

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

Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01200 Marshack v. Lee, Dr.

-
- #1.00** STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

Donald Woo Lee, Dr.

Pro Se

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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
Caroline Djang

**United States Bankruptcy Court
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Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

■

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

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

Michael Kim

Pro Se

UIC Vein Center, Inc.

Pro Se

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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
Caroline Djang

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

8:14-11905 James Preston Dean

Chapter 7

Adv#: 8:16-01087 Kosmala v. Dean

■

#3.00 CON'TD STATUS CONFERENCE RE: Complaint For: (1) Revocation of Trust and Turnover of Estate Property Pursuant to 11 U.S.C. Section 542 and 543; (2) Imposition of Resulting Trust; (3) Imposition of Constructive Trust; and (4) Declaratory Relief

FR: 6-2-16; 8-18-16; 9-22-16

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2016

Continue Status Conference to August 18, 2016 at 9:30 a.m. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date.* Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

*As of the posting of this tentative ruling on 5/31/16, a motion to set aside the default had not been filed.

Note: Appearance at this hearing is not required; Plaintiff to serve

United States Bankruptcy Court
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Hearing Room 5A

9:30 AM

CONT... James Preston Dean

Chapter 7

notice of the continued hearing date/time.

December 1, 2016

Discovery Cut-off Date: July 1, 2017
Deadline to Attend Mediation: Apr. 7, 2017
Pretrial Conference Date: Sept. 14, 2017 at 9:30 a.m.
(XX)
Deadline to File Joint Pretrial Stipulation: Aug. 31, 2017

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):

James Preston Dean Pro Se

Defendant(s):

James Dean Pro Se

Plaintiff(s):

Weneta M.A. Kosmala Represented By
Michael R Adele

Trustee(s):

Weneta M Kosmala (TR) Pro Se
Weneta M Kosmala (TR) Represented By
Reem J Bello

U.S. Trustee(s):

United States Trustee (SA) Pro Se

**United States Bankruptcy Court
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CONT... James Preston Dean

Chapter 7

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

8:15-13050 David Luke Duran

Chapter 7

Adv#: 8:16-01167 Duran v. Dept of Education/Navient

■

#4.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-22-16

Docket No: 3

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 22, 2016

Continue status conference to Dec. 1, 2016 at 9:30 a.m.; joint status report to be filed by Nov. 17, 2016. (XX)

Note: The status conference is being continued in light of 1) Plaintiff's failure to properly serve the primary defendant and 2) to allow Plaintiff to file his motion for leave to amend on regular (not ex parte) notice.

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

December 1, 2016

Joint Status Report was not timely filed by Nov. 17, 2016 as ordered by the court; impose sanctions in the amount of \$100 against Plaintiff's counsel.

Note: Appearance at this hearing is required.

Party Information

**United States Bankruptcy Court
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Hearing Room 5A

9:30 AM

CONT... David Luke Duran

Chapter 7

Debtor(s):

David Luke Duran

Represented By
Michael J Ponce

Defendant(s):

Dept of Education/Navient

Pro Se

Plaintiff(s):

David Luke Duran

Represented By
Michael J Ponce

Trustee(s):

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

8:16-12253 Pedro Carrillo

Chapter 7

Adv#: 8:16-01199 Nguyen v. Carrillo

#5.00 STATUS CONFERENCE RE: Complaint to Challenge Discharge 11 U.S.C.
Section 727(a)(4)(A)

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Discovery Cut-off Date: Feb. 1, 2017
Pretrial Conference Date: Mar. 16, 2017 at 9:30 a.m.
(XX)
Deadline to File Joint Pretrial Stipulation: Mar. 2, 2017

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):

Pedro Carrillo

Represented By
Kathleen A Moreno

Defendant(s):

Pedro Carrillo

Pro Se

Plaintiff(s):

Michelle Nguyen

Represented By

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

Thursday, December 01, 2016

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

J.D. Cuzzolina

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:12-24411 Gregory Bettison and Dina S Victorino

