werth And
Michael S. Chang

fr. 8/4/21

Docket 379

Tentative Ruling:

Appearance Required.

Party Information

Debtor(s):

Hawkeye Entertainment, LLC

Represented By
Sandford L. Frey

**United States Bankruptcy Court
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Tuesday, August 17, 2021

Hearing Room 302

8:00 AM
1:00-00000

Chapter

#0.00 The 8:30 am Reaffirmation Agreement calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

Video/audio web address: <https://cacb.zoomgov.com/j/1605921904>

Meeting ID: 160 592 1904

Password: 340003

Join by Telephone

Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 592 1904

Password: 340003

**United States Bankruptcy Court
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8:00 AM

CONT...

Chapter

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

1:21-10635 Briana Charisse DuRoussfau

Chapter 7

**#1.00 Pro se Reaffirmation Agreement Between Debtor
and WELLS FARGO AUTO**

Docket 13

***** VACATED *** REASON: Cont'd to September 21, 2021 at 8:30 a.m. -
hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Briana Charisse DuRoussfau Pro Se

Trustee(s):

Amy L Goldman (TR) Pro Se

**United States Bankruptcy Court
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Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

1:21-10789 Ryan O Koga and Cassandra Punsiri

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor and
Premier America Credit Union**

Docket 11

Tentative Ruling:

Petition date: 4/30/21

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 Hyundai Santa Fe

Debtor's valuation of property (Sch. B): \$10,500

Amount to be reaffirmed: \$6,328.50

APR: 2.49%

Contract terms: \$638.46 per month for 10 months

Monthly Income (Schedule I): \$6,319.56

Monthly expenses: (Schedule J): \$8,896.69

Disposable income: <\$2,577.13>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the
agreement? Yes

If disposable income is insufficient to make payments, then there is a
rebuttable presumption of undue hardship. Did Debtor explain how he/she
will be able to afford the payments in Part D?

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8:30 AM

CONT... Ryan O Koga and Cassandra Punsiri

Chapter 7

Debtor anticipates an increase in income by the last quarter 2021 and that his family has reduced expenses to afford this payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 7, 2021, whichever is later.

Party Information

Debtor(s):

Ryan O Koga

Represented By
Robert M Yaspan

Joint Debtor(s):

Cassandra Punsiri

Represented By
Robert M Yaspan

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

8:30 AM

1:21-10856 Ivan Kozlovtssev

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and
Toyota Motor Credit Corporation

fr. 7/20/21

Docket 13

Tentative Ruling:

7-20-21 TENTATIVE BELOW

Petition date: 5-12-21

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: 2020 Toyota Prius

Debtor's valuation of property (Sch. B): \$25,970

Amount to be reaffirmed: \$27,699.69

APR: 8.3% (fixed)

Contract terms: \$599.95 per month for 55 months

Monthly Income (Schedule I): \$4,264

Monthly expenses: (Schedule J): \$4,251

Disposable income: \$13.00

Sec. 524(k) disclosures received in writing prior to Debtor's signing the
agreement? Yes

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Hearing Room 302

8:30 AM

CONT... Ivan Kozlovtsev

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?

Debtor provides no explanation for how they will make these payments. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until August 16, 2021, whichever is later.

Party Information

Debtor(s):

Ivan Kozlovtsev

Represented By
Elena Steers

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:21-10856 Ivan Kozlovtssev

Chapter 7

**#4.00 Reaffirmation Agreement Between Debtor and
WELLS FARGO AUTO**

fr. 7/20/21

Docket 16

Tentative Ruling:

7-20-21 TENTATIVE BELOW

Petition date: 5-12-21

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: 2020 Toyota Prius

Debtor's valuation of property (Sch. B): \$25,970

Amount to be reaffirmed: \$27,699.69

APR: 8.3% (fixed)

Contract terms: \$599.95 per month for 55 months

Monthly Income (Schedule I): \$4,264

Monthly expenses: (Schedule J): \$4,251

Disposable income: \$13.00

Sec. 524(k) disclosures received in writing prior to Debtor's signing the
agreement? Yes

**United States Bankruptcy Court
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8:30 AM

CONT... Ivan Kozlovtsev

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?

Debtor provides no explanation for how they will make these payments. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until August 21, 2021, whichever is later.

Party Information

Debtor(s):

Ivan Kozlovtsev

Represented By
Elena Steers

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

1:21-10859 Carolina Puquierre

Chapter 7

**#5.00 Reaffirmation Agreement Between Debtor and
American Honda Finance Corporation**

Docket 14

Tentative Ruling:

Petition date: 5/13/21

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: 2020 Honda HR-V

Debtor's valuation of property (Sch. B): \$0.00 (LEASE)

Amount to be reaffirmed: \$8,901

APR: 0.00% (fixed)

Contract terms: \$329.67 per month for 27 months

Monthly Income (Schedule I): \$3,616.00

Monthly expenses: (Schedule J): \$3,602.64

Disposable income: \$13.36

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?

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8:30 AM

CONT... Carolina Puquierre

Chapter 7

No explanation is provided. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 13, 2021, whichever is later.

Party Information

Debtor(s):

Carolina Puquierre

Pro Se

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 302

8:30 AM

1:21-10920 Gregory E. Corman

Chapter 7

**#6.00 Reaffirmation Agreement Between Debtor and
Logix Federal Credit Union (DeBelius, Damarie)**

Docket 23

Tentative Ruling:

Petition date: 5/21/21

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: 2020 BMW R1250RS

Debtor's valuation of property (Sch. B): \$11,840

Amount to be reaffirmed: \$12,108.79

APR: 7.49% (fixed)

Contract terms: \$280.75 per month for 51 months

Monthly Income (Schedule I): \$3,750

Monthly expenses: (Schedule J): \$3,718.14

Disposable income: \$31.86

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

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8:30 AM

CONT... Gregory E. Corman

Chapter 7

No explanation is provided. Debtor lists on Sch. I that his income is comprised of family support and unemployment insurance. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 8, 2021, whichever is later.

Party Information

Debtor(s):

Gregory E. Corman

Represented By
R Grace Rodriguez

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

1:21-10953 Ruben Jimenez

Chapter 7

**#7.00 Reaffirmation Agreement Between Debtor and
Freedom Mortgage Corporation**

Docket 8

Tentative Ruling:

Petition date: 5/26/21

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: 14655 Vose St., Van Nuys, CA 91405

Debtor's valuation of property (Sch. A/B): \$684,513

Amount to be reaffirmed: \$363,947.94

APR: 3.5% (fixed)

Contract terms: \$2577.69 per month for 306 months (25.5 years)

Monthly Income (Schedule I): \$5,425.84

Monthly expenses: (Schedule J): \$5,395.00

Disposable income: \$30.84

Sec. 524(k) disclosures received in writing prior to Debtor's signing the
agreement? Yes

If disposable income is insufficient to make payments, then there is a
rebuttable presumption of undue hardship. Did Debtor explain how he/she
will be able to afford the payments in Part D?

