

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

**Monday, November 07, 2016**

**Hearing Room 1568**

10:00 AM

**2:14-16296 Hasmik Yaghobyan**

**Chapter 7**

**#1.00** HearingRE: [138] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2241 Flintridge Drive, Glendale, CA 91206 . (Jafarnia, Merdaud)

Docket No: 138

**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 \$800,000 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 \$1,686,432. 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

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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.

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

Hasmik Yaghobyan

Pro Se

**Trustee(s):**

David A Gill (TR)

Pro Se

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**2:16-18739 EUNSOOK CHUNG**

**Chapter 7**

**#2.00** HearingRE: [25] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 DODGE RAM PROMASTER CI, VIN ZFBERFAT9F6A79882 . (Wang, Jennifer)

Docket No: 25

**Tentative Ruling:**

11/3/2016: For the reasons set forth below, GRANT Motion.

**Pleadings Filed and Reviewed**

1. Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Personal Property) ("Motion") [Doc. No. 25]
2. Response to Motion Regarding the Automatic Stay and Declaration in Support ("Opposition") [Doc. No. 28]

**Facts and Summary of Pleadings**

Chapter 7 debtor Eunsook Chung ("Debtor") filed a voluntary chapter 7 petition on June 30, 2016 ("Petition"). Doc. No. 1. On August 24, 2016, the Debtor filed an amended Scheduled B, listing a 2015 Dodge Procity automobile leased at \$592 per month ("Property"). Doc. No. 15 at 8.

Santander Consumer USA, Inc., d.b.a. Chrysler Capital ("Movant"), filed the instant Motion with respect to the Property on October 6, 2016. Doc. No. 25. The Movant contends cause exists under § 362(d)(1) because there is a lack of an adequate equity cushion, the Property continues to depreciate in value, the Debtor has failed to make payments to the Movant, and the Debtor has failed to provide a proof of insurance for the Property. Further, the Movant avers that there is no equity in the Property under § 362(d)(2) because the fair market value of the Property is \$19,902.00, and the total amount of the Movant's claim in the Property is \$22,159.66.

On October 21, 2016, the Debtor filed the Opposition. Doc. No. 28. The

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Debtor represents that the Debtor will be prejudiced if the Court grants the Motion and allows the nonbankruptcy action to continue in the nonbankruptcy forum.

As of the date of this tentative ruling, the Movant has not filed a reply.

**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 566.

Section 362(d)(1) permits a bankruptcy court to grant relief from the automatic stay upon a showing of "cause." Cause is determined on a case-by-case basis. *In re MacDonald*, 755 F.2d 715, 717 (9th Cir. 1985). Cause may be shown by the lack of an adequate equity cushion. 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 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

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its collateral). Here, the Court finds that the Movant's interest in the Property is not adequately protected. The Movant's total claim is \$22,159.66, which exceeds the fair market value of the Property, valued at \$19,902.00. The Opposition fails to attach any evidence or explain how the stay-relief will prejudice the Debtor. Consequently, the Court finds that the Debtor failed to carry her burden under §362(g) as to the issue of prejudice. *See* 11 U.S.C. §362(g) (the party requesting relief has the burden of proof on the issue of the debtor's equity in the property and the party opposing relief has the burden of proof on all other issues). Therefore, the Court finds sufficient cause exists to grant stay-relief under § 362(d)(1).

Since a chapter 7 case does not contemplate reorganization, the 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). Here, the Court finds that there is no equity in the Property as the total claim of the Movant's interest exceeds the fair market value of the Property. Again, the Opposition merely marks a box on a preprinted form stating that the Debtor will be prejudice if the Court grants stay-relief without offering any more insight into the Debtor's contention. Therefore, the Court finds sufficient evidence to grant stay-relief under §362(d)(2).

In sum, the Court GRANTS the Motion pursuant to §§ 362(d)(1) and (d)(2) to permit the Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of the Property pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The 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. 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.

The Movant shall upload a conforming order within 7 days of the hearing.

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

EUNSOOK CHUNG

Represented By  
Jason John Kim

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**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

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**2:16-20563 Claudia Arias Martinez**

**Chapter 7**

**#3.00** HearingRE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4173 Corrigan Drive, Fremont, CA 94536 . (Jafarnia, Merdaud)

Docket No: 13

**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 Court finds that there is sufficient evidence to grant relief pursuant to 11 U.S.C. § 362(d)(4). The filing of the petition was part of a scheme to delay, hinder, and defraud creditors, which involved the transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval and multiple bankruptcy cases affecting the Property. Declaration of Kasey Castro in support of Motion at paragraph 18.

