

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**2:12-22639 Claire Levine**

**Chapter 7**

**#1.00** HearingRE: [353] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: Various Real Properties listed in the Amadeus Trust and Personal Property of Non-Debtor Gerald Goldstein .

Docket No: 353

**Tentative Ruling:**

**Pleadings Filed and Reviewed**

1. Chapter 7 Trustee's Motion for Order Authorizing Compromise of Controversy Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure Re: Gerald Goldstein ("Settlement Agreement") [Doc. No. 317]
  1. Order, After Hearing, Granting Chapter 7 Trustee's Motion for Order Authorizing Compromise of Controversy Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure Re: Gerald Goldstein [Doc. No. 326]
2. Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Real Property) ("Motion") [Doc. No. 353]
  1. Request for Judicial Notice in Support of Pacific Western Bank's Motion for Relief from the Automatic Stay ("Request for Judicial Notice") [Doc. No. 354]
3. Opposition of Chapter 7 Trustee to Motion of Pacific Western Bank for Relief from the Automatic Stay under 11 U.S.C. § 362 ("Opposition") [Doc. No. 357]
4. Reply in Support of Motion for Relief from the Automatic Stay ("Reply") [Doc. No. 358]
  1. Supplemental Request for Judicial Notice in Support of Pacific Western Bank's Motion for Relief from the Automatic Stay [Doc. No. 359]

**Facts and Summary of Pleadings**

Pacific Western Bank ("Movant") filed the instant motion for relief from the automatic stay pursuant to § 362(d)(1). For the reasons stated below, the Court partly GRANTS the Motion with respect to stay-relief for the proposed actions against

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... Claire Levine**

**Chapter 7**

Goldstein's personal property and other property, and partly DENIES stay-relief with respect to the Movant's proposed recording of abstract judgments against real property.

Debtor Claire Levine ("Debtor") filed a voluntary chapter 11 petition on April 10, 2012 ("Petition"). Doc. No. 1. Subsequently, the Court converted the Debtor's case by order to a chapter 7 on July 30, 2012. Doc. No. 78. Howard M. Ehrenberg was assigned as chapter 7 trustee ("Trustee"). The Debtor and Gerald Goldstein ("Goldstein") are the sole settlors, co-trustees, and co-beneficiaries of the Amadeus Trust, a revocable trust established by the Debtor and Goldstein. Request for Judicial Notice, Ex. 5, ¶ 53. Several properties are subject to the Amadeus Trust, including the following:

- a. 1027 Napoli Drive, Pacific Palisades, CA 90272;
- b. 11847 Gorham Ave., #303, Los Angeles, CA 90049;
- c. 15 e. 69<sup>th</sup> St., #4D, New York, NY 10027;
- d. 3800 Wailea Alanui, B101, Maui, HI 96753;
- e. 3800 Wailea Alanui, E201, Maui, HI 96753; and
- f. 888 Napoli Drive, Pacific Palisades, CA 90272

(collectively, the "Properties"). *Id.* at 9.

On December 8, 2014, the Court held a hearing and issued a tentative ruling ("Tentative Ruling") on the Movant's previous stay-relief motion in a non-bankruptcy forum ("Prior Stay-Relief") [Doc. No. 294]. Doc. No. 299. In the Prior Stay-Relief, the Movant sought to proceed with two actions in state court ("State Court Actions") against Goldstein, Far Out Productions, and Audio Visual Entertainment (collectively, "Judgment Debtors"). The Tentative Ruling, which subsequently became the order, granted the Prior Stay-Relief, but stated, in pertinent part, the following:

"...Movant may not undertake any enforcement actions against the Debtor or estate property, absent further order of the Court. Accordingly, Movant may proceed to final judgment in the State Court Action[s], but the stay shall remain in effect with respect to enforcement actions that directly or indirectly impact estate property until and unless otherwise ordered by this court. Therefore, if Movant

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

CONT...

**Claire Levine**

**Chapter 7**

obtains a Judgment in State Court, Movant must request relief from stay in this Court on a property by property basis to enforce any action against the Amadeus Trust and its res."

Doc. No. 299.