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8:30 AM

CONT... Ruben Jimenez

Chapter 7

No explanation is provided. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 7, 2021, whichever is later.

Party Information

Debtor(s):

Ruben Jimenez

Represented By
Daniel King

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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Hearing Room 302

8:30 AM

1:21-11106 Louis Anthony De Barraicua

Chapter 7

**#8.00 Reaffirmation Agreement Between Debtor and
Wells Fargo Bank N.A. dba Wells Fargo Auto**

Docket 13

Tentative Ruling:

Petition date: 6/24/21

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 BMW I3 Series

Debtor's valuation of property (Sch. B): \$718,800

Amount to be reaffirmed: \$12,940.92

APR: 3.89% (fixed)

Contract terms: \$310.83 per month for 44 months

Monthly Income (Schedule I): \$5,789

Monthly expenses: (Schedule J): \$7,093

Disposable income: <\$1,304.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the
agreement? Yes

If disposable income is insufficient to make payments, then there is a
rebuttable presumption of undue hardship. Did Debtor explain how he/she
will be able to afford the payments in Part D?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

CONT... Louis Anthony De Barraicua

Chapter 7

Debtor explains that if he cannot afford the payment, his family will assist.
This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until
September 29, 2021, whichever is later.

Party Information

Debtor(s):

Louis Anthony De Barraicua

Represented By
Nathan A Berneman

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 17, 2021

Hearing Room 302

8:30 AM

1:21-11173 Diamond Alaysia Shelton

Chapter 7

**#9.00 Pro se Reaffirmation Agreement Between Debtor and
Bridgecrest Credit Company LLC**

Docket 8

Tentative Ruling:

Petition date: 7/8/21

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 Hyundai Accent

Debtor's valuation of property (Sch. B): \$16,153

Amount to be reaffirmed: \$17,548.23

APR: 25.00%

Contract terms: \$485.92 per month for 65 months

Monthly Income (Schedule I): \$2,392.22

Monthly expenses: (Schedule J): \$2,309.54

Disposable income: \$82.68

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?

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 17, 2021

Hearing Room 302

8:30 AM

CONT... Diamond Alaysia Shelton

Chapter 7

Debtor explained that she included this payment on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 22, 2021, whichever is later.

Party Information

Debtor(s):

Diamond Alaysia Shelton	Pro Se
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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 17, 2021

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 The calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

Video/audio web address: <https://cacb.zoomgov.com/j/1605921904>

Meeting ID: 160 592 1904

Password: 340003

Join by Telephone

Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 592 1904

Password: 340003

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 17, 2021

Hearing Room 302

10:00 AM

CONT...

Chapter

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 17, 2021

Hearing Room 302

10:00 AM

1:18-12377 Reynaldo VILLANUEVA

Chapter 13

#10.00 Motion to Reconsider Order Granting
Motion for Relief from the Automatic Stay

Docket 60

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Reynaldo VILLANUEVA

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 18, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1611556930>

Meeting ID: 161 155 6930

Password: 561403

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 161 155 6930

Password: 561403

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

9:30 AM

1:19-12533 Stuart Malin and Patricia Malin

Chapter 13

#1.00 Motion for relief from stay

METROPOLITAN LIFE INSURANCE CO.

fr. 10/28/20, 6/30/21

Docket 44

Party Information

Debtor(s):

Stuart Malin

Represented By
Steven Abraham Wolvek

Joint Debtor(s):

Patricia Malin

Represented By
Steven Abraham Wolvek

Movant(s):

Metropolitan Life Insurance

Represented By
Daniel K Fujimoto
Christopher Giacinto
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, August 18, 2021

Hearing Room 302

10:30 AM

1:21-10293 PB 6 LLC

Chapter 11

#2.00 Disclosure Statement Describing Original Chapter 11 Plan

Docket 32

***** VACATED *** REASON: Continued to October 20, 2021, at 10:30am
per stipulation.
No Apperance Required on 8/18/2021.**

Party Information

Debtor(s):

PB 6 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, August 18, 2021

Hearing Room 302

10:30 AM

1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 7

#3.00 Motion to Dismiss Debtors' Chapter 7 Case

fr. 6/16/21

Docket 170

***** VACATED *** REASON: Continued to October 20, 2021, at 10:30am
per stipulation.**

No Apperance Required on 8/18/2021.

Party Information

Debtor(s):

Hovanes Antoine Osmanian

Represented By
Richard Mark Garber

Joint Debtor(s):

Violet Khachikyan Osmanian

Represented By
Richard Mark Garber

Trustee(s):

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 18, 2021

Hearing Room 302

10:30 AM

1:21-10079 Ara Eric Hunanyan

Chapter 7

#4.00 Motion Objecting to Claim #4 of Estate of Kokikian

Docket 112

Party Information

Debtor(s):

Ara Eric Hunanyan

Represented By
Stephen L Burton

Trustee(s):

Nancy J Zamora (TR)

Represented By
Ori S Blumenfeld
Jeremy Faith

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

10:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#5.00 Post-confirmation Status Conference
Confirmed: 8/14/18
Continued from 12/9/2020

fr. 4/21/21, 6/30/21

Docket 1

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 18, 2021

Hearing Room 302

11:00 AM

1:21-10263 Svetlana Buzina

Chapter 13

Adv#: 1:21-01012 Buzina v. Cardenas Three LLC, a California Limited Liability

- #6.00** Status Conference Re: Complaint for
Quiet Title
1 - To Determine the Extent and Validity of
Liens on Real Property;
2 - Quiet Title - Fraud
3 - Fraud
4 - Violation of Home Equity Sales Contract
Act California Civil Code, Sec. 1695
5 - Breach of Contract
6 - Negligence
7 - Declaratory Relief

[Re Property located at:
19237 Charles St.
Tarzana, CA 91356]

fr. 4/28/21; 5/5/21

Docket 5

Party Information

Debtor(s):

Svetlana Buzina

Represented By
Nancy Korompis

Defendant(s):

Cardenas Three LLC, a California	Pro Se
Franklin Advantage, Inc.	Pro Se
Charles Street Investments, Inc.	Pro Se
Charles Street Investment, LLC.	Pro Se
Inaam Rasheed Naeem, an	Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

11:00 AM

CONT... Svetlana Buzina

Chapter 13

Plaintiff(s):

Svetlana Buzina

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F 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 18, 2021

Hearing Room 302

11:00 AM

1:20-10324 Rooter Hero San Gabriel, Inc.