Chapter 13

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

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket No: 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Gregory Bettison

Represented By
Richard G Heston

Joint Debtor(s):

Dina S Victorino

Represented By
Richard G Heston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Gregory Bettison and Dina S Victorino

Chapter 13

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Darlene C Vigil

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:14-10392 Luz Maria Morales D Torres

Chapter 13

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

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket No: 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

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

Luz Maria Morales D Torres

Represented By
Bryn C Deb

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:14-10850 Gustavo Elizarraraz

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket No: 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Gustavo Elizarraraz

Represented By
Sunita N Sood

Movant(s):

U.S. Bank National Association

Represented By
Erica T Loftis

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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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Gustavo Elizarraraz

Chapter 13

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

Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:14-12841 Mark Klosinski and Malgorzata Julitta Klosinski

Chapter 13

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

SETERUS, INC.

VS.

DEBTORS

Docket No: 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Mark Klosinski

Represented By
Michael Jones

Joint Debtor(s):

Malgorzata Julitta Klosinski

Represented By
Michael Jones

Movant(s):

Seterus, Inc., as the authorized servicer

Represented By

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

**CONT... Mark Klosinski and Malgorzata Julitta Klosinski
Darren J Devlin**

Chapter 13

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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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:14-15797 Mario Reyes

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED
ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-5

VS.

DEBTOR

Docket No: 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant with 4001(a)(3) waiver. Deny request for relief under 362(d)(4)

362(d)(4) relief is being denied as there does not appear to be any
connection between the transfer in 2007 and the default which occurred
approximately 7 years later.

***Note: This matter appears to be uncontested. Accordingly, if Movant
accept the foregoing tentative ruling, 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):

Mario Reyes

Represented By

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

Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Mario Reyes

Chapter 13

Rebecca Tomilowitz

Movant(s):

U.S. Bank National Association, as Tru

Represented By
Darlene C Vigil

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:15-14089 Gale Lee Oliver, Jr. and Bernadette Ann Oliver

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTORS

Docket No: 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant with 4001(a)(3) waiver unless Debtors become postpetition current by the time of the hearing, in which case an adequate protection order will be granted.

Party Information

Debtor(s):

Gale Lee Oliver Jr.

Represented By
Christopher J Langley

Joint Debtor(s):

Bernadette Ann Oliver

Represented By
Christopher J Langley

Movant(s):

U.S. BANK NATIONAL ASSOCIATI

Represented By
Erica T Loftis

**United States Bankruptcy Court
Central District of California
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Gale Lee Oliver, Jr. and Bernadette Ann Oliver

Chapter 13

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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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:15-15767 Alyssa Louise Martin

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC
VS.
DEBTOR

Docket No: 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Alyssa Louise Martin

Represented By
Michael Jones
Sara Tidd

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Alyssa Louise Martin

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-11509 Koichi Motegi

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CARMAX BUSINESS SERVICES, INC.
VS.
DEBTOR

Docket No: 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Koichi Motegi

Represented By
Steven L Bryson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 01, 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]

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED
ADJUSTABLE RATE MORTGAGE LOAN TRUST, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-6

VS.

DEBTOR

Docket No: 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant with 4001(a)(3) waiver and all relief requested in the Motion except
relief request #11. Notice to borrowers required.

This court does not granted 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.***

Party Information

Debtor(s):

Paul Edward Rubio

Represented By
Lauren Rode

United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-13750 Patrick Eamon Rowan

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
A-L FINANCIAL CORPORATION
VS.
DEBTOR

Docket No: 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant with 4001(a)(3) waiver; deny request for co-debtor stay relief which is not applicable in a chapter 7 case.

