

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:09-20845 Commercial Services Building Inc

Chapter 7

Adv#: 8:12-01049 Anderson v. Patrick

#1.00 CON'TD Examination of Judgment Debtor Douglas Patrick RE: Enforcement of Judgment

FR: 6-30-16; 8-18-16

Docket 256

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 30, 2016

Examinee Douglas Patrick to appear in court to be sworn in by clerk; the examination will take place outside the courtroom

August 18, 2016

Examinee Douglas Patrick to appear in court to be sworn in by clerk; the examination will take place outside the courtroom

November 3, 2016

Examinee Douglas Patrick to appear in court to be sworn in by clerk; the examination will take place outside the courtroom

Party Information

Debtor(s):

Commercial Services Building Inc

Represented By

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Commercial Services Building Inc

Chapter 7

Phillip B Greer

Defendant(s):

Douglas Patrick

Represented By
Phillip B Greer

Interested Party(s):

Courtesy NEF

Represented By
Misty A Perry Isaacson

Other Professional(s):

US Marshals Service

Pro Se

Plaintiff(s):

Karl T Anderson

Represented By
Thomas J Polis
Misty A Perry Isaacson

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson
Misty A Perry Isaacson
Thomas J Polis

Karl T Anderson (TR)

Represented By
Thomas J Polis

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:09-17134 Edward J Stout

Chapter 7

Adv#: 8:11-01026 Marshack et al v. Stout et al

#2.00 CON'TD STATUS CONFERENCE RE: Chapter 7 Trustee Plaintiff's Adversary Complaint for: (1) Avoidance/Recover of Fraudulently or Unlawfully Transferred Assets and Damages; (2) Damages, Including Punitive Damages; (3) Judicial Declaration for Alter Ego Liability Determination

FR: 8-11-16

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/19/17 AT 9:30 A.M.,
PER ORDER ENTERED 11/2/16 (XX)**

Courtroom Deputy:

**CONTINUED: Order on Joint Stipulation Requesting Order to Continue
Date of Status Conference on Remand Entered 11/2/16. Status
Conference is Continued to 1/19/17 at 9:30 a.m. (XX) - td (11/2/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward J Stout

Represented By
Andrew K Mauthe

Defendant(s):

Electronic Connector Service

Represented By
Reem J Bello
Thomas D Georgianna
Richard E Masson
Michael S Winsten

Dynamic Stamping

Represented By
Reem J Bello
Thomas D Georgianna
Richard E Masson

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

9:30 AM

CONT... Edward J Stout

Chapter 7

	Michael S Winsten
Qualtech Applied Engineering	Represented By Reem J Bello Thomas D Georgianna Richard E Masson Michael S Winsten
Dolores Stout	Represented By Reem J Bello Thomas D Georgianna Richard E Masson
Kaufman Group	Represented By Reem J Bello Thomas D Georgianna Richard E Masson

Plaintiff(s):

Jim Kerchner	Represented By Thomas D Georgianna Jeffrey I Golden Richard E Masson John R Armstrong
Qualtech Backplanes, Inc.	Represented By Thomas D Georgianna Jeffrey I Golden Richard E Masson John R Armstrong
Richard Marshack	Represented By Thomas D Georgianna Jeffrey I Golden Richard E Masson John R Armstrong
Steven Root	Represented By Thomas D Georgianna

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Edward J Stout

Chapter 7

Jeffrey I Golden
Richard E Masson
John R Armstrong

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard A Marshack
John R Armstrong
Thomas D Georgianna

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:15-01468 Marshack v. American Express Centurion Bank

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential, Fraudulent, and Unauthorized Post-Petition Transfers

FR: 3-10-16; 6-9-16; 6-30-16; 9-1-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 10, 2016

Continue Status Conference to June 9, 2016 at 9:30 a.m.; updated Joint Status Report to be filed by May 26, 2016. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

June 30, 2016

Continue status conference to Sept. 1, 2016 at 9:30 a.m.; updated status report to be filed by Aug. 18, 2016. (XX)

Note: Appearances at this hearing are not required.

November 3, 2016

Continue status conference one final time to December 15, 2016 at 9:30 a.m.

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

9:30 AM

CONT... Donald Woo Lee
(XX)

Chapter 7

If it is the desire of the parties to dismiss this adversary proceeding with prejudice rather than without prejudice per the Order drafted and lodged by the parties, then a stipulation re dismissal of adversary with prejudice needs to be filed no later than December 1, 2016. The court is puzzled as to why this has not already been done.

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Michael R Totaro

Defendant(s):

American Express Centurion Bank

Pro Se

Joint Debtor(s):

Linda Bae Lee

Represented By
Michael R Totaro

Plaintiff(s):

Richard A. Marshack

Represented By
David Wood
Matthew Grimshaw

Trustee(s):

Richard A Marshack (TR)

Represented By
Kyra E Andrassy
David Wood
Matthew Grimshaw
Nathan F Smith

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

Arturo M Cisneros
Norma Ann Dawson
Robert S Lawrence

Richard A Marshack (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:15-01471 Marshack v. Paik

#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Fraudulent Transfers

FR: 3-10-16; 6-9-16; 6-30-16; 9-1-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 10, 2016

Continue Status Conference to June 9, 2016 at 9:30 a.m.; updated Joint Status Report to be filed by May 26, 2016. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

June 30, 2016

Continue status conference to Sept. 1, 2016 at 9:30 a.m.; updated status report to be filed by Aug. 18, 2016. (XX)

Note: Appearances at this hearing are not required.

November 3, 2016

Continue status conference one final time to February 2, 2017 at 9:30 a.m.; updated status report must be filed no later than January 19, 2017. (XX)

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Michael R Totaro

Defendant(s):

Sang Paik

Pro Se

Joint Debtor(s):

Linda Bae Lee

Represented By
Michael R Totaro

Plaintiff(s):

Richard A. Marshack

Represented By
David Wood
Matthew Grimshaw

Trustee(s):

Richard A Marshack (TR)

Represented By
Kyra E Andrassy
David Wood
Matthew Grimshaw
Nathan F Smith
Arturo M Cisneros
Norma Ann Dawson
Robert S Lawrence

Richard A Marshack (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

#5.00 STATUS CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate

Docket 1

***** VACATED *** REASON: Order Approving Stipulation Continuing Status Conference to 12/15/16 at 9:30 a.m. Entered 10/21/16 (XX)**

Courtroom Deputy:

CONTINUED: Order Approving Stipulation Continuing Status Conference to 12/15/16 at 9:30 a.m. Entered 10/21/16- mp/td (XX) (10/21/16)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

Pacific Western Bank

Pro Se

SD Medical Clinic, Inc.