Chapter 7

Adv#: 1:21-01032 Weil v. Akhoian et al

#7.00 Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

Rooter Hero San Gabriel, Inc.

Represented By
David S Hagen

Defendant(s):

John Akhoian

Pro Se

Plumber Hero, Inc.

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, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10326 Rooter Hero 9, Inc.

Chapter 7

Adv#: 1:21-01033 Weil v. Akhoian et al

#8.00 Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer),(14 (Recovery of money/property - other)

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

Rooter Hero 9, Inc.

Represented By
David S Hagen

Defendant(s):

John Akhoian

Pro Se

Plumber Hero, Inc.

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, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10327 Rooter Hero of Ventura, LLC

Chapter 7

Adv#: 1:21-01030 Goldman v. Akhoian et al

#9.00 Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer),(14 (Recovery of money/property - other)

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

Rooter Hero of Ventura, LLC

Represented By
David S Hagen

Defendant(s):

John Akhoian

Pro Se

RH LAN, Inc.

Pro Se

Plaintiff(s):

Amy L. Goldman

Represented By
Anthony A Friedman

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A Friedman

Diane C Weil

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10577 Rooter Hero Plumbing, Inc.

Chapter 7

Adv#: 1:21-01035 Goldman v. RH Orange, Inc. et al

#10.00 Motion of Chapter 7 Trustee for Preliminary Injunction

fr. 6/24/21

Docket 2

*** VACATED *** REASON: Cont'd to 9/8/21 at 11:00 a.m. per Order #24.If

Party Information

Debtor(s):

Rooter Hero Plumbing, Inc.

Represented By
David S Hagen

Defendant(s):

RH Orange, Inc.

Pro Se

Call Pro's, Inc.

Pro Se

John Akhoian

Pro Se

RH BAS, Inc.

Pro Se

RH LAN, Inc.

Pro Se

Plumber Hero, Inc.

Pro Se

Plaintiff(s):

Amy L. Goldman

Represented By
Anthony A Friedman

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A Friedman

Diane C. Weil

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10577 Rooter Hero Plumbing, Inc.

Chapter 7

Adv#: 1:21-01035 Goldman v. RH Orange, Inc. et al

- #11.00** Status Conference Re: Complaint to:
(1) Avoid and Recover Fraudulent Transfers;
(2) Avoid and Recover Post-Petition Transfers;
(3) to Preserve Recovered Transfers for Benefit of Debtors Estate;
(4) Permanent Injunction;
(5) Trademark Infringement; and
(6) Turnover of Property of the Estate

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

Rooter Hero Plumbing, Inc.

Represented By
David S Hagen

Defendant(s):

RH Orange, Inc.

Represented By
Marilyn Smith

Call Pro's, Inc.

Represented By
Marilyn Smith

John Akhoian

Represented By
Marilyn Smith
Alan I Nahmias

RH BAS, Inc.

Represented By
Marilyn Smith

RH LAN, Inc.

Represented By
Marilyn Smith

Plumber Hero, Inc.

Represented By
Marilyn Smith

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

11:00 AM

CONT... Rooter Hero Plumbing, Inc.

Chapter 7

Plaintiff(s):

Amy L. Goldman

Represented By
Anthony A Friedman

Trustee(s):

Diane C. Weil

Pro Se

Amy L Goldman (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, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10325 RHSF, Inc.

Chapter 7

Adv#: 1:21-01034 Weil v. Akhoian et al

#12.00 Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

RHSF, Inc.

Represented By
David S Hagen

Defendant(s):

John Akhoian

Pro Se

RH BAS, Inc.

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, August 18, 2021

Hearing Room 302

11:00 AM

1:20-10328 RHSFND

Chapter 7

Adv#: 1:21-01031 Goldman v. Akhoian et al

#13.00 Status Conference re: Complaint to (1) Avoid and Recover Fraudulent Transfer; and (2) to Preserve Recovered Transfer for Benefit of Debtor's Estate [11 U.S.C. § 544 and California Civil Code § 3439 et. seq. and 11 U.S.C. §§ 548 and 550] - Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer),(14 (Recovery of money/property - other)

Docket 1

***** VACATED *** REASON: Continued by Stip to 9/8/21 at 11:00 a.m. - jc**

Party Information

Debtor(s):

RHSFND

Represented By
David S Hagen

Defendant(s):

John Akhoian

Pro Se

RH LAN, Inc.

Pro Se

Plaintiff(s):

Amy L. Goldman

Represented By
Anthony A Friedman

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A Friedman

Diane C Weil

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

1:00 PM

1:21-10582 Margie Macareno Candelaria

Chapter 13

Adv#: 1:21-01028 Diaz et al v. Candelaria et al

#14.00 Motion for Order Dismissing Complaint of Plaintiffs Jose Diaz, Sr., and Jose Alberto Diaz, Jr., to Determine Non-Dischargeability of Debt and Objection to Discharge Pursuant to Fed. R. Bankr. P. 7012(b)(6) and Fed. R. CIV. P. 12(b)(6)

Docket 6

Party Information

Debtor(s):

Margie Macareno Candelaria

Represented By
Jeffrey J Hagen

Defendant(s):

Margie Macareno Candelaria

Represented By
Yahir Alexander Barragan

Pauline Macareno

Pro Se

Erik Candelaria

Pro Se

DESIGN TO BUILD

Pro Se

PAUL AND JOSEPH, LLC

Pro Se

FOR THE CHILDREN LLC

Pro Se

MARCHLAND, INC.

Pro Se

Margie Candelaria trustee of The

Pro Se

Plaintiff(s):

Jose Diaz

Represented By
Aldo A Flores

Jose Alberto Diaz, JR, an individual

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

1:00 PM

CONT... Margie Macareno Candelaria

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 18, 2021

Hearing Room 302

1:00 PM

1:21-10582 Margie Macareno Candelaria

Chapter 13

Adv#: 1:21-01028 Diaz et al v. Candelaria et al

#15.00 Status Conference re Complaint to Determine
Non-Dischargeability of Debt and in Objection
to Discharge.

fr. 8/11/21

Docket 1

Party Information

Debtor(s):

Margie Macareno Candelaria

Represented By
Jeffrey J Hagen

Defendant(s):

Margie Macareno Candelaria

Pro Se

Pauline Macareno

Pro Se

Erik Candelaria

Pro Se

DESIGN TO BUILD

Pro Se

PAUL AND JOSEPH, LLC

Pro Se

FOR THE CHILDREN LLC

Pro Se

Margie Candelaria trustee of The

Pro Se

MARCHLAND, INC.