On August 26, 2015, the Trustee filed the Settlement Agreement. Doc. No. 317. The Settlement Agreement attempted to resolve the following: (1) the Debtor's and Goldstein's rights as to the Properties, (2) a state court action initiated by the Debtor ("Debtor's State Action") against the Judgment Debtors and others, and (3) Goldstein's claim against the Debtor's bankruptcy estate ("Estate"). The Settlement Agreement required the short sale of real property, under the Amadeus Trust, located at 3800 Wailea Avenue, B101, Wailea, Maui to HAR-Bronson Diversified LLC ("HAR-Bronson") and subsequent re-sale by HAR-Bronson within nine months. As of the date of this tentative, the Settlement Agreement remains unperformed.

*Motion*

On September 8, 2016, the Movant filed the Motion after subsequently obtaining state court judgments against the Judgment Debtors. Doc. No. 353. The Movant requests stay-relief under 362(d)(1) to pursue the following: (1) record abstract judgments against the Properties (2) to file notices of judgment liens ("J-1 Liens") in order to attach to the personal property of the Judgment Debtors and (3) to collect royalties and related earnings of the Judgment Debtors. First, the Movant contends that if the Movant cannot record abstract judgments against Goldstein, characterized as "passive" enforcement measures, then Goldstein would receive an "inequitable windfall" because proceeds from a sale of the Properties would directly go to Goldstein and not the Movant, chilling the Movant's enforcement efforts. Motion at 11. Second, the Movant avers that without stay-relief to file J-1 Liens against the Judgment Debtors' personal property or accounts receivables, the Judgment Debtors would unlawfully benefit from the stay. In that regard, the Movant submits that the Movant cannot foreclose on any of the Judgment Debtors' personal property because taking a judgment debtor exam could violate the automatic stay if the Debtor claims an interest in the same personal property. *Id.* at 12. Finally, the Movant asserts that the Debtor's pending lawsuit only seeks an interest in the Judgment Debtors' assets, not the "receivables, royalties, or other rights to payment."

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

---

10:00 AM

**CONT...**

**Claire Levine**

**Chapter 7**

("Accounts Receivable") *Id.* at 13. Further, the Movant requests taking possession of Far Out Productions' and Audio Visual Entertainment's property pursuant to the State Court Actions. *Id.* at 14.

*Opposition*

On September 19, 2016, the Trustee filed the Opposition. Doc. No. 357. The Trustee states that attaching post-petition liens to the Properties in which the Estate has a 50% interest in and to collect the Accounts Receivable, which the Debtor's State Action alleges an interest in, would detrimentally impact the Estate's property and the Trustee's administration of the Estate. Opposition at 1. The Trustee contends that the scope of 11 U.S.C § 541(a) is broad and includes the Debtor's asserted interests in the Debtor's State Action. *Id.* at 3. Moreover, the Trustee disputes the Movant's characterization of sale distributions from the Properties made to Goldstein because the Properties are already under the Court's guardianship and the legal process affords the Movant sufficient notice to object to any proceeds made to Goldstein in a potential sale. *Id.* The trustee submits that the Movant's requested actions are unnecessary to protect the Movant's interest in any interest the Judgment Debtors hold and nothing has changed since the Tentative Ruling to warrant granting the Motion. Finally, the Trustee requests that if the Court does grant relief, the stay-relief should be narrowly tailored to avoid detrimental impact on the Estate. *Id.* at 4.

*Reply*

On September 26, 2016, the Movant filed the Reply. Doc. No. 358. The Movant avers that Goldstein's interest in the Properties are not property of the Estate and the Movant is allowed to protect its rights for the following reasons: (1) Goldstein's interests in the Properties are separate from the Estate's interests in the Properties, (2) recording abstract judgments allows no greater rights than Goldstein already holds, (3) the Court expressly invited the Movant to seek stay relief per the Tentative Ruling, (4) the Trustee failed to record notices of bankruptcy in Hawaii and Los Angeles, opening the door for other creditors to record against Goldstein, (5) the J-1 Liens only protect the Movant if there is a distribution to Goldstein, (6) the Movant has a right to perfect its judgment liens against Goldstein, (7) Goldstein can avoid taking title under the Settlement Agreement to circumvent the Movant's interest, (8) the Debtor's State Action is irrelevant and, at most, makes the Trustee an

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... Claire Levine**

**Chapter 7**

alleged unsecured creditor of Goldstein, and (9) regardless of whether the parties settle through the Settlement Agreement or continue with litigation, the Movant is entitled to have its judgment liens attach to Goldstein's interest in the Properties. Reply at 4-7. Next, as to the personal property, the Movant contends that Goldstein has a 100% interest in the Accounts Receivable, imposing an unlawful extension of the stay. *Id.* at 8. Further, allowing the Movant to record J-1 Liens against the personal property thwarts attempts by Goldstein and the other judgment creditors to transfer assets to the detriment of the Movant. Finally, the Movant states that granting the Motion will not impede the administration of the bankruptcy estate because the Movant will not foreclose on any real or personal property without the Court's approval. The Movant requests that if the Court does not grant the Motion, then, in the alternative, the Movant should be allowed to collect 100% of the Royalties, retain 50% as payment for the state court judgments, and hold 50% in an account pending the determination of Goldstein's and the Debtor's rights.