For the same reasons, the Motion is GRANTED pursuant to section 362(d)(1) based on Debtor's bad faith filing. 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 the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, the order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the Court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real

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property shall accept a certified copy of this order for indexing and recording.

This order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law. Further, this order is binding and effective in any future bankruptcy case, no matter who the debtor may be upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law. 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):**

Claudia Arias Martinez

Represented By  
Raymond J Seo

**Trustee(s):**

Jason M Rund (TR)

Pro Se

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**2:16-22070 Trevor J. Buitron and Kendra K. Buitron**

**Chapter 7**

**#4.00** HearingRE: [11] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 DODGE TRUCK DURANGO, VIN 1C4RDJDG8DC691677 . (Wang, Jennifer)

Docket No: 11

**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) for cause to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. 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. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to Movant.

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,

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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.

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

Trevor J. Buitron

Represented By  
Steven B Lever

**Joint Debtor(s):**

Kendra K. Buitron

Represented By  
Steven B Lever

**Trustee(s):**

Alberta P Stahl (TR)

Pro Se

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**2:16-22622 Jon Paul Borrromeo Javellana**

**Chapter 7**

**#5.00** HearingRE: [16] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Julie Marshall v. Platinum Global Advisors LLC, et al. Docket No. 2:16-cv-00672 GHK (GJSx) . (Lomeli, Lydia R.)

Docket No: 16

**Tentative Ruling:**

11/3/2016: For the reasons set forth below, GRANT Motion.

**Pleadings Filed and Reviewed**

1. Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 (Action in Nonbankruptcy Forum) ("Motion") [Doc. No. 16]
2. Notice of Opposition and Opposition to motion for Relief from the Automatic Stay ("Opposition") [Doc. No. 24]
  1. Evidentiary Objections to the Declaration of robin McConnell Filed in Support of Motion for Relief from the Automatic Stay filed by Julie Marshall ("Evidentiary Objection") [Doc. No. 23]

**Facts and Summary of Pleadings**

Chapter 7 debtor Jon Paul Borrromeo Javellan ("Debtor") filed a voluntary chapter 7 petition on September 23, 2016 ("Petition"). Doc. No. 1. On October 17, 2016, the Debtor filed a Statement of Financial Affairs for Individuals Filing for Bankruptcy and listed the lawsuit of Julie Marshall v. Platinum Advisors, LLC, et al ("Nonbankruptcy Action"). Doc. No. 18 at 31, *see also* Case. No. 2:16-CV-00672 GHK (GJSx).

Julie Marshall ("Movant") filed the instant Motion with respect to the

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**CONT... Jon Paul Borromeo Javellana**

**Chapter 7**

Nonbankruptcy Action on October 12, 2016. Doc. No. 16. The Movant contends cause exists under § 362(d)(1) because the claims are nondischargeable in nature, arise under nonbankruptcy law, and can be most expeditiously resolved in the nonbankruptcy forum. *Id.* Further, the Movant asserts that the timing of the Petition indicates an intention to delay or interfere with the Nonbankruptcy Action, including the filing of the Petition on September 23, 2016, shortly before a scheduled default judgment hearing in the Nonbankruptcy Action, originally set for September 26, 2016. Additionally, the Movant argues that the lack of case commencement documents attached to the Petition evidence bad faith.[FN 1] The Nonbankruptcy Action is currently pending in the United States District Court, Central District of California ("District Court"), and includes the following claims: (1) Violation of Rule 10(b)-5 of the Securities Exchange Act of 1934, (2) Violation of the Investment advisers Act of 1940, (3) Violation of California Corporations Code §§ 25401 and 25501, (4) Fraud, (5) Breach of Fiduciary Duty, (6) Professional Negligence, (7) Negligent Misrepresentation, (8) Violation of Business and Professions Code § 17200, (9) Breach of Contract / Promissory Notes, (10) Breach of the Covenant of Good Faith and Fair Dealing, and (11) Financial Elder Abuse. *See* Motion, Ex. A. The Movant represents that mandatory abstention applies under 28 U.S.C. § 1334(c)(2) and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate.