Pro Se

Plaintiff(s):

Jose Alberto Diaz, JR, an individual

Pro Se

Jose Diaz

Represented By
Aldo A Flores

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 18, 2021

Hearing Room 302

1:00 PM

CONT... Margie Macareno Candelaria

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 18, 2021

Hearing Room 302

3:00 PM

1:21-11374 Energy Enterprises USA Inc. dba Canopy Energy

Chapter 11

#16.00 Order Setting Hearing on Debtor's Emergency Motions
Authorizing Interim Use of Cash Collateral and Authorizing
Payment of Pre-Petition Wages and Related Expenses

Docket 10

Party Information

Debtor(s):

Energy Enterprises USA Inc. dba

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 20, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: <https://cacb.zoomgov.com/j/1607113310>

Meeting ID: 160 711 3310

Password: 436528

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 711 3310

Password: 436528

Docket 0

***** VACATED *****

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 20, 2021

Hearing Room 302

9:00 AM

1:21-10082 Claudia Cadena

Chapter 7

#1.00 Evidentiary Hearing
RE: [1] Chapter 7 Involuntary
Petition Against Claudia Cadena

fr. 5/10/21

Docket 1

***** VACATED *** REASON: Continued to August 30, 2021, at 1:00pm**

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

9:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607407792>

Meeting ID: 160 740 7792

Password: 191882

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 740 7792

Password: 191882

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

9:00 AM

CONT...

- NONE LISTED -

Chapter

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

9:30 AM

1:21-11412 Jose Carlos Nevarez

Chapter 13

**#20.01 Order to Show Cause for why Debtor's Case Should not be
Dismissed or Consolidated**

Docket 0

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Jose Carlos Nevarez

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, August 24, 2021

Hearing Room 302

11:00 AM

1:15-11162 Steven Sandler

Chapter 13

#33.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 4/27/21; 5/25/21, 6/22/21; 7/27/21

Docket 139

***** VACATED *** REASON: Cont. 9/28/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, August 24, 2021

Hearing Room 302

11:00 AM

1:16-10083 Griselda Renteria

Chapter 13

#34.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 110

***** VACATED *** REASON: Ntc. of w/drawal filed 8/23/21 (eg)**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, August 24, 2021

Hearing Room 302

11:00 AM

1:16-10839 Marcellus Francis

Chapter 13

#35.00 Motion RE: Objection to Amended Claims 2-3,
2-4, 2-5 by Claimant Aleta Francis

fr. 5/25/21

Docket 117

***** VACATED *** REASON: Withdrawn 8-17-21 (ECF doc. 142) - hm**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcellus Francis

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, August 24, 2021

Hearing Room 302

11:00 AM

1:16-10839 Marcellus Francis

Chapter 13

#36.00 Amended Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan
payments

fr. 5/25/21

Docket 136

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Counsel and trustee should consult on the whether trustee has given adequate credit for payment of claim. appearance required to discuss what type of order is needed going forward to finish this case. The plan can be modified to finish up these payments. The question is how to word the order to make it clear what is still to be done.

APPEARANCE 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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#37.00 Trustee's Motion to Dismiss Case Due to Material Default:
Failure to Submit Tax Returns

Docket 147

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #155. If

Matter Notes:

- 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 24, 2021

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#38.00 Trustee's Motion to Dismiss Case due to Material Default:
Failure to Submit all Tax Refunds

fr. 6/22/21; 7/27/21

Docket 71

Matter Notes:

- NONE LISTED -

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, August 24, 2021

Hearing Room 302

11:00 AM

1:16-12136 Dobrita Munteanu and Florin Puscas

Chapter 13

#39.00 Motion by debtor for an order relieving debtor Florin Puscas of the duty to complete and file the Debtor's Certification of Compliance.

Docket 84

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Service proper. No opposition filed. Having reviewed the *Motion for an Order Relieving Debtor Florin Puscas of the Duty to Complete and File the "Debtor's Certification of Compliance Under 11 U.S.C. § 1328(A) and Application for Entry of Discharge,"* and finding good cause, the Motion is GRANTED.

JOINT DEBTOR TO LODGE ORDER WITHIN 7 DAYS.
APPEARANCES WAIVED ON 8-24-21

Party Information

Debtor(s):

Dobrita Munteanu

Represented By
Mark J Markus

Joint Debtor(s):

Florin Puscas

Represented By
Mark J Markus

Trustee(s):

Elizabeth (SV) F 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 24, 2021

Hearing Room 302

11:00 AM

1:16-12160 Hernan Alberto Orantes and Maria Del Rocio Sanchez

Chapter 13

#40.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default of Plan: Failure to Submit all Tax Refunds

fr. 4/27/21; 5/25/21; 7/27/21

Docket 95

***** VACATED *** REASON: Ntc. of w/drawal filed 8/19/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hernan Alberto Orantes

Represented By
Eric Bensamochan

Joint Debtor(s):

Maria Del Rocio Sanchez

Represented By
Eric Bensamochan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:16-13250 Robert Michael Martinez

Chapter 13

#41.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 148

Matter Notes:

- 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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

#42.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 140

Matter Notes:

- NONE LISTED -

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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-10317 James Patrick Sweet

Chapter 13

#43.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 5/25/21; 7/27/21

Docket 58

***** VACATED *** REASON: Continued to 9/28/21 at 11:00.**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:17-10382 Darrell Marion Alexander

Chapter 13

#44.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr.9/22/20; 11/17/20; 1/26/21, 2/23/21, 4/27/21; 5/25/21, 6/22/21

Docket 46

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Marion Alexander

Represented By
Arthur H Lampel

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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-10545 Mario Rene Tejada

Chapter 13

#45.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/27/21

Docket 154

Matter Notes:

- 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 24, 2021

Hearing Room 302

11:00 AM

1:17-10814 Sabrina Goldfield

Chapter 13

#46.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default: Failure to Submit all
Tax Refunds

Docket 44

***** VACATED *** REASON: Ntc. of w/drawal filed 8/19/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sabrina Goldfield

Represented By
Lenelle C Castille

Trustee(s):