Pro Se

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

Plaintiff(s):

Richard A. Marshack

Represented By
Caroline Djang

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:16-11697 Ana Cristina Costello

Chapter 7

Adv#: 8:16-01173 Costello v. First Associates Loan Servicing et al

#6.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loan Debts
(set per another summons issued 8-4-16)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Discovery Cut-off Date: 2/15/17
Pretrial Conference Date: 4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation: 3/30/17

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Ana Cristina Costello

Represented By
Leigh E Ferrin

Defendant(s):

United States Department of

Represented By
Elan S Levey

Student CU Connect CUSO, LLC

Pro Se

Navient Solutions Inc

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Ana Cristina Costello Chapter 7

First Associates Loan Servicing Pro Se

University Accounting Service Pro Se

Plaintiff(s):

Ana Costello

Represented By
Leigh E Ferrin

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01188 Jones v. Haythorne

#7.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt
and Objection to Discharge [Demand for Jury]

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Discovery Cut-off Date: 2/15/17
Pretrial Conference Date: 4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation: 3/30/17

Deadline for Plaintiff to file Brief With
Legal Authority/Analysis re Asserted Right
to a Jury Trial 3/30/17

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of
"Section 828(a)(2) . . . of Title 11 of the United States Code." There is no
Section 828 in the Bankruptcy Code.*

**Note: If all parties agree with the foregoing schedule, appearances at
today's hearing are waived and Plaintiff shall serve/lodge a scheduling
order consistent with the same.**

Party Information

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Richard A Jones

Represented By
Richard A Jones

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

8:16-13146 Kevin Richard Carr

Chapter 13

#8.00 CON'TD Hearing RE: Debtor's Motion RE: Objection to Claim of Shuff Law Firm, A Professional Law Corporation (Claim No. 2) / \$40,000.00

FR: 10-6-16

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 6, 2016

Continue hearing to November 3, 2016 at 9:30 a.m. to allow Debtor to correct service issue: Claimant, a professional corporation, was not served per FRBP 7004(b)(3) as required by FRBP 9014 for contested matters such as this. (XX)

Tentative Ruling for 11/3/16 hearing (if unopposed): Sustain objection

Special note: For counsel's future reference, LBR 3007-1(c)(2) requires a declaration confirming that the attached proof of claim is a true and correct copy.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

November 3, 2016

Sustain Objection.

Note: As this matter appears to be uncontested, Debtor's appearance at this hearing is not required.

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

Thursday, November 03, 2016

Hearing Room 5A

9:30 AM

CONT... Kevin Richard Carr

Chapter 13

Party Information

Debtor(s):

Kevin Richard Carr

Represented By
Richard G Heston

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:13-13923 Vincent Morales

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
JPMORGAN CHASE BANK
VS.
DEBTOR

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver and co-debtor relief

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Vincent Morales

Represented By
Bert Briones

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Vincent Morales

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-10473 Hussam Fayiz Darwish

Chapter 13

#10.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

FR: 10-6-16

Docket 75

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/25/2016**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/25/2016 - mp/td(10/21/16)**

Tentative Ruling:

October 6, 2016

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party file a
late opposition or appear at the hearing, the court will determine
whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

Hussam Fayiz Darwish

Represented By
Bruce D White
Bruce D White

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Hussam Fayiz Darwish

Chapter 13

Movant(s):

Nationstar Mortgage LLC as

Represented By
Kristin A Zilberstein

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-12277 Aurora Arriaga

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 30

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a) Meeting Entered 11/2/16**

Courtroom Deputy:

OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a) Meeting Entered 11/2/16 - td (11/2/2016)

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Aurora Arriaga

Pro Se

Movant(s):

WELLS FARGO BANK, N.A.

Represented By

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Aurora Arriaga

Gilbert R Yabes

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-12652 Mark Alan Merriott

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Mark Alan Merriott

Represented By
Kevin J Kunde

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Gilbert R Yabes

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Mark Alan Merriott

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
(RE: 45536 Barrymore Avenue, Lancaster, CA 93534)

U.S. BANK, N.A.

VS.

DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver and all extraordinary relief requested, except relief request # 11 which is denied.

This court does not grant indefinite *in rem* relief.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Paul Edward Rubio

Represented By
Lauren Rode

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Paul Edward Rubio

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#14.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
(RE: 5773 Fern Meadow Court, Richmond, CA 94806)

U.S. BANK NA

VS.

DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver and all extraordinary relief requested, except relief request # 11 which is denied.

This court does not grant indefinite *in rem* relief.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Paul Edward Rubio

Represented By
Lauren Rode

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Paul Edward Rubio

Chapter 13

Movant(s):

U.S. Bank NA, successor trustee to

Represented By
Kristin A Zilberstein

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-12875 Martha Lidia Esquivel

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
NATIONSTAR MORTGAGE, LLC
VS.
DEBTOR

Docket 25

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal for
Failure to Appear at 341(a) Meeting Entered 10/27/16

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a)
Meeting Entered 10/27/16 - td (10/27/2016)**

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Special Note: Though movant references multiple filings and unauthorized transfer in the Motion, the Motion does not seek relief under 362(d)(4) and, therefore, such relief is not granted.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Martha Lidia Esquivel

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Martha Lidia Esquivel

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13102 Christopher Yadan Geluz

Chapter 13

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CAPITAL ONE AUTO FINANCE
VS.
DEBTOR AND AMRNE COHEN, CHPATER 13 TRUSTEE

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver and co-debtor relief

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Christopher Yadan Geluz

Represented By
Rabin J Pournazarian

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**

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Christopher Yadan Geluz

Chapter 13

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13488 Rubin J Skipper

Chapter 7

#17.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
AMERICREDIT FINANCIAL SERVICES, INC.
VS.
DEBTOR

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Rubin J Skipper

Pro Se

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Sheryl K Ith

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Rubin J Skipper

Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13573 An Yen

Chapter 13

#18.00 Hearing RE: 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 14

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/25/16**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/25/16-mp/td(10/21/16)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

An Yen

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13583 Mehran Najafi and Asghar Ahmadi

Chapter 7

#19.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

JPMORGAN CHASE BANK, NA

VS.

DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Re Debtors' request for the court to "affirm" discharge of liability for any deficiency following foreclosure, the court declines to do so as such relief is inappropriate in the context of a motion for relief from stay. Further, the court does not grant advisory opinions.

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.

Party Information

Debtor(s):

Mehran Najafi

Represented By
Anthony E Contreras

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Mehran Najafi and Asghar Ahmadi

Chapter 7

Joint Debtor(s):

Asghar Ahmadi

Represented By
Anthony E Contreras

Movant(s):

JPMorgan Chase Bank, National

Represented By
Joseph C Delmotte

Trustee(s):

Richard A Marshack (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13611 Jeanette Elaine Maria Nichols and Richard Ernest Nichols, Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
PARTNERS FEDERAL CREDIT UNION
VS.
DEBTORS

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Jeanette Elaine Maria Nichols

Represented By
Glenn Park

Joint Debtor(s):

Richard Ernest Nichols Jr

Represented By
Glenn Park

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

CONT... Jeanette Elaine Maria Nichols and Richard Ernest Nichols, Chapter 7

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13801 Alice Aranda

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC

VS.

DEBTOR

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested.* Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****As of 10/21/16, no opposition has been filed.***

Party Information

Debtor(s):

Alice Aranda

Represented By
Julie J Villalobos

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13809 Alphasonic, Inc.

Chapter 7

#22.00 CON'TD Hearing RE: Motion for relief from the automatic stay or for Order Confirming that the Automatic Stay Does Not Apply Under 11 U.S.C. §362(i) [UNLAWFUL DETAINER]

BUI INVESTMENTS, LLC

VS.

DEBTOR

FR: 10-6-16

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 6, 2016

Continue hearing to Nov. 3, 2016 at 10:00 a.m. to allow Movant to correct service issue: Debtor, a corporate entity, was not served in accordance with FRBP 7004(b)(3) as required by FRBP 9014 for contested matters. In addition, Debtor has retained an attorney and the attorney needs to be served as well. (XX)

Tentative Ruling for 11/3/16 hearing (if unopposed): Grant with 4001(a)(3) waiver and 180-day prospective relief as to Debtor; deny all other extraordinary relief requested.

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

**CONT... Alphasonic, Inc.
November 3, 2016**

Chapter 7

Grant motion with 4001(a)(3) waiver only. Deny request for extraordinary relief due to insufficient grounds stated therefor.

The opposition filed by Debtor appears only to take issue with the bad faith allegations. The court makes no finding of bad faith.

Special Note: The court has reviewed the Reply filed on 10/27/16 [docket # 30]. The tentative ruling stands as is.

If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Alphasonic, Inc.

Pro Se

Movant(s):

BUI Investments, LLC

Represented By
Alberto J Campain

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:00 AM

8:16-13809 Alphasonic, Inc.

Chapter 7

#23.00 Hearing RE: Motion for relief from the automatic stay or for Order Confirming that the Automatic Stay Does Not Apply Under 11 U.S.C. §362(i) [UNLAWFUL DETAINER]

BUI INVESTMENTS, LLC

VS.

DEBTOR

Docket 24

***** VACATED *** REASON: DUPLICATE OF CALENDAR ITEM #22**

Courtroom Deputy:

DUPLICATE OF CALENDAR ITEM #22 - td (10/20/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alphasonic, Inc.

Represented By
Ivan M Lopez Ventura

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:09-16028 Nancy Jeanne McFadden

Chapter 7

#24.00 Hearing RE: Chapter 7 Trustee's Omnibus Motion for Order Disallowing Claims:

Cl. #8-1 Orange County Treasurer-Tax Collector \$3,389.79

Cl. #19-1 GMAC Mortgage LLC \$104,648.04

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Continue hearing to December 15, 2016 at 10:30 a.m. as to Claim # 19-1 (GMAC Mortgage LLC) to allow Movant to correct service issue: Claimant was not served per FRBP 7004(b)(3) as required by FRBP 9014 for contested matters (service on Claimant's attorney alone is insufficient unless attorney is expressly authorized to accept service of process). Grant motion as to Claim #8-1 (Orange Co. Treas/Tax Collector). (XX)

Tentative ruling for 12/15/16 hearing (if unopposed): Grant

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Nancy Jeanne McFadden

Represented By

Sunita N Sood

Christopher J Langley

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Nancy Jeanne McFadden

Chapter 7

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:10-19712 Nathan Michael Donahue

Chapter 7

Adv#: 8:10-01386 Donahue v. Donahue et al

#25.00 CON'TD Examination of Judgment Debtor Nathan Michael Donahue RE:
Enforcement of Judgment

FR: 6-14-16; 9-13-16

Docket 87

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 14, 2016

Examinee Nathan Donahue to appear before clerk to be sworn in.
Examination will thereafter take place outside the courtroom.

September 13, 2016

Creditor to appear and advise the court re the status of this matter.

November 3, 2016

Examinee Nathan Donahue to appear before clerk to be sworn in.
Examination will thereafter take place outside the courtroom.

Party Information

Attorney(s):

Janet A Nicholson

Represented By
Janet A Nicholson

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Nathan Michael Donahue

Chapter 7

Debtor(s):

Nathan Michael Donahue

Represented By
Stephen Hosford

Defendant(s):

Torey Eden Donahue

Represented By
Stephen Hosford

Nathan Michael Donahue

Represented By
Stephen Hosford

Interested Party(s):

United States Marshals Service

Pro Se

Joint Debtor(s):

Torey Eden Donahue

Represented By
Stephen Hosford

Mediator(s):

Laurel R. Zaeske

Pro Se

Rebecca Callahan

Pro Se

Other Professional(s):

Judgment Recovery Assistance, LLC

Represented By
Janet A Nicholson

Plaintiff(s):

Nancy Donahue

Represented By
Jerry D Hemme
Michael C Rogers

Trustee(s):

Karen S Naylor (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Nathan Michael Donahue

Chapter 7

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:11-14987 Eric Gil Aguilar and Kristi Renee Aguilar

Chapter 13

#26.00 Hearing RE: Debtors' Objection to Claim #17 by Claimant Green Tree Servicing LLC in the Amount of \$176,403.61

Docket 79

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Overrule objection without prejudice.