On October 24, 2016, the Debtor filed the Opposition and Evidentiary Objection. Doc. Nos. 23, 24. The Debtor submits he does not have the ability to defend himself as he is in default in the Nonbankruptcy Action and needs bankruptcy protection. Further, as a result of the entered default, there has been no discovery and the default estops any chance the Debtor has at a fair trial on the merits. Moreover, the Debtor represents that many claims of the Nonbankruptcy Action are per se dischargeable, with the Court ultimately having to try the non-dischargeability actions of the case, weighing in favor of denying the Motion. Finally, the Debtor submits that there are other creditors in the case; the Debtor timely cured his deficient case commencement documents, mitigating any inference of filing in bad faith; and the Debtor's filing of the Petition to stop a foreclosure sale or pending litigation is a valid reason to file for bankruptcy. The Evidentiary Objection contains numerous evidentiary objections to several parts of the Motion not mentioned here for the

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reasons stated below.

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As of the date of this tentative ruling, the Movant has not filed a reply.

**Findings of Fact and Conclusions of Law**

As an initial matter, the Court first addresses the Evidentiary Objections brought by the Debtor. The Evidentiary Objections are duplicative and boilerplate recitations of evidentiary principles. Nevertheless, the Court does not rely on the cited portions of the Robin McConnell Declaration or the Motion and its attached exhibits to make a finding that the judicial economy and economy for the parties would be better served by allowing the Nonbankruptcy Action to proceed in the District Court. As such, the Evidentiary Objections are denied as moot. *See Operating Engineers' Pension Trust Fund v. Clark's Welding & Mach.*, 688 F. Supp. 2d 902, 907 (N.D. Cal. 2010) ("Because the Court does not rely on the statements in this declaration, it is not necessary for the Court to rule on these objections.").[FN 2]

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.")

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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. 566 (B.A.P. 9th Cir. 1995)

A bankruptcy filing imposes an automatic stay of all litigation against the debtor. 11 U.S.C. § 362(a). Section 362(d)(1) permits a bankruptcy court to grant relief from the automatic stay upon a showing of "cause." Cause is determined on a case-by-case basis. *In re MacDonald*, 755 F.2d 715, 717 (9th Cir. 1985). Many cases have held that a court may properly consider the factor of judicial economy in deciding whether to lift the automatic stay. *See In re Kemble*, 776 F.2d 802, 807 (9th Cir. 1985). Judicial economy provides sufficient cause to lift the stay to permit the prosecution of action pending elsewhere against a debtor. *In re Santa Clara Cty. Fair Ass'n, Inc.*, 180 B.R. at 566 (citing *In re Kemble*, 776 F.2d 802, 807 (9th Cir. 1985)). Furthermore, litigation costs to a bankruptcy estate do not compel a court to deny stay relief. *In re Santa Clara Cty. Fair Ass'n, Inc.*, 180 B.R. at 566. Here, the Court finds that the interests of judicial economy and the expeditious and economical resolution of the litigation favor granting the Motion, regardless of whether mandatory abstention applies under 28 U.S.C. § 1334(c)(2). The Debtor's inability to defend against the entry of default in the Nonbankruptcy Action is more appropriately litigated and adjudicated in the District Court. Additionally, the Nonbankruptcy Action's lack of discovery, insufficient notice via publication alleged by the Debtor, and insufficient admissible evidence to support the entry of default are all better adjudicated in the District Court.

Therefore, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or estate property.

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 the bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is

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denied.

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

**Note 1:** The Court notes that the Debtor subsequently filed additional case commencement documents on October 17, 2016 [Doc. No. 16], curing the Clerk of the Court's Case Commencement Deficiency Notice [Doc. No. 1], after the Movant filed the Motion on October 12, 2016. Doc. No. 18.

**Note 2:** The Court overrules the Debtor's hearsay objection to the complaint attached to the Motion, only as the objection relates to the Court's finding of judicial efficiency, because the evidence is being offered only to show that the complaint was filed in the Nonbankruptcy Action. Moreover, the Debtor admits in the same objection that, "The Court can accept that a complaint is filed but the court may not enter it into evidence or accept the allegations of the complaint as true." Evidentiary Objection at 4.

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.

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

Jon Paul Borromeo Javellana

Represented By  
Joseph A Weber

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**CONT... Jon Paul Borromeo Javellana**

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**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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**2:16-12347 Pedro Cortez, Jr.**

**Chapter 7**

**#6.00** HearingRE: [18] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Chevrolet Malibu with Proof of Service. (Callahan, Drew)

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)(2) to permit Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. 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. The Court finds that there is no equity in the subject vehicle and that the vehicle is not necessary for an effective reorganization since this is a chapter 7 case.