Elizabeth (SV) F 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 24, 2021

Hearing Room 302

11:00 AM

1:17-11210 David Eugene Flores and Susan Muro Flores

Chapter 13

#47.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 4/27/21, 6/22/21; 7/27/21

Docket 92

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Eugene Flores

Represented By
Barry E Borowitz

Joint Debtor(s):

Susan Muro 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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#48.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20; 6/23/20; 8/25/20
9/22/20, 10/27/20; 11/17/20; 12/15/20; 1/26/21; 3/16/21,
4/27/21; 5/25/21, 6/22/21; 7/27/21

Docket 138

***** VACATED *** REASON: Cont. 9/28/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

**#49.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 7/30/19, 9/24/19, 11/19/19, 12/17/19, 2/25/20,
4/28/20, 7/21/20, 10/27/20; 1/26/21, 4/27/21, 6/22/21; 7/27/21

Docket 50

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Akerele Alele	Pro Se
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Movant(s):

Elizabeth (SV) F Rojas (TR)	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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

#50.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 73

***** VACATED *** REASON: Ntc. of w/drawal filed 8/19/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

#51.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/22/21; 7/27/21

Docket 91

Matter Notes:

- 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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-12596 Lynne Suzanne Boyarsky

Chapter 13

#52.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 1/26/21; 3/16/21; 5/25/21, 6/22/21; 7/27/21

Docket 119

***** VACATED *** REASON: Cont'd to 11/16/21 at 11:00 a.m. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynne Suzanne Boyarsky

Represented By
Matthew D. Resnik

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, August 24, 2021

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

#53.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 11/19/19; 1/28/20, 2/25/20, 4/28/20, 7/21/20,
9/22/20; 12/15/20, 2/23/21, 4/27/21, 6/22/21

Docket 85

Matter Notes:

- NONE LISTED -

Tentative Ruling:

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, August 24, 2021

Hearing Room 302

11:00 AM

1:18-11396 Chris Sekulic

Chapter 13

#54.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 40

***** VACATED *** REASON: Cont'd to 11/16/21 at 11:00 a.m. If**

Matter Notes:

- 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

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:18-11703 Fredy A. Caballero

Chapter 13

#55.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 87

*** VACATED *** REASON: Cont. 9/28/21 @11am

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fredy A. Caballero

Represented By

Nathan A Berneman

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 24, 2021

Hearing Room 302

11:00 AM

1:18-11784 Alexandra Olga Sologub

Chapter 13

#56.00 Trustee's Motion to Dismiss Case due to Material Default:
Failure to Submit all Tax Refunds F Rojas

Docket 62

***** VACATED *** REASON: Cont. 9/28/21 @11am**

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, August 24, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#57.00 Trustee's Motion to Dismiss Chapter 13 Case due to Material Default:
Failure to Submit all Tax Refunds

fr. 6/22/21; 7/27/21

Docket 92

***** VACATED *** REASON: Ntc. of w/drawal filed 8/19/21**

Matter Notes:

- NONE LISTED -

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:18-12591 Frances Pink Kaplan

Chapter 13

#58.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 7/27/21

Docket 97

***** VACATED *** REASON: Order entered.**

Matter Notes:

- NONE LISTED -

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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:18-12833 Marcie Berger

Chapter 13

#59.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 5/25/21, 6/22/21; 7/27/21

Docket 35

Matter Notes:

- 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

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:18-12843 Francisco Romero

Chapter 13

#60.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 82

Matter Notes:

- 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, August 24, 2021

Hearing Room 302

11:00 AM

1:19-10378 Yadira Brito

Chapter 13

#61.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default: Failure to Submit Tax
Refunds

Docket 39

***** VACATED *** REASON: Ntc. of w/drawal filed 7/23/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yadira Brito

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 24, 2021

Hearing Room 302

11:00 AM

1:19-10656 Rita Patricia Monteza

Chapter 13

#62.00 Trustee's Motion to Dismiss Chapter 13
Case due to Material Default of the Plan:
Failure to Submit all Tax Refunds

fr. 6/22/21; 7/27/21

Docket 64

***** VACATED *** REASON: Cont'd to 9/28/21 at 11:00 a.m. If**

Matter Notes:

- NONE LISTED -

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**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-10789 Carmen Ivy Garcia-Torres

Chapter 13

**#63.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

fr. 6/22/2; 7/27/21

Docket 76

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #81. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Ivy Garcia-Torres

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, August 24, 2021

Hearing Room 302

11:00 AM

1:19-10984 Ernesto Martinez and Gabriela Martinez

Chapter 13

#64.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 7/27/21

Docket 62

Matter Notes:

- 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
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-11081 Noel Dia and Imee Dia

Chapter 13

#65.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/22/21

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noel Dia

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Imee Dia

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 24, 2021

Hearing Room 302

11:00 AM

1:19-11176 Romeo Marinas Madrilejos and Joann Peralejo Madrilejos

Chapter 13

#66.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/22/21

Docket 25

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Marinas Madrilejos

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Joann Peralejo Madrilejos

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, August 24, 2021

Hearing Room 302

11:00 AM

1:19-11288 Ronald Harris Gladle

Chapter 13

#67.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/22/21; 7/27/21

Docket 122

***** VACATED *** REASON: Cont'd to 9/28/21 at 11:00 a.m. If**

Matter Notes:

- 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, August 24, 2021

Hearing Room 302

11:00 AM

1:19-11385 Dharam Raj Reddy

Chapter 13

#68.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/22/21

Docket 40

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #49. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dharam Raj Reddy

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 24, 2021

Hearing Room 302

11:00 AM

1:19-11422 Joe Kearney

Chapter 13

#69.00 Motion to Convert Case From Chapter 13 to 7.

fr. 7/27/21

Docket 244

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Appearance required

Previous Tentative:

On June 6, 2019, Joe Kearney ("Debtor") filed a chapter 13 bankruptcy case. The Debtor moved to convert to a chapter 11 and the case was converted to a Chapter 11 on April 20, 2020. Circumstances changed for the Debtor and on March 16, 2021 the Debtor moved to convert the case back to a chapter 13. Patricia Leupold ("Creditor") filed opposition thereto. The Court converted the case back to a chapter 13 bankruptcy case over the Creditor's opposition on April 14, 2021.

Prior to the Debtor commencing this bankruptcy case, the parties were litigating Creditor's claims in the state court. As the state court case proceeded towards trial, the Debtor filed for bankruptcy and stayed the state court trial. This Court then adjudicated the Creditor's claims and granted partial summary judgment in favor of the Creditor and conducted a trial on the remaining claims. The Court issued a memorandum decision resolving the remaining claims. Dkt. No. 243.