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):

Patrick Eamon Rowan

Represented By
Donny E Brand

Movant(s):

A-L Financial Corporation

Represented By
Lincoln D Gardner

**United States Bankruptcy Court
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10:00 AM

CONT... Patrick Eamon Rowan

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14111 Justin Adam Moreno

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
MERCEDES-BENZ FINANCIAL SERVICES USA LLC
VS.
DEBTOR

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Justin Adam Moreno

Pro Se

Movant(s):

Mercedes-Benz Financial Services US/

Represented By
Sheryl K Ith

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#17.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

TRUSTEE OF THE SOUTHERN CALIFORNIA IBEW-NECA PENSION PLAN

VS.

DEBTOR

Docket No: 11

***** VACATED *** REASON: CONTINUED TO 12/22/16 AT 10:00 A.M.,
PER ORDER ENTERED 11/30/16 (XX)**

Courtroom Deputy:

**CONTINUED: Order Granting Stipulation to Continue Hearing on Motion
for Relief from the Automatic Stay to 12/22/16 at 10:00 a.m. Entered
11/30/16 (XX) - td (11/30/2016)**

Tentative Ruling:

December 1, 2016 [Matter continued to 12/22/16 by stipulation]

Grant motion to allow Movant to proceed with prosecution of the Motion for Summary Judgment pending in District Court; deny request to proceed with a bench trial.

As it appears the Summary Judgment Motion pending in District Court has been fully briefed, the court sees no prejudice to Debtor in allowing such motion to be argued. The court is less inclined to allow the bench trial to proceed (in the event Movant does not prevail on the Summary Judgment Motion) in light of Debtors' current apparent incapacity. Such denial is without prejudice to Movant filing a subsequent motion for relief with evidence of Debtor's ability to participate in a future bench trial.

Party Information

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

CONT... Denny Roy Steelman

Chapter 7

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Movant(s):

Trustees of the Southern California IBE

Represented By
J Paul Moorhead

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14414 Derick P. Penner

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
AMERICAN HONDA FINANCE CORPORATION
VS.
DEBTOR; AND WENETA M. KOSMALA, CHAPTER 7 TRUSTEE

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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.

Party Information

Debtor(s):

Derick P. Penner

Represented By
Stephen Parry

Movant(s):

AMERICAN HONDA FINANCE COI

Represented By
Vincent V Frounjian

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

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10:00 AM

CONT... Derick P. Penner

Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14517 Mary Alvarez Lippmann

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
L/M No. 12 (Lake Forest) II), LLC
VS.
DEBTORS

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant motion with waiver of 4001(a)(3).

Grant motion for the following reasons:

1. This matter involves state law unlawful detainer matters that should properly be addressed in state court. In fact, there was an unlawful matter pending at the time of the bankruptcy filing in which Debtor was an active litigant. According to Debtor's opposition, she had filed a motion for summary judgment in the unlawful detainer action and the state court judge declined to postpone the unlawful detainer trial until after hearing of her motion for summary judgment. Because of that unfavorable ruling, Debtor filed the instant bankruptcy case for the purpose of attempting to do in this court what she could not do in state court. This court intends to abstain from hearing the Adversary Proceeding and remand the matter to state court.

2. Debtor is ineligible to be in chapter 13 as she lacks sufficient regular income to fund a chapter 13 plan. See Bankruptcy Code Sec. 109(e). Debtor lists monthly income of \$2,272 and monthly expenses of \$2,224, leaving

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CONT... Mary Alvarez Lippmann

Chapter 13

approximately \$48.72 to fund a plan. See Docket #14, Schedules I and J. See also Docket #15, Debtor's chapter 13 plan providing for plan payments of \$48.72 for 60 months. However, in her Schedule J, Debtor lists her rent payments as only \$1,049.00. The lease clearly provides for monthly rent of \$1,949.00. Thus, Debtor has understated her expenses by \$900/month, apparently assuming that this court has authority to reduce her rent by \$900, which it does not. Adding the true amount of monthly rent leaves Debtor with a monthly deficit \$901, rendering her ineligible to be a chapter 13 debtor.