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,

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Los Angeles  
Judge Ernest Robles, Presiding  
Courtroom 1568 Calendar**

Monday, November 07, 2016

Hearing Room 1568

10:00 AM

CONT... **Pedro Cortez, Jr.**

Chapter 7

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):**

Pedro Cortez Jr.

Represented By  
Gary Leibowitz

**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, November 07, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-23016 Gabriela Tricanico Noli**

**Chapter 7**

**#7.00** HearingRE: [7] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 10752 Little Lake Road, Downey, CA 90241 . (O, Christina)

Docket No: 7

**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 was held on April 15, 2016. The Movant filed an unlawful detainer action on July 22, 2016.

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

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

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Central District of California  
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**CONT... Gabriela Tricanico Noli**

**Chapter 7**

Code. The 14-day stay prescribed by FRBP 4001(a)(3) is also waived. 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.

**REVISED SUBMISSION PROCEDURE**

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.

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

Gabriela Tricanico Noli

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
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**Monday, November 07, 2016**

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10:00 AM

**2:16-22774 Jesus A Mejia**

**Chapter 7**

**#8.00** HearingRE: [10] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 4367 W. 142nd Street #A Hawthorne, CA 90250 with Proof of Service. (Unruh, Carol)

Docket No: 10

**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 the lease is in default. Debtor is delinquent in the monthly rent of \$2125 for the period of August 1, 2016 to November 1, 2016, with an additional \$2023.50 balance, stemming from the month of July, 2016. Kelly Geonetta Decl. ¶ 9.

This Motion has been filed to allow the Movant to proceed with the unlawful detainer proceeding in state court. The unlawful detainer proceeding may go forward because the Debtor's right to possess the premises must be determined. This 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  
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**Monday, November 07, 2016**

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**CONT...**

**Jesus A Mejia**

**Chapter 7**

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. The 14-day stay prescribed by FRBP 4001(a)(3) is also waived. 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.

**REVISED SUBMISSION PROCEDURE**

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.

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

Jesus A Mejia

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
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Monday, November 07, 2016

Hearing Room 1568

10:00 AM

2:16-19129 Daniel Joseph Perdue

Chapter 7

#9.00 Hearing  
RE: [14] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 HONDA CIVIC, V.I.N.: 2HGF G3B8 0EH5 19435 .

Docket No: 14

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED ON  
10-26-16**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daniel Joseph Perdue

Represented By  
Michael E Clark

**Trustee(s):**

David A Gill (TR)

Pro Se

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

**Monday, November 07, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-23230 Jose Salcido**

**Chapter 7**

**#10.00** HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 15316 Glen Ridge Drive, Chino Hills, CA 91709 .

Docket No: 12

**Tentative Ruling:**

The Motion is CONTINUED to **November 28, 2016**, at **10:00 a.m.** Movant set the Motion on shortened notice per this court's procedures, but failed to properly serve the pro se Debtor. Per Judge Robles' procedures concerning matters set on shortened notice for residential unlawful detainer actions, the Movant is required to serve the Debtor either by posting or personal service only. The proof of service attached to the Motion indicates that the Movant served the Debtor via United States mail. Movant is to give notice of the continued hearing to all interested parties and file a proof of service of the same by no later than **November 8, 2016**.

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

Jose Salcido

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Ernest Robles, Presiding  
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**Monday, November 07, 2016**

**Hearing Room 1568**

10:00 AM

**2:16-20440 Kissany Craighead**

**Chapter 7**

**#11.00** HearingRE: [20] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1330 E Glencoe Ave, Compton, CA 90221 with proof of service and proof of service of personal delivery.

Docket No: 20

**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 subject property after termination of the month-to-month tenancy pursuant to a sixty-day notice to quit. The Movant filed an unlawful detainer action on June 2, 2016.

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

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

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Central District of California  
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**CONT... Kissany Craighead**

**Chapter 7**

bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 14-day stay prescribed by FRBP 4001(a)(3) is also waived. Further, 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. 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.

**REVISED SUBMISSION PROCEDURE**

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.

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

Kissany Craighead	Pro Se
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**Trustee(s):**

David M Goodrich (TR)	Pro Se
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