Creditor now moves to convert the Debtor's bankruptcy case to Chapter 7. Debtor opposes.

Standard:

Section 1307(c) authorizes a party in interest to request conversion or dismissal of a chapter 13 case for "cause" and provides a non-exclusive list of grounds

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Chapter 13

constituting cause. The statute provides a non-exclusive list of what constitutes as cause, including:

- 1) unreasonable delay by the debtor that is prejudicial to creditors;
- ...
- (3) failure to file a plan timely under section 1321 of this title [11 USCS § 1321];
- (4) failure to commence making timely payments under section 1326 of this title [11 USCS § 1326]...

11 U.S.C §1307(c). Moreover, a lack of good faith constitutes "cause" to dismiss a chapter 13 case. Eisen v. Curry (In re Eisen), 14 F.3d 469, 470 (9th Cir. 1994); Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 919 (9th Cir. BAP 2011).

Section 1307(c) establishes a two-step analysis for dealing with questions of conversion and dismissal. "First, it must be determined that there is 'cause' to act. Second, once determination of 'cause' has been made, a choice must be made between conversion and dismissal based on the 'best interests of the creditors and the estate.'" Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (9th Cir. BAP 2006).

Creditor asserts that the cause exists because the Debtor is acting in bad faith, creditors have been prejudiced by a delay, Debtor has not filed a plan, and Debtor failed to timely commence plan payments. Since cause exists, Creditor asserts that it would be the best interest of creditors to have the case be converted to a chapter 7 over being dismissed. Debtor wants the case dismissed because his back problems and his wife's serious illness make any Chapter 13 infeasible at this time.

Delay:

1307(c)(1) refers to only "unreasonable delay" generally, not to unreasonable delay toward confirmation. There is a tipping point in every case, when the delay in moving the case forward, whether toward confirmation or another disposition, becomes unwarranted and unjustified. In re Malek, 591 B.R. 420, 431 (Bankr. N.D.

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Cal. 2018).

Chapter 13

Creditor argues that unreasonable delay has occurred in this case. The timing of the bankruptcy forced the state court to stop moving forward with an imminent trial on the Creditor's claims. This Court ended up conducting the trial on the Creditor's claims; however, the trial was delayed numerous times. Creditor argues that the Debtor has unreasonably delayed not just the litigation but by failing to timely comply with provisions of the Code, which will be addressed later, the Debtor is unreasonably delaying the administration of the bankruptcy case. Debtor argues that he has complied with the provisions of the Bankruptcy Code up until recently and recent delays are due to his emotional distress brought on by his wife's deteriorating condition.

There is no question that the trial on the Creditor's claims was delayed; however, both parties are at fault for these delays and these delays were brought on by medical emergencies of witnesses and parties. The parties requested a delay due to the Covid-19 pandemic, although were willing to do it by video when it became clear it would be delayed for some time for in-person proceedings. While it may not be ideal that this trial was delayed to the extent that it was, nothing suggests that it was an unreasonable delay when all the facts are considered.

The delay caused by delaying the State Court trial was not unreasonable as a Chapter 11 or 13 bankruptcy can sometimes be an orderly way to liquidate claims and pay creditors, avoiding the uncertainty and delay of a state court trial and appeal. Although the trial was delayed for legitimate reasons here, it is quite often speedier to resolve a claim and figure out how to pay it in this court. The filing of bankruptcy, in and of itself, does not indicate bad faith here.

Accordingly, there is no cause for converting or dismissing the case for unreasonable delay with the trial.

Filing Plan:

Section 1321 requires a debtor in a chapter 13 bankruptcy case to file a plan. Federal Rule of Bankruptcy Procedure 3015(b) provides:

The debtor may file a chapter 13 plan with the petition. If a plan is not filed with the petition, it shall be filed within 14 days thereafter, and

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Chapter 13

such time may not be further extended except for cause shown and on notice as the court may direct. If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter, and such time may not be further extended except for cause shown and on notice as the court may direct.

This case was reconverted to chapter 13 by an order entered on April 14, 2021. Dkt. No. 223. Pursuant to FRBP Rule 3015(b), the plan was due on April 28, 2021. As of this date, the Debtor has not filed a plan nor a motion requesting an extension to file a plan. Debtor argues that he complied with FRBP 3015(b) because he filed a timely plan when this case was originally filed. Debtor's bankruptcy case was filed originally as a chapter 13, then it was converted to a chapter 11, and then back to a chapter 13. Debtor believes that the original plan is feasible and that it satisfies his obligations under FRBP 3015(b).

Debtor's position ignores the language of FRBP 3015 which provides: "If a case is converted to chapter 13, a plan shall be filed within 14 days thereafter...". This does not provide an exception for cases where a case is reconverted, rather it specifically says if a case is converted to a chapter 13, then a plan must be filed within 14 days of the conversion. Even though this was originally filed as a chapter 13 bankruptcy case, Debtor converted it to a chapter 11 and proceeded under chapter 11 of the Bankruptcy Code for over a year. Nothing in the Bankruptcy Code or FRBP relieves the Debtor of his obligation to file a chapter 13 plan under FRBP 3015 because this case was originally filed as a chapter 13.

Even assuming the original plan could suffice under the rules, it is out of date and clearly not feasible now. The general basis for the original motion to convert to a chapter 11 and to reconvert back to a chapter 13 was that the Debtor's circumstances changed. This case is approaching two years old and the circumstances of the parties have changed drastically in that time frame. Debtor's health is in decline and his ability to work is questionable. Sadly, Debtor's wife has terminal cancer and she cannot contribute to the plan. Creditor's claim has been liquidated and is approximately seven times greater than what was provided for in the plan. Regardless of the timeline imposed by FRBP 3015, the fact that the Debtor has yet to file an amended plan as of this date provides cause to convert or dismiss the Debtor's case.

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Chapter 13

Payments:

Section 1326(a)(1) provides:

Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier...

Debtor has not made plan payments since the case was converted back to a chapter 13 case. The Debtor asserts that since he complied with this requirement when he originally commenced his bankruptcy case as a chapter 13. A chapter 13 debtor has to keep making these payments, and the Chapter 13 Trustee's unopposed Objection to the plan indicates that Debtor has not made plan payments since the conversion. Dkt. No. 236.

Bad Faith:

While not specifically listed in the statute, "bad faith" is "cause" for dismissal or conversion under § 1307(c). Leavitt v. Soto (In re Leavitt), 171 F.3d 1219, 1224 (9th Cir. 1999).