Basis for Tentative Ruling:

1. Creditor was not properly served per Fed.R.Bankr.P. (FRBP) 7004(b)(3) as required by FRBP 9014 for contested matters such as this.
2. A copy of the proof of claim was not attached to the Objection supported by declaration as to its authenticity. LBR 3007-1(c)(2)
3. The Objection is not supported by admissible evidence (e.g., no declaration supporting factual allegations or authenticity of exhibits). LRB 3007-1(c)(1)

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

Party Information

Debtor(s):

Eric Gil Aguilar

Represented By
Jerry T Morgan

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Eric Gil Aguilar and Kristi Renee Aguilar

Chapter 13

Joint Debtor(s):

Kristi Renee Aguilar

Represented By
Jerry T Morgan

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**

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:11-18139 John Horan and Kristy Horan

Chapter 13

#27.00 Hearing RE: Chapter 13 Trustee's Motion for Order for Return of Estate Property Re Deutsche Bank Trust Company Americas and Ocwen Loan Servicing, LLC [Claim No. 09] and Alternatively Authorizing Set Off

Docket 93

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of Motion filed 10/18/16**

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of Motion filed 10/18/16 - td (10/18/2016)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Horan

Represented By
Matthew E Faler

Joint Debtor(s):

Kristy Horan

Represented By
Matthew E Faler

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:11-26114 Sean Barry Walsh

Chapter 13

#28.00 Hearing RE: Chapter 13 Trustee's Motion for Order for Return of Estate Property RE Ocwen Loan Servicing, LLC [Claim No. 14]

Docket 99

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion.

Note: This matter appears to be uncontested. * Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

****No opposition has been filed as of 10/21/16***

Party Information

Debtor(s):

Sean Barry Walsh

Represented By
Gregory M Shanfeld

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:11-26296 Linda J Warde

Chapter 13

#29.00 Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion as to Nomura Credit Capital only.

Normura Credit Capital was properly served to its agent for service of process. However, service is not proper per FRBP 7004(h) as to Ally Bank or per 7004(b)(3) as to GMAC Mortgage. If either Ally Bank and/or GMAC Mortgage is the true lienholder, an order granting the motion will not be effective as to either unless further service is conducted.

Note: If Debtor accepts the granting of the motion as to Nomura Credit Capital only, appearance at this hearing is not required.

Party Information

Debtor(s):

Linda J Warde

Represented By
Jeffrey B Smith

Movant(s):

Linda J Warde

Represented By
Jeffrey B Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:12-10886 Wilfred Pedrosa

Chapter 7

Adv#: 8:12-01059 Lopez v. Pedrosa

#30.00 STATUS CONFERENCE RE: Complaint for determination of dischargeability of debt pursuant to 11 USC §523(a)2(A)

FR: 5-17-12; 7-19-12; 10-4-12; 2-21-13; 5-2-13; 7-11-13; 10-8-13; 11-7-13; 5-8-14; 11-6-14; 1-15-15; 3-19-15; 8-4-15; 8-11-15; 9-3-15; 10-22-15; 4-21-16; 7-21-16; 9-22-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 6, 2014

Continue status conference to January 22, 2015 at 9:30 a.m.; updated status report to be filed by January 8, 2015

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required and plaintiff shall serve notice of the continued hearing date/time.

March 19, 2015

Deadline to file motion for summary judgment:	June 30, 2015
Hearing on summary judgment: 2:00pm	August 4, 2015 at 2:00pm
Continued Status Conference: 2:00pm (Status Report not required)	August 4, 2015 at (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Wilfred Pedrosa

Chapter 7

today's hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.

October 22, 2015

Discovery Cut-off Date: March 18, 2016
Deadline to Attend Mediation: Jan. 22, 2016
Pretrial Conference Date: Apr. 21, 2016 at 9:30 a.m.
(XX)
Deadline to Lodge Joint Pretrial Stipulation: Apr. 7, 2016

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

November 3, 2016

Impose sanctions against Plaintiff's counsel for failure to timely file a joint status report.

A motion to amend complaint was to have been noticed for today's calendar but apparently was not done.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Wilfred Pedrosa

Represented By
Brian J Soo-hoo

Defendant(s):

Wilfredo Pedrosa

Pro Se

Plaintiff(s):

Antonio Lopez

Represented By

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Wilfred Pedrosa

Glenn E Stern

Chapter 7

Trustee(s):

Weneta M Kosmala (TR) Pro Se

Weneta M Kosmala (TR) Pro Se

U.S. Trustee(s):

United States Trustee (SA) Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#31.00 Hearing RE: Debtor's Motion to Vacate and Quash Levy Served Upon Debtor's Attorney, Fransen and Molinaro, LLP

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion as overly broad for the reasons set forth in the Motion and Reply.

The court does not find Creditor's opposition persuasive as to her interpretation of California statutory or case law.

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

Plaintiff(s):

Richard Bobinski

Pro Se

Trustee(s):

Karen S Naylor (TR)

Represented By
Karen S Naylor (TR)

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:12-19829 Structured Investments Co., LLC

Chapter 7

#32.00 Hearing RE: Administrative Claim Application of Bramson, Plutzik, Mahler and Birkhaeuser, LLP for Allowance of Fees and Costs; Motion for Allowance Thereon

[BRAMSON, PLUTZIK, MAHLER AND BIRKHAEUER, LLP]

Docket 400

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Comments re the Application:

1. The court will not approve any fee amount without a declaration from the chapter 7 trustee regarding the contributions of this firm. This is the second 503(b) application filed by attorneys for a creditor in this case asserting substantial contribution.