**Findings of Fact and Conclusions of Law**

As a preliminary matter, the Court notes that a motion for relief from the automatic stay is a summary proceeding that does not involve an adjudication of the merits of the underlying claims. As recognized by the Ninth Circuit Bankruptcy Appellate Panel in *In re Luz Int'l, Ltd.*:

Given the limited grounds for obtaining a motion for relief from stay, read in conjunction with the expedited schedule for a hearing on the motion, most courts hold that motion for relief from stay hearings should not involve an adjudication of the merits of claims, defenses, or counterclaims, but simply determine whether the creditor has a colorable claim to the property of the estate. *See In re Johnson*, 756 F.2d 738, 740 (9th Cir.), *cert. denied*, 474 U.S. 828, 106 S.Ct. 88, 88 L.Ed.2d 72 (1985) ("Hearings on relief from the automatic stay are thus handled in a summary fashion. The validity of the claim or contract underlying the claim is not litigated during the hearing.")

219 B.R. 837, 842 (9th Cir. BAP 1998) (citation omitted). In a summary proceeding, the court's discretion is broad. *In re Santa Clara Cty. Fair Ass'n, Inc.*, 180 B.R. at

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... Claire Levine**  
566.

**Chapter 7**

Section 541(a) defines property of the estate as "all legal or equitable interests of the debtor in property as of the commencement of the case," with property of the estate being construed broadly. 11 U.S.C. § 541(a)(1); *U.S. Whiting Pools, Inc.*, 462 U.S. 198, 204-05 (1983), *see also In re Contractors Equip. Supply Co.*, 861 F.2d 241, 245 (9th Cir. 1988). Further, the "conditional, future, speculative, or equitable nature of an interest" does not prevent the interest from becoming property of the estate. *In re Anders*, 151 B.R. 543, 545 (Bankr. D. Nev. 1993).

The automatic stay of § 362(a) "enjoins the enforcement of 'any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate.'" *In re Carroll*, 903 F.2d 1266, 1270 (9th Cir. 1990). The automatic stay benefits all parties by ensuring a fair and orderly process. *In re Computer Commc'ns, Inc.*, 824 F.2d 725, 731 (9th Cir. 1987). In contrast, allowing parties to pursue alternative procedures of "self-help and post hoc justification[s]" would defeat the purpose of the automatic stay. *Id.*

Section 362(d)(1) permits a bankruptcy court to grant relief from the automatic stay upon a showing of "cause." Cause is a flexible concept and courts often conduct a fact intensive, case-by-case balancing test, examining the totality of the circumstances to determine whether sufficient cause exists to lift the stay. *In re SCO Grp., Inc.*, 395 B.R. 852, 856 (Bankr. D. Del. 2007) (*citing Baldino v. Wilson (In re Wilson)*, 116 F.3d 87, 90 (3d Cir. 1997); *In re Laguna Assocs. Ltd.*, 30 F.3d 734, 737 (7th Cir. 1994)); *In re MacDonald*, 755 F.2d 715, 717 (9th Cir. 1985). Here, the Court finds it inappropriate to grant stay-relief as to the Properties. The Debtor and Goldstein are co-settlors, co-trustees, and co-beneficiaries of the Amadeus Trust. While the percentage of the Debtor's interest is unclear, the Debtor has an interest in the trust for purposes of the stay-relief analysis. Allowing the Movant to record abstract judgments against Goldstein's interest in the Properties, when Goldstein's interests are subject to the Debtor's State Action, may cloud title and hamper the administration of the Debtor's bankruptcy estate, especially if the interests alleged by the Debtor increase in percentage. To reiterate, the court makes this finding only in the context of the stay analysis and does not adjudicate on the underlying merits of the Debtor's State Action. Therefore, the Court denies stay-relief as to the Properties.