Factors for determining whether a case was filed in bad faith include:

- (1) whether debtors misrepresented facts in the petition or plan, unfairly manipulated the Bankruptcy Code, or otherwise filed the chapter 13 petition or plan in an inequitable manner;
- (2) debtors' history of filings and dismissals;
- (3) whether debtors only intended to defeat state court litigation; and
- (4) whether egregious behavior is present.

Id.; Ho v. Dowell (In re Ho), 274 B.R. 867, 876 (9th Cir. BAP 2002). No one factor is determinative. Chiu Chuan Wang v. Hwang (In re Chuan Min Chang), 2021 Bankr. Lexis 1519 (9th BAP Cir. 2021). Rather, bad faith is determined by examining the "totality of the circumstances." Eisen v. Curry (In re Eisen), 14 F.3d 469, 470 (9th Cir. 1994). A finding of bad faith does not require fraudulent intent by the debtor, nor is evidence required of the debtor's ill will directed at creditors, or that the debtor was affirmatively attempting to violate the law — malfeasance is not a prerequisite to bad

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Chapter 13

faith. In re Leavitt, 171 F.3d at 1225.

The Court converted the Debtor's chapter 11 case back to a chapter 13 due to the Debtor's assertions that a chapter 13 case would better fit his current circumstances. Reconversion is not ideal and uncommon, but the Court granted this motion based on unexpected health issues and in order to give the Debtor the opportunity to reorganize his debts. Since the conversion the Debtor has not attended the 341 meeting of creditors, has not filed a plan or amended plan, and has not commenced plan payments. Some of this is typical in a case where parties are waiting for the Creditor's claims to be liquidated. In the weeks since the Court's memorandum decision was issued, the Debtor has still yet to file a plan or amend the original one filed almost two years ago to reflect circumstance as they are now. Debtor has explained this, indicating that he cannot figure out a way to file a feasible plan and has been in touch with the Chapter 13 trustee to discuss dismissal. There is no bad faith where the debtor's circumstances make it impossible to comply. As Debtor has not complied with Chapter 13 requirements since the claim ruling or since the case was reconverted, there is cause to convert or dismiss.

Convert or Dismiss:

Once determination of 'cause' has been made, a choice must be made between conversion and dismissal based on the 'best interests of the creditors and the estate.'" Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (9th Cir. BAP 2006). Conversion is in the best interests of both the creditors and the estate. First, an independent trustee performing this work is much more cost-effective and efficient than having creditors figuring out myriad ways to collect from the Debtor. Second, the creditors and the estate would suffer greatly if this case was dismissed. In early 2021, California significantly increased its homestead exemption (as high as \$600,000 in some cases). It has been represented to the Court at previous hearings that there is some equity in the Debtor's house. Lastly, neither party has briefed the binding effect of the court's objection to claim rulings following the partial summary judgment and trial, but any uncertainty about the binding effect of that ruling could prolong enforcement of this order. There has already been prolonged delay. Ms. Leopold has a right to collect and complete renovation of her house. If the case is dismissed, even with a bar on refile for a time period, the Debtor is likely to obtain this benefit at the expense of creditors and estate. Finally, with how prolonged this case has been, it

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would be beneficial to the estate and creditors to have an independent Chapter 7 Trustee put in charge of administering the estate. The case will be converted to Chapter 7.

Sanctions:

Debtor raised the issue of sanctions in his opposition. That matter has not been properly brought in the form of a separate motion. In any case, both parties had defensible positions. A lost at a trial does not equate to sanctionable conduct.

Conclusion:

The Court GRANTS the Creditors motion to convert this case to a chapter 7.

Party Information

Debtor(s):

Joe Kearney

Represented By
Robert M Aronson
Robert M. Aronson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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San Fernando Valley
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1:19-11486 Lester P. Speight

Chapter 13

#70.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/22/21; 7/27/21

Docket 31

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester P. Speight

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 24, 2021

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11:00 AM

1:19-12205 Mauricio Nunez

Chapter 13

#71.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 8/25/20, 9/22/20, 10/27/20; 11/17/20; 12/15/20,
2/23/21; 3/16/21, 4/27/21; 5/25/21, 6/22/21; 7/27/21

Docket 41

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mauricio Nunez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-12260 Irene Elizabeth Franklin

Chapter 13

#72.00 Trustee's Motion to Dismiss Chapter 13 Case
due to Material Default: Failure to Submit all
Tax Refunds

Docket 38

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-12283 Ana Berta Zavala

Chapter 13

#73.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/27/21

Docket 51

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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
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Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-12699 Ramiro Zendejas Rico

Chapter 13

#74.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 35

*** VACATED *** REASON: Ntc. of w/drawal filed 7/28/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro Zendejas Rico

Represented By
Kian Mottahedeh

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-12865 Michael Laxner

Chapter 13

#75.00 Trustee's Motion to Dismiss Case Chapter
13 Case due to Material Default: Failure to
Submit Tax Refunds

fr. 6/22/21

Docket 33

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #44. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Laxner

Represented By
Nancy Korompis

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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1:19-12903 Enoch Gilbert Carabajal

Chapter 13

#76.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 6/22/21; 7/27/21

Docket 47

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Enoch Gilbert Carabajal

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-12984 Philip Valerio Tanglao and Maria Ana Bautro Tanglao

Chapter 13

#77.00 Motion to Dismiss Case for Failure to Make Plan Payments
fr. 7/27/21

Docket 29

*** VACATED *** REASON: Ntc. of w/drawal filed 8/16/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip Valerio Tanglao

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Maria Ana Bautro Tanglao

Represented By
Hasmik Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 24, 2021

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11:00 AM

1:19-13004 Galina Tovmasian

Chapter 13

#78.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 4/27/21 ; 5/25/21; 7/27/21

Docket 41

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Galina Tovmasian

Represented By
David S Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-13157 Juan Maldonado Bastida

Chapter 13

#79.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/25/21; 7/27/21

Docket 73

***** VACATED *** REASON: Cont'd to 9/28/21 at 11:00 a.m. If**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Maldonado Bastida

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
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Tuesday, August 24, 2021

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11:00 AM

1:20-10250 Kenneth Larkin

Chapter 13

#80.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 1/26/21; 3/16/21; 5/25/21, 6/22/21; 7/27/21

Docket 49

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Larkin

Represented By
James G. Beirne

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
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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:20-10314 Milton Travis Appel

Chapter 13

#81.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/22/21; 7/27/21

Docket 31

***** VACATED *** REASON: Ntc. of W/drawal filed 7/28/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milton Travis Appel

Represented By
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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11:00 AM

1:20-10459 Michael Slade Burrus

Chapter 13

#82.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 22

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Slade Burrus

Represented By
Gregory M Shanfeld

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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11:00 AM

1:20-10575 Laura Alfaro

Chapter 13

#83.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/27/21

Docket 57

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Alfaro

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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Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:20-10981 Noah Schrayter

Chapter 13

#83.01 Motion for Authority to Incur Debt
(Personal Property)

Docket 23

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor requests authority to purchase a 2021 Honda Civic Sport, 4-door hatchback for a total loan amount of \$33,667.45 to be paid over 72 months at \$511. per month. Debtor is replacing a 2007 Scion Hatchback with over \$160,000 miles, which is unreliable and expensive to repair.