The court notes parenthetically that 362(b)(22) and 362(l) do not apply as Movant had not obtained a judgment prior to the filing.

Party Information

Debtor(s):

Mary Alvarez Lippmann	Pro Se
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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, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14677 Alphasonic, Inc.

Chapter 7

#19.10 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(OST ENTERED 11/14/16)

BUI INVESTMENTS, LLC

VS.

DEBTOR

Docket No: 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant motion with all relief requested, including findings under 362(d)(4) in light of the multiple filings.

There is sufficient evidence demonstrating that the current filing was a "scheme to delay or hinder" a creditor due to multiple filings affecting the subject property. This is the second filing within a one year period; relief from stay was granted in the prior case to all Movant to proceed with eviction which was thwarted by the current second filing; in addition, Debtor failure to appear for a 341a meeting in the prior case.

Re Debtor's limited opposition, as Debtor has provided no conflicting evidence re the 362(d)(4) findings, an evidentiary hearing is not warranted or required.

Party Information

Debtor(s):

Alphasonic, Inc.

Represented By

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

Thursday, December 01, 2016

Hearing Room 5A

10:00 AM

CONT... Alphasonic, Inc.

Chapter 7

Ivan M Lopez Ventura

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14570 Christopher Repp

Chapter 13

#20.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket No: 9

*** VACATED *** REASON: Order Dismissing Case for Failure to File Information Entered 11/22/16

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Information Entered 11/22/16- mp(11/22/16)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Repp

Represented By
Ashishkumar Patel

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, December 01, 2016

Hearing Room 5A

10:00 AM

8:16-14669 Fernando Serrano

Chapter 13

#20.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate
(OST ENTERED 11/22/16)

Docket No: 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Grant motion upon filing of proof of service showing proper service per the OST

Party Information

Debtor(s):

Fernando Serrano

Represented By
Sunita N Sood

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:09-17134 Edward J Stout

Chapter 7

Adv#: 8:09-01669 Kerchner et al v. Stout

#21.00 Hearing RE: Joint Motion to Dismiss Case Per Settlement of the Parties

Docket No: 239

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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):

Edward J Stout

Represented By
Andrew K Mauthe

Defendant(s):

Edward J Stout

Represented By
Andrew K Mauthe
Michael S Winsten

Plaintiff(s):

Qualtech Backplanes Inc

Represented By
Bernard C. Jasper
Lawrence M. Cron
Thomas D Georgianna

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Edward J Stout
Steve Root

Chapter 7

Represented By
Bernard C. Jasper
Lawrence M. Cron
Thomas D Georgianna
John R Armstrong
Matthew S Henderson

Jim Kerchner

Represented By
Bernard C. Jasper
Lawrence M. Cron
Thomas D Georgianna
John R Armstrong
Matthew S Henderson

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:09-17134 Edward J Stout

Chapter 7

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

#22.00 Hearing RE: Joint Motion to Dismiss Case Per Settlement of the Parties

Docket No: 216

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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):

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
Courtroom 5A Calendar**

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Edward J Stout

Chapter 7

	Michael S Winsten
Qualtech Applied Engineering Corpora	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
Courtroom 5A Calendar**

Thursday, December 01, 2016

Hearing Room 5A

10:30 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, December 01, 2016

Hearing Room 5A

10:30 AM

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

Chapter 13

#23.00 Hearing RE: Debtor's Objection to Claim #14 filed by Claimant Northrup Grumman Federal Credit Union c/o Pizer & Associates

Docket No: 85

***** VACATED *** REASON: CONTINUED TO JANUARY 12, 2017 AT
10:30 A.M. -- PER ORDER OF THE COURT AT CONFIRMATION
HEARING HELD ON NOV. 22, 2016 TO ALLOW DEBTORS TO
CORRECT SERVICE ISSUE (XX)**

Courtroom Deputy:

**CONTINUED