

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, August 25, 2020

Hearing Room 5A

10:00 AM

8:20-11507 Hytera Communications America (West) Inc

Chapter 11

#1.00 Hearing RE: Motion to Compel Further Responses to Discovery; Stipulation RE Disputed Issues (Local Bankruptcy Rule 7026-1(C)(3))

Docket 210

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**SPECIAL IMPORTANT NOTICE!** In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

**August 25, 2020**

Based upon the emergency motion and attached stipulation, the court is inclined to deny the motion in its entirety for the reasons stated in Debtors' position statements therein.

As for the specific reference to non-binding case *In re Mense*, 509 BR 269 (Bankr.C.D.Cal.2014), the case is distinguishable on its facts (solvent debtor with no business operations with net worth sufficient to post an appeal bond who filed bankruptcy for the purpose of having continued access to approximately \$1.4M in cash to pay personal expense and who had no reorganization strategy). Moreover, this court does not believe that the filing of a bankruptcy case to avoid posting an appeal bond is, in and of itself, *per se* bad faith. Further, Movant has stated no legal authority for ignoring what appear to be legitimate claims of attorney client privilege.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

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10:00 AM

**CONT... Hytera Communications America (West) Inc**

**Chapter 11**

**Debtor(s):**

Hytera Communications America

Represented By  
John W Lucas  
Jason H Rosell  
Victoria Newmark

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11840 DeWayne A. Normand and Maria Acosta De Normand**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

DeWayne A. Normand

Represented By  
Michael E Plotkin

**Joint Debtor(s):**

Maria Acosta De Normand

Represented By  
Michael E Plotkin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11832 Irene Louise Leos**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Irene Louise Leos

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11799 Heather Leigh Tolson**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 25, 2020**

Continue confirmation hearing to September 22, 2020 at 1:30 p.m. in light of pending relief from stay hearing scheduled for September 10, 2020.

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

Heather Leigh Tolson

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11737 Angelica Figueroa**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

Angelica Figueroa

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11582 Natsue Ichikawa and Takaaki Ichikawa**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Natsue Ichikawa

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Takaaki Ichikawa

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11566 DeWayne A. Normand and Maria Acosta De Normand**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements and/or Plan Entered 6/19/2020**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements and/or Plan Entered 6/19/2020 - td (8/7/2020)**

**Tentative Ruling:**

- NONE LISTED -

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

DeWayne A. Normand

Represented By  
Michael E Plotkin

**Joint Debtor(s):**

Maria Acosta De Normand

Represented By  
Michael E Plotkin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11541 Oscar A Banuelos**

**Chapter 13**

**#7.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 7-21-20

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Oscar A Banuelos

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11515 Samuel Michelson**

**Chapter 13**

**#8.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 7-21-20

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Samuel Michelson

Represented By  
Douglas A Crowder

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11135 Martha Bahena de Marin**

**Chapter 13**

**#9.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 7-21-20

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Bahena de Marin

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-11010 Rolando Marquez**

**Chapter 13**

**#10.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 7-21-20

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rolando Marquez

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-10682 Kim-Lan T Nguyen**

**Chapter 13**

**#11.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-26-20; 7-21-20

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kim-Lan T Nguyen

Represented By  
Thinh V Doan

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-10553 Heather Jane Andruss**

**Chapter 13**

**#12.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

(Re-set from 4/28/2020)

FR: 5-26-20; 7-21-20

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

Heather Jane Andruss

Represented By  
Kevin Tang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-10518 John C Crismon and Rhonda L Crismon**

**Chapter 13**

**#13.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-26-20; 7-21-20

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John C Crismon

Represented By  
Anerio V Altman

**Joint Debtor(s):**

Rhonda L Crismon

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-10328 Juan Carlos Valdez**

**Chapter 13**

**#14.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-28-20; 5-26-20; 7-21-20

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juan Carlos Valdez

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

1:30 PM

**8:20-10069 Lauren Lizbeth Witek**

**Chapter 13**

**#15.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 4-28-20; 7-21-20

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lauren Lizbeth Witek

Represented By  
Dana M Douglas

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

2:30 PM

**8:20-10518 John C Crismon and Rhonda L Crismon**

**Chapter 13**

**#16.00 CON'TD Hearing RE: Debtors' Objection to the Claim of Strategic Funding Source, Inc. dba "Kapitus" filed as Claim #5 in the Sum of \$27,959.65**

FR: 7-23-20

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

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**July 23, 2020**

Continue the hearing to September 3, 2020 at 10:30 a.m. to allow Debtors to provide additional notice to claimant at the addresses and to the attention of the person identified on p.7 of the addendum to the proof of claim.

Basis for Tentative Ruling:

LBR 3007-1(b)(2) requires that notice be given at the address set forth in the proof of claim. In this case multiple notices appear on the proof of claim and addendum thereto. Though the objection was served at the address indicated on the first page of the proof of claim, the addendum at p. 7 adds additional instructions for service of notices, to wit:

**United States Bankruptcy Court  
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**Tuesday, August 25, 2020**

**Hearing Room 5A**

2:30 PM

**CONT... John C Crismon and Rhonda L Crismon**

**Chapter 13**

Kapitus  
Attn: Bankruptcy Correspondence Center  
2500 Discovery Lane, Suite 200  
Rockwell, TX 75032

Kapitus  
Attn: Carolina Baez  
120 West 45th Street, 4th Floor  
New York, NY 10036

Tentative ruling for 9/3/20 hearing (if unopposed): Sustain objection.

***Note: If Debtors accept the foregoing tentative ruling, appearance at this hearing is not required.***

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**August 25, 2020**

Notice issue not corrected. Counsel needs to address this issue.

The court continued this matter to allow Debtors to correct notice by serving notice on the two additional persons/addresses that were listed in the July 23, 2020 tentative ruling. Debtors failed to correct notice because Debtor's did not serve their Notice of Continued Hearing on those two additional persons/addresses. See, Notice of Continued hearing [dkt. 59] filed July 29, 2020 (proof of service on the last two pages).

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

John C Crismon

Represented By  
Anerio V Altman

**Joint Debtor(s):**

Rhonda L Crismon

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

2:30 PM

**CONT... John C Crismon and Rhonda L Crismon**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, August 25, 2020**

**Hearing Room 5A**

2:30 PM

**8:19-14426 Michael Alan Kohn**

**Chapter 13**

**#17.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding (11 USC 1307(c)(6))

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 25, 2020**

Grant motion unless Debtor is postpetition current OR the Trustee agrees to a continuance, in which case the matter will be continued to September 22, 2020 at 2;30pm

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

Michael Alan Kohn

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se