2. There are not sufficient funds in the estate to pay the entirety of this claim and all other administrative claims.

Party Information

Debtor(s):

Structured Investments Co., LLC

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Franklin J Contreras

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

#33.00 CON'TD Hearing RE: Trustee's Motion to Approve Settlement Agreement
Between Trustee Thomas H. Casey, on Behalf of The Estate, and **The Kansas
City Art Institute**

FR: 10-20-16

Docket 554

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 11

#34.00 CON'TD Hearing RE: Creditor Kansas City Art Institute's Objection to Claim of Exemptions

FR: 5-9-13; 7-16-13; 9-19-13; 12-3-13; 2-11-14; 4-17-14, 7-31-14; 10-30-14; 1-15-15, 4-16-15; 8-6-15; 11-10-15; 1-21-16; 4-14-16; 7-21-16

Docket 60

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of The Kansas City Art Institute's Objections to Claim of Exemptions filed 10/25/16**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of The Kansas City Art Institute's Objections to Claim of Exemptions filed 10/25/16 - td (10/25/2016)

Tentative Ruling:

January 21, 2016

In light of conversion to chapter 7, continue hearing to April 14, 2016 at 10:30 a.m. (XX)

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue

Movant(s):

Kansas City Art Institute

Represented By
Gabriel E Drucker

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#34.10 CONT'D STATUS CONFERENCE Hearing RE: Plaintiff's Motion for Partial Summary Judgment

FR: 4-12-16; 6-7-16; 8-16-16; 8-18-16; 10-20-16

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

November 3, 2016

Deny motion as moot in light of approval of settlement agreement.

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Defendant(s):

The Kansas City Art Institute

Represented By
Teresa C Chow
Lawrence J Hilton

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#34.20 CON'TD STATUS CONFERENCE Hearing RE: Defendant The Kansas City Art Institute's Motion for Summary Judgment

FR: 6-7-16; 8-16-16; 8-18-16; 10-20-16

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 20, 2016

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

November 3, 2016

Deny motion as moot in light of approval of settlement agreement.

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico
Alan J Friedman
William N Lobel

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Defendant(s):

The Kansas City Art Institute

Represented By
Lawrence J Hilton
Kathleen A Donahue

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 11

Adv#: 8:15-01338 Casey v. The Kansas City Art Institute

#34.30 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1. Avoidance of Preferential Transfers of Interests in Property Pursuant to 11 U.S.C. Section 547; 2. Avoidance of Post-Petition Transfers of Interests in Property Pursuant to 11 U.S.C. Section 549; 3. Recovery of Avoided Transfers Pursuant to 11 U.S.C. Section 550(A); and 4. Declaratory Relief

FR: 11-5-15; 6-23-16; 6-30-16; 9-8-16; 10-20-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 5, 2015

Discovery Cut-off Date (receipt):	Feb. 19, 2016
Deadline to file Pretrial Motions:	Mar. 21, 2016
Pretrial Conference Date:	June 23, 2016 at 9:30 a.m.
(XX)	
Deadline to Lodge Joint Pretrial Stipulation:	June 9, 2016

Special note: Hearing date(s) regarding any pretrial motions tbd at the time the motions are filed.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

October 20, 2016

Trail matter to today's 10:30 a.m. calendar. Take matter off calendar if the motion for approval of settlement is approved.

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 11

November 3, 2016

Take matter off calendar in light of approval of settlement agreement.

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue
Derrick Talerico

Defendant(s):

The Kansas City Art Institute

Pro Se

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#35.00 Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to File Post-Confirmation Status Reports

Docket 206

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion to dismiss if Debtor is not in complete compliance with the requirements of the US Trustee. Debtor does not appear to be 100% committed to the Plan, having previously unilaterally directed that payments not be made.

Note: Appearance at this hearing is required if Debtor opposes.

Party Information

Debtor(s):

Alicia Elizabeth Blackman

Represented By
Bert Briones

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#36.00 Hearing RE: Disclosure Statement Describing Debtor's Chapter 11 Plan
[September 15, 2016]

Docket 281

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

The Disclosure Statement is not adequate. The comments below incorporate the objections the court found relevant, as well as the court's own observations.

The court's comments re the Disclosure Statement:

1. Debtor asserts that that the claims of creditors represented by Classes 1, 2, 3, 7, 8, 9, 11, 12, 14 and 18 have been paid in full. Assuming such claims have been paid and such persons no longer have any right to payment, why are they being classified under the Plan? Disclosure of the distributions is appropriate but the court does not understand the purpose served by the classification of nonexistent claims. Special note: Class 18 appears in the Disclosure Statement but not in the Plan.

2. Debtor needs to fully disclose his connection to Mayor Dune. The Ordoubadi creditors (collectively "Ordoubadi") have provided what appears to be evidence that Debtor is an officer (President) and director of Mayor Dune. The court notes parenthetically that Ordoubadi has not provided evidence of Debtor's *ownership interest* in Mayor Dune. The reference to passages from Debtor's court testimony is not as represented in the Opposition (i.e., Debtor's actual testimony vs. his counsel's stipulation on the record). See Ordoubadi Opposition, Exh. A at 119.

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

Thursday, November 03, 2016

Hearing Room

5A

10:30 AM

CONT...

Robert Boyajian

Chapter 11

3. Debtor needs to disclose the terms of the settlement agreement with Mayor Dune. As President, he should know what those terms are, specifically the amount to be paid by the estate, term of payment (lump sum?) and when (effective date or some other date?).

4. Debtor needs to explain to the court circumstances surrounding the stipulated judgment agreed to in his parents' marital dissolution matter, as well as Debtor's legal authority to incur debt of Layla Boyajian postpetition and to release any interest the estate might have had in the Skyline property without court authority. A copy of the stipulated judgment needs to be provided.

5. Debtor states on the one hand that he won't know that he won't know the amount owed to Layla until all the FLARP liens have been paid, but he has already distributed \$250,000 to her -- what was the basis for that distribution amount? Debtor needs to disclose the amount owed to Layla *before* deducting the claims asserted against her.

6. The court agrees with the UST that circumstances surrounding the execution of the stipulated judgment needs to be disclosed -- did Debtor essentially negotiate with himself via a power of attorney re Layla's interests?

7. Ascher & Associates' ("Ascher") proof of claim is based on the liability of Layla, not Debtor. In theory, once Layla's portion of the sale proceeds is determined, the balance owed to her could be distributed and Ascher would be free to seek recovery of his claim against her directly. On the other hand, if Debtor intends to pay Ascher's claim through the Plan, the Plan should provide for payment. As drafted, it only provides for retention of its lien, but does not provide for payment. It, therefore, begs the question re why this class is designated as not impaired.

8. Similarly, the Plan does not provide for payment to Orboudadi should Debtor not prevail in the current litigation. Once again, as with the Ascher class, why is this class designated as not impaired.