However, the Court finds that the Trustee did not carry its burden as to the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... Claire Levine**

**Chapter 7**

other property interests, including Judgment Debtors' personal property, the Accounts Receivable, and the collateral awarded under the State Court Actions. *See* § 362(g)(2) (the party opposing relief has the burden of proof on all issues except for proving the debtor's equity in the property). The Opposition merely references an acknowledgement by the Movant stating that the Debtor seeks a determination of her rights in half of the Royalties. *See* Opposition at 2. Yet, the Movant refutes the acknowledgment in the Reply, asserting that Goldstein "owns a 100% interest in the Royalties." Reply at 7. Moreover, while the Debtor does hold an interest in the cause of action, the Debtor does not presently hold an interest in the underlying assets. Although § 541(a) includes future and speculative interests, the Court finds that the Trustee has not met the burden of showing that the Estate's interests encompass the Judgment Debtors' personal property, the Accounts Receivable, and the collateral awarded under the State Court Actions. Thus, the Court grants stay-relief with respect to these properties.

Therefore, for the reasons stated, the Court partly GRANTS stay-relief with respect to the Judgment Debtors' personal property, the Accounts Receivable, and the collateral awarded under the State Court Actions, and partly DENIES stay-relief with respect to the Movant's proposed recording of the abstract judgments against the Properties. The Court also grants waiver of the 14-day stay prescribed by FRBP 4001 (a)(3) so that the Movant may proceed with applicable enforcement provisions without delay.

Furthermore, to be clear, other than the rights and proceedings afforded to the Movant under the Bankruptcy Code, any collection or judgment enforcement actions that the Movant takes *in no way attaches* to the interests of the Estate in any property, whether the Estate holds an interest now or is granted an interest in the future, and, further, the Movant does not have the right or ability to block any sale or other monetization of the Trustee based on any post-petition lien.

The Court will prepare the order.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Nathaniel Reinhardt or

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT...**

**Claire Levine**

**Chapter 7**

Daniel Koontz at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**Party Information**

**Debtor(s):**

Claire Levine

**Represented By**

Dennis E Mcgoldrick  
Dennis E Mcgoldrick  
Dennis E Mcgoldrick  
Thomas M Geher  
Thomas M Geher  
Thomas M Geher  
Stella A Havkin  
Stella A Havkin  
Stella A Havkin

**Trustee(s):**

Howard M Ehrenberg (TR)

**Represented By**

Howard M Ehrenberg (TR)  
Daniel A Lev  
Asa S Hami  
Jennifer M Hashmall

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-12779 George Lanning and Nansee Lanning**

**Chapter 7**

**#2.00** HearingRE: [42] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 139 North Le Doux Road, Beverly Hills, CA 90211 . (Jafarnia, Merdaud)

Docket No: 42

**Tentative Ruling:**

**Tentative Ruling:**

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Since a chapter 7 case does not contemplate reorganization, the sole issue before the Court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the Debtor has equity in the property. See, e.g., Martens v. Countrywide Home Loans (In re Martens), 331 B.R. 395, 398 (8th Cir. BAP 2005); Ramco Indus. v. Preuss (In re Preuss), 15 B.R. 896, 897 (9th Cir. BAP 1981).

The subject property has a value of \$ 2,000,000 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. The liens against the property and the expected costs of sale total approximately \$2,066,275. The Court finds there is no equity and there is no evidence that the trustee can administer the subject real property for the benefit of creditors.

This order shall be binding and effective despite any conversion of the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... George Lanning and Nansee Lanning**

**Chapter 7**

bankruptcy case to a case under any other chapter of Title 11 of the United States Code. This applies to the co-debtor stay of § 1201(a) or § 1301(a) as well, on the same terms and conditions as to the Debtor. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Nathan Reinhardt, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

**Party Information**

**Debtor(s):**

George Lanning

Represented By  
Lane K Bogard  
David R Haberbush

**Joint Debtor(s):**

Nansee Lanning

Represented By  
Lane K Bogard  
David R Haberbush

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Monday, October 03, 2016

Hearing Room 1568

---

10:00 AM

**2:16-16002 Arcelia Esther Tort**

**Chapter 7**

**#3.00 Show Cause Hearing re [18] Order Requiring Debtor To Appear And Show Cause Why Case Should Not Be Dismissed Because Of Debtor's Failure To Pay The Filing Fee In Installments;**

Docket No: 0

**\*\*\* VACATED \*\*\* REASON: FEE PAID 8-19-16**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Arcelia Esther Tort

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-18620 Isabel Acevedo**

**Chapter 7**

**#4.00** HearingRE: [18] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1040 Concord Street, Costa Mesa, CA 92626 and Proof of Service.