Trustee recommended denial because Debtor did not provide proof of income, nor evidence of the status of child support. In Reply, Debtor states that he provided his pay advices and a family court minute order showing the status of his child support obligations.

Is the information provided to Trustee sufficient for her to withdraw her objection to this motion?

APPEARANCE REQUIRED

Party Information

Debtor(s):

Noah Schrayter

Represented By
Gerald S Kim

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:20-11493 Rafael Rios Tapia

Chapter 13

#84.00 Motion to Disallow Claims of Premier America Credit Union

Docket 29

Matter Notes:

- NONE LISTED -

Tentative Ruling:

Debtor filed a chapter 13 bankruptcy petition on August 19, 2020. Debtor's chapter 13 plan was confirmed on December 4, 2020. Creditor Premier America Credit Union ("Creditor") filed its Proof of Claim as Claim No. 8 on May 19, 2021 in the amount of \$2,471.59 as an unsecured claim. Motion, Ex. 1.

Creditor previously filed another Proof of Claim in the Debtor's case for a secured debt on October 1, 2020 and was assigned Claim No. 2. The "bar date" for creditors to file proofs of claim in the Debtor's case was set for October 28, 2020, or 70 days after the bankruptcy petition was filed. See Exhibit "2" – Docket Report.

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

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Chapter 13

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.

Creditor's Proof of Claim No. 8 was filed 273 days after the petition was filed, well after the 70-day period pursuant to Fed.R.Bankr.P., Rule 3002(c). Service proper. No response filed.

Motion is GRANTED.

NO APPEARANCE REQUIRED ON 8-24-21
DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Rafael Rios Tapia

Represented By
Danny K Agai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:20-11518 Gloria Janeth Orellana

Chapter 13

#85.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/22/21; 7/27/21

Docket 36

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Janeth Orellana

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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11:00 AM

1:21-10340 Edward Leonard Gaines

Chapter 13

#86.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 37

***** VACATED *** REASON: Cont. 9/28/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Leonard Gaines

Represented By
Axel H Richter

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**

Tuesday, August 24, 2021

Hearing Room 302

11:00 AM

1:19-11964 Hazel M Renderos

Chapter 13

#87.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 111

***** VACATED *** REASON: Cont. 9/28/21 @11am**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel M Renderos

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 25, 2021

Hearing Room 302

11:00 AM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1600738988>

Meeting ID: 160 073 8988

Password: 381694

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 073 8988

Password: 381694

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 25, 2021

Hearing Room 302

11:00 AM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

**#1.00 Chapter 11 Plan of Reorganization Trustee's Chapter 11
Plan of Liquidation**

Docket 550

Party Information

Debtor(s):

C.M. Meiers Company, Inc.

Represented By
Larry W Gabriel

Trustee(s):

Bradley D. Sharp (TR)

Represented By
Stanley H Shure
Larry W Gabriel
Justin Santarosa

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, August 25, 2021

Hearing Room 302

11:00 AM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

#2.00 Status 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, 2/6/19; 4/8/19

Docket 1

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**

Friday, August 27, 2021

Hearing Room 302

1:00 PM

1:00-00000

Chapter

#0.00 This Trial will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join ZoomGov Meeting

<https://cacb.zoomgov.com/j/16013938972>

Meeting ID: 160 1393 8972

Password: 271190

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 1393 8972

Password: 271190

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 27, 2021

Hearing Room 302

1:00 PM

CONT...

Chapter

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 27, 2021

Hearing Room 302

1:00 PM

1:18-10828 Nazaret Kechejian

Chapter 13

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

#1.00 TRIAL - DAY 8

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; 12/11/19, 9/30/20,
1/27/21; 6/10/21,6/21/21, 6/24/21, 6/25/21, 7/30/21; 8/9/21

Docket 1

Matter Notes:

- NONE LISTED -

Tentative Ruling:

APPEARANCE REQUIRED

Party Information

Debtor(s):

Nazaret Kechejian

Represented By
Stella A Havkin

Defendant(s):

Greg Mkrchyan

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Friday, August 27, 2021

Hearing Room 302

1:00 PM

CONT... Nazaret Kechejian Chapter 13

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

Plaintiff(s):

Nazaret Kechejian	Represented By Stella A Havkin
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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**

Monday, August 30, 2021

Hearing Room 302

1:00 PM

1:00-00000

Chapter

#0.00 This calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: <https://cacb.zoomgov.com/j/1607113310>

Meeting ID: 160 711 3310

Password: 436528

Dial by your location: 1 -669-254-5252 OR 1-646-828-7666

Meeting ID: 160 711 3310

Password: 436528

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, August 30, 2021

Hearing Room 302

1:00 PM

1:21-10082 Claudia Cadena

Chapter 7

#1.00 Evidentiary Hearing
Chapter 7 Involuntary
Petition Against Claudia Cadena

fr. 5/10/21; 8/20/21

Docket 1

Tentative Ruling:

Appearance Required.

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, August 30, 2021

Hearing Room 302

1:00 PM

1:21-10082 Claudia Cadena

Chapter 7

#2.00 Motion for Monetary Sanctions under FRBP
Rule 9011 against petitioners as Attorney
Michael Sheimtoub and Beverly Law Firm

Docket 96

Tentative Ruling:

Appearance Required

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Monday, August 30, 2021

Hearing Room 302

1:00 PM

1:21-10082 Claudia Cadena

Chapter 7

#3.00 Order Setting Hearing on Zshonette Reed's Motion to Withdraw
as Attorney

Docket 100

Tentative Ruling:

Appearance Required

Party Information

Debtor(s):

Claudia Cadena

Represented By
Glenn Ward Calsada