9. Debtor needs to disclose unequivocally that this is a surplus case. This is important because if this is a surplus case, unsecured creditors are entitled to

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

interest at the federal judgment rate from the date of the filing of the petition. Section 726(a)(5) provides for such interest before any distribution to the debtor. In order to satisfy the best interest test, Debtor will need to provide creditors with the interest to which they would be entitled under 726(a)(5).

10. Re Class 13 -- Watkins, Blakely & Togerson: Debtor disputes this claim and provides for no treatment at all but designates the class as not impaired (??)

11. Re Class 16 -- JP Morgan Chase, Debtor needs to disclose the amount of pre and post petition arrearages, as well as the monthly payment amount, the begin date (when "after confirmation"?), and the end date of the payments.

12. Re Classes 19 and 20 (FTB and IRS), Disclosure Statement at p. 24-25, these classes do not appear in the Plan at all. In fact, the Plan skips from Class 17 to Class 21. Plan at pp 10-11.

13. Re Class 21 (Unsecured), the treatment needs to be amended to add interest at the federal legal rate.

14. Page 25, line 16, lists total unsecured claims as \$369,443.90; however the Plan at p. 11, lists unsecured claims as \$454,340.44.

15. Re Class 22 - Debtor, the treatment should disclose that Debtor will receive all net sale proceeds after payments provided for in the Plan.

16. Page 27 under the subheading Voting Classes at lines 26 and 27: States that "all other classes are regarded as Unimpaired." This is inconsistent with the Voting Classes section of the Plan at p. 13, line 18 which states that "Class 19 (Interests) are regarded as Unimpaired" Further, as noted above, there is no Class 19 in the Plan. The Interests Class in the Plan is Class 22.

17. Page 28, the Cramdown section is mis-numbered as Section 5 -- should be 4. Further, as drafted, the cramdown language assumes Classes 4 and 5 (insider classes) will provide the required consenting impaired class which is statutorily impossible.

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

Debtor(s):

Robert Boyajian

Represented By
Tamar Terzian
Alan G Tippie

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#36.10 CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 4-3-14; 7-31-14; 8-5-14; 10-16-14; 1-22-15; 2-10-15; 4-7-15; 6-2-15; 8-13-15; 11-10-15; 12-15-15; 1-21-16; 2-9-16; 3-15-16; 6-14-16; 7-19-16; 8-9-16; 10-20-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 3, 2014

Claims Bar Date: June 13, 2014 (notice to creditors by April 11, 2014)

Deadline to file application to employ real estate broker: April 18, 2014

Deadline to file Plan/
Disclosure Statement: July 11, 2014

Continued Status Conference: July 31, 2014 at 10:30 a.m. (XX)

Updated Status Report due: July 17, 2014 (unless a plan/discl. stmt has been timely filed, in which case the requirement of a status report will be waived).

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

July 31, 2014

Continue hearing to August 5, 2014 at 10:30 a.m., same date/time as hearing on Debtor's motion to extend time to file a plan and disclosure statement. If that motion is not granted, this case may be dismissed or converted. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

October 16, 2014

Debtor's counsel to file, within 7 days of today's hearing, a declaration confirming that a bar date notice was served on creditors in time for the court-ordered June 13, 2014 deadline. The status report does not indicate that such notice was sent and the court cannot verify the same on the the docket.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

April 7, 2015

Continue status conference to June 16, 2015 at 10:30 a.m.; court to issue Order to Show Cause Why This Case Should Not be Converted Due to Inability of Debtor to Reorganize Under Chapter 11 to be heard on the same date and at the same time as the status conference.

June 2, 2015

Continue status conference to August 20, 2015 at 10:30 a.m.; court to issue

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... **Robert Boyajian** **Chapter 11**

Order to Show Cause Why This Case Should Not be Dismissed or Converted Due to Inability of Debtor to Reorganize Under Chapter 11 to be heard on the same date and at the same time as the status conference.

This case has been pending for 18 month with little progress by way or reorganization. Accordingly, an OSC will issue.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

August 13, 2015

Continue status conference to November 10, 2015 at 10:30 a.m.; updated status report to be filed by Oct. 27, 2015. Court to issue an OSC re conversion or dismissal of the case in light of the Debtor's inability to propose a viable plan of reorganization within a reasonable time (18 months), which OSC shall be set for the same date/time. (XX)

December 15, 2015

Continue status conference to January 21, 2016 at 10:30 a.m. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

November 10, 2015

Take matter off calendar if the case is converted to chapter 7.

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

January 21, 2016

Take matter off calendar if the case is converted to chapter 7.

February 9, 2016

Continue hearing to May 12, 2016 at 10:30 a.m.; updated status report to be filed by May 5, 2016.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

June 14, 2016

Continue status conference to July 19, 2016 at 10:30 a.m., same date/time as hearing on US Trustee's motion to dismiss/convert case. (XX)

Note: Appearances at this hearing are not required.

July 19, 2016

Continue status conference to November 17, 2016 at 10:30 a.m.; updated status report to be filed by November 3, 2016, unless a new disclosure statement has been filed by such date, in which case the requirement of an updated status report will be waived. Deadline to file an amended plan and disclosure statement is re-set to November 3, 2016.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian
Trustee.

Chapter 11

August 9, 2016

Debtor's counsel to appear and advise the court why no appearance was made at the last hearing when it was known that Debtor was not in compliance with UST requirements.

Debtor's counsel to also explain why a plan and disclosure statement cannot be filed by August 30, 2016.

October 20, 2016

Continue status conference to November 3, 2016 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's status conference is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee.

November 3, 2016

This matter remains under review by the court; a tentative ruling may be posted at any time prior to the hearing.

Party Information

Debtor(s):

Robert Boyajian

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

#37.00 Hearing RE: Creditors Shahrokh Shawn Ordoubadi and Raham Honeya Ordoubadi's Twenty-One-Day Safe Harbor Motion for Sanctions Pursuant to Fed.R.Bankr.Proc.9011(c)(1)(A)

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Deny Motion.

Federal Rule of Bankruptcy Procedure ("FRPB") 9011(b) states that by presenting documentation to the court, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances ... (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extensions, modification, or reversal of existing law or the establishment of new law..."