Docket No: 18

**Tentative Ruling:**

**Tentative Ruling:**

This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2) . The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the debtor and the debtor's bankruptcy estate with respect to the movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The debtor continues to occupy the property after a foreclosure sale held on September 30, 2015. The movant filed an unlawful detainer action on October 30, 2015. Trial was held on July 20, 2016, a judgment was entered in favor of the Movant on August 15, 2016, and the writ of execution was entered on the same day, August 15, 2016.

This motion has been filed to allow the movant to proceed with the unlawful detainer proceeding. The unlawful detainer proceeding may go forward because the debtor's right to possess the premises does not change simply because a bankruptcy petition was filed. See In re Butler, 271 B.R. 867, 876 (Bankr. C.D. Cal. 2002).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT...**

**Isabel Acevedo**

**Chapter 7**

The stay is annulled retroactive to the petition date, so that enforcement actions taken by movant, if any, before receipt of notice of the automatic stay will not be deemed to have been voided by the automatic stay. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Nathan Reinhardt, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing. Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

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

**Debtor(s):**

Isabel Acevedo

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-19069 Robert Bassem Dorian and Nadeen AbouZanad Dorian**

**Chapter 7**

**#5.00** HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 28107 North Anvil Court, Valencia, CA 91355 .

Docket No: 12

**Tentative Ruling:**

**Tentative Ruling:**

This Motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d)(2). The failure of the Debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the Motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established a *prima facie* case that cause exists, and Debtor has not responded with evidence establishing that the property is not declining in value or that Movant is adequately protected.

The subject property has a value of \$982,036 and is encumbered by a perfected deed of trust or mortgage in favor of the Movant. Considering Movant's lien, all senior liens against the property, and the estimated costs of sale, there is an equity cushion of approximately \$105,199. There is some, but very little equity and there is no evidence that the property is necessary to a reorganization or that the trustee can administer the property for the benefit of creditors. Movant is protected by a 10.7% equity cushion in the property. The Ninth Circuit has established that an equity cushion of 20% constitutes adequate protection for a secured creditor. Pistole v. Mellor (In re Mellor), 734 F.2d 1396, 1401 (9th Cir. 1984); see Downey Sav. & Loan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**CONT... Robert Bassem Dorian and Nadeen AbouZanad Dorian Chapter 7**

Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.), 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Because the equity cushion in this case is less than 20%, the Court concludes that Movant's interest in the collateral is not adequately protected. This is cause to terminate the stay under 11 U.S.C. § 362(d)(1).

This order shall be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Nathan Reinhardt, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

**Party Information**

**Debtor(s):**

Robert Bassem Dorian

Represented By  
David H Chung  
David H Chung  
David H Chung

**Joint Debtor(s):**

Nadeen AbouZanad Dorian

Represented By  
David H Chung

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

---

10:00 AM

**CONT... Robert Bassem Dorian and Nadeen AbouZanad Dorian**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Monday, October 03, 2016

Hearing Room 1568

10:00 AM

2:15-15423 Sam F Hindsman

Chapter 11

#6.00 Hearing  
RE: [181] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25888 Oakbrooke Court, Stevenson Ranch, CA 91381 . (Tashjian, Lisa)

FR. 8-8-16; 9-6-16

Docket No: 181

\*\*\* VACATED \*\*\* REASON: CONTINUED 10-17-16 AT 10:00 A.M.

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sam F Hindsman

Represented By  
Stella A Havkin

**Movant(s):**

Westridge Valencia Master Homeowne:

Represented By  
Lisa A Tashjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, October 03, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-17463 Gardens Regional Hospital and Medical Center, Inc.**

**Chapter 11**

■

**#7.00** Hearing  
RE: [209] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: Stryker Corp. endoscopy equipment .

FR. 8-15-16

Docket No: 209

**\*\*\* VACATED \*\*\* REASON: CONTINUED 11-14-16 AT 10:00 AM.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Gardens Regional Hospital and Medica

Represented By  
Samuel R Maizel  
Samuel R Maizel  
John A Moe  
John A Moe