In determining whether sanctions are warranted under Rule 9011(b), we "must consider both frivolousness and improper purpose on a sliding scale, where the more compelling the showing as to one element, the less decisive need be the showing as to the other." *In re Silberkraus*, 336 F.3d 864, 870 (9th Cir. 2003) (citing *In re Marsch*, 36 F.3d 825, 830 (9th Cir. 1994)). FRBP 9011 allows a bankruptcy court to impose sanctions in three situations – where papers are submitted demonstrate factual frivolity, legal frivolity, and where papers are submitted for an "improper purpose." *In re Nelson*, 503

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian
B.R. 466 (Bankr. C.D. Cal. 2013).

Chapter 11

After reviewing all of the pleadings, the court is not convinced that the circumstances presented warrant sanctions under 9011. Even if the court is persuaded that the first transfer referenced in the Complaint is time-barred, the court is not persuaded that Complaint itself is frivolous or filed for an improper purpose within the meaning of 9011, particularly as the Motion does not seek a finding that the entire Complaint, i.e., all of the fraudulent transfer allegations are time-barred, e.g., the later August 1, 2012 transfer. The other or second transfer that Defendants do not address in their Motion took place on August 1, 2012. Complaint, ¶13. In paragraphs 19 and 23 of the Complaint, which are the concluding paragraphs of the first and second claims for relief, Plaintiffs seek to avoid both the January 10, 2012 and August 1, 2012 transfers. There are other more appropriate remedies available to Defendants such as relief under Rules 12 and 56 of the Fed.R.Civ.P. The court feels similarly as to the inclusion of Mayor Dune as a plaintiff. Movants have not met their burden of proof.

Party Information

Debtor(s):

Robert Boyajian

Represented By
Tamar Terzian
Alan G Tippie

Defendant(s):

Raham Honeya Ordoubadi

Represented By
Nicholas W Gebelt
Nicholas W Gebelt

Shahrokh Shawn Ordoubadi

Represented By
Nicholas W Gebelt
Nicholas W Gebelt

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

Plaintiff(s):

Mayor Dune, Inc.

Represented By
Alan G Tippie
Robert Boyajian

Robert Boyajian

Represented By
Alan G Tippie

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

#38.00 Hearing RE: Creditors Shahrokh Shawn Ordoubadi and Raham Honeya
Ordoubadi's Motion for Sanctions Pursuant to Fed.R.Bankr.Proc. 9011(c)(1)(A)

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Deny Motion.

Federal Rule of Bankruptcy Procedure ("FRPB") 9011(b) states that by presenting documentation to the court, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances ... (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extensions, modification, or reversal of existing law or the establishment of new law..."

In determining whether sanctions are warranted under Rule 9011(b), we "must consider both frivolousness and improper purpose on a sliding scale, where the more compelling the showing as to one element, the less decisive need be the showing as to the other." *In re Silberkraus*, 336 F.3d 864, 870 (9th Cir. 2003) (citing *In re Marsch*, 36 F.3d 825, 830 (9th Cir. 1994)). FRBP 9011 allows a bankruptcy court to impose sanctions in three situations – where papers are submitted demonstrate factual frivolity, legal frivolity, and where papers are submitted for an "improper purpose." *In re Nelson*, 503 B.R. 466 (Bankr. C.D. Cal. 2013).

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

After reviewing all of the pleadings, the court is not convinced that the circumstances presented warrant sanctions under 9011. Even if the court is persuaded that the first transfer referenced in the Complaint is time-barred, the court is not persuaded that Complaint itself is frivolous or filed for an improper purpose within the meaning of 9011, particularly as the Motion does not seek a finding that the entire Complaint, i.e., all of the fraudulent transfer allegations are time-barred, e.g., the later August 1, 2012 transfer. The other or second transfer that Defendants do not address in their Motion took place on August 1, 2012. Complaint, ¶13. In paragraphs 19 and 23 of the Complaint, which are the concluding paragraphs of the first and second claims for relief, Plaintiffs seek to avoid both the January 10, 2012 and August 1, 2012 transfers. There are other more appropriate remedies available to Defendants such as relief under Rules 12 and 56 of the Fed.R.Civ.P. The court feels similarly as to the inclusion of Mayor Dune as a plaintiff. Movants have not met their burden of proof.

Party Information

Debtor(s):

Robert Boyajian

Represented By
Tamar Terzian
Alan G Tippie

Defendant(s):

Raham Honeya Ordoubadi

Represented By
Nicholas W Gebelt

Shahrokh Shawn Ordoubadi

Represented By
Nicholas W Gebelt

Plaintiff(s):

Mayor Dune, Inc.

Represented By
Alan G Tippie
Robert Boyajian

Robert Boyajian

Represented By
Alan G Tippie

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-13272 Joseph John Piscotty and Tami Knutson Piscotty

Chapter 11

#39.00 CONT'D Post-Confirmation Status Conference RE: Individual Debtors' Third Amended Plan of Reorganization

(Set at Plan hrg. held 4/12/16)
FR: 10-13-16

Docket 277

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Continue status conference to May 11, 2017 at 10:30 a.m.; updated postconfirmation status report must be filed by April 27, 2017. (XX)

Note: If Debtors are in substantial compliance with the requirements of the U.S. Trustee, appearances at this hearing are not required; it is Debtors' responsibility to confirm such compliance prior to the hearing.

Party Information

Debtor(s):

Joseph John Piscotty

Represented By
Andrew S Bisom

Joint Debtor(s):

Tami Knutson Piscotty

Represented By
Andrew S Bisom

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:14-14464 RBS Royalty Motorsports Inc.

Chapter 7

#40.00 Hearing RE: Trustee's Final Report and Application for Compensation

[JOHN M. WOLFE, CHAPTER 7 TRUSTEE]

Docket 75

*** VACATED *** REASON: CONTINUED TO 2/9/17 AT 10:30 A.M.,
PER ORDER ENTERED 10/31/16 (XX)

Courtroom Deputy:

**CONTINUED: Order Approving Trustee's Request to Continue Hearing
on Trustee's Final Report Entered 10/31/16. Hearing is Continued to
2/9/17 at 10:30 a.m. (XX) - td (10/31/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

RBS Royalty Motorsports Inc.

Represented By
Melissa A Clark

Trustee(s):

John M Wolfe (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-10958 Eddie Portillo Henandez, Jr. and David Anthony Oguinn

Chapter 13

#41.00 CON'TD Hearing RE: Debtors' Objection to Claim No. 24 filed by Vons Credit Union (\$7,089.76)

FR: 9-22-16

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 22, 2016

Continue hearing to Nov. 3, 2016 at 10:30 a.m. to allow Debtors to correct service issue: Creditor was not served in accordance with FRBP 7004(b)(3) as required by FRBP 9014 for contested matter. (XX)

Tentative ruling for 11/3/16 hearing if unopposed: Sustain Objection

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

November 3, 2016

Sustain objection

Note: As this matter is uncontested, appearance at this hearing is not required; Debtors to lodge order within 7 days.

Party Information

Debtor(s):

Eddie Portillo Henandez Jr.

Represented By
Kevin J Kunde

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-11122 Rafael Gonzalez and Yesenia Villanueva de Gonzalez

Chapter 7

#42.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 3-1 Filed by Bank of New York Mellon fka Bank of New York, as Trustee for the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2006-16

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Grant motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Rafael Gonzalez

Represented By
Brian J Soo-Hoo
Brian J Soo-Hoo
Brian J Soo-Hoo

Joint Debtor(s):

Yesenia Villanueva de Gonzalez

Represented By
Brian J Soo-Hoo

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-11218 Gary Snavely

Chapter 13

#43.00 Hearing RE: Motion RE: Objection to Claim Number 4 by Claimant Portfolio Recovery Associates, LLC

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Overrule objection.

Claimant has provided evidence sufficient to satisfy FRBP 3001(c)(2) and (c)(3).

Party Information

Debtor(s):

Gary Snavely

Represented By
Thomas B Ure

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**

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-11218 Gary Snavely

Chapter 13

#44.00 Hearing RE: Motion RE: Objection to Claim Number 3 by Claimant Midland Funding LLC

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Overrule objection.

Claimant has provided evidence sufficient to satisfy FRBP 3001(c)(2) and (c)(3).

Party Information

Debtor(s):

Gary Snavely

Represented By
Thomas B Ure

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**

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-14257 Shannon Marie Magness and Kelly Scott Johnson

Chapter 13

#44.10 CON'TD Lessor's Objection To Debtor's Certification And/Or Debtor's Further Certification Concerning Residential Property And Notice Of Hearing (11 USC § 362(l)(3)(A))

FR: 10-26-16, Rm #5B

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Off Calendar

In light of this court's Contempt Order entered August 8, 2016 in *In re Michael and Cheri Engeman*, case no. 14-15451 ("Contempt Order"), which provides for, among other things, the imposition of an "evergreen" sanction of \$100 per day and the issuance of a body detention order against Debtor Kelly Johnson upon the request of the U.S. Trustee, the court has decided to recuse itself in order to avoid any appearance of bias. The case will be re-assigned forthwith by the Clerk.

Party Information

Debtor(s):

Shannon Marie Magness Pro Se

Joint Debtor(s):

Kelly Scott Johnson Pro Se

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**

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

8:16-14257 Shannon Marie Magness and Kelly Scott Johnson

Chapter 13

#44.20 Hearing RE: Motion for relief from the automatic stay or for order confirming that the automatic stay does not apply under 11 U.S.C. §362
[UNLAWFUL DETAINER]
(OST ENTERED 10/31/16)

THE WILLIAM G. JOINER TRUST DATED 2-6-02, WILLIAM G. JOINER AS TRUSTEE

VS.

DEBTORS

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 3, 2016

Off Calendar

In light of this court's Contempt Order entered August 8, 2016 in *In re Michael and Cheri Engeman*, case no. 14-15451 ("Contempt Order"), which provides for, among other things, the imposition of an "evergreen" sanction of \$100 per day and the issuance of a body detention order against Debtor Kelly Johnson upon the request of the U.S. Trustee, the court has decided to recuse itself in order to avoid any appearance of bias. The case will be re-assigned forthwith by the Clerk.

Party Information

Debtor(s):

Shannon Marie Magness

Pro Se

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

Thursday, November 03, 2016

Hearing Room 5A

10:30 AM

CONT... Shannon Marie Magness and Kelly Scott Johnson

Chapter 13

Joint Debtor(s):

Kelly Scott Johnson Pro Se

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**

Thursday, November 03, 2016

Hearing Room 5A

2:00 PM

8:02-10608 Ibt International Inc

Chapter 11

#45.00 CONT'D Hearing RE: Motions of Judgment Debtor, David H. Tedder, to Vacate or Modify Renewal of Involuntary Bankruptcy Judgment, to Compel Filing of Full or Partial Satisfaction of Judgment, to Clarify Terms of Involuntary Judgment, and For Attorney's Fees, Costs and Statutory Penalty

FR: 11-1-16

Docket 396

***** VACATED *** REASON: CONTINUED TO 1/19/17 AT 2:00 P.M.,
PER ORDER ENTERED 10/31/16 (XX)**

Courtroom Deputy:

**CONTINUED: Order Approving Stipulation to Continue Hearing to
1/19/17 at 2:00 p.m. Entered 10/31/16 (XX) - td (10/31/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ibt International Inc

Represented By
Karen S. Naylor
Burd & Naylor
C. Michael Chapman
William M. Burd

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

Thursday, November 03, 2016

Hearing Room 5A

2:00 PM

8:02-10617 Southern Ca Sunbelt Devel Inc

Chapter 11

#46.00 CONT'D Hearing RE: Motions of Judgment Debtor, David H. Tedder, to Vacate or Modify Renewal of Involuntary Bankruptcy Judgment, to Compel Filing of Full or Partial Satisfaction of Judgment, to Clarify Terms of Involuntary Judgment, and for Attorney's Fees, Costs and Statutory Penalty

FR: 11-1-16

Docket 463

*** VACATED *** REASON: CONTINUED TO 1/19/17 AT 2:00 P.M.,
PER ORDER ENTERED 10/31/16 (XX)

Courtroom Deputy:

**CONTINUED: Order Approving Stipulation to Continue Hearing to
1/19/17 at 2:00 p.m. Entered 10/31/16 (XX) - td (10/31/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Southern Ca Sunbelt Devel Inc

Represented By
Todd C. Ringstad
C. Michael Chapman
Nanette D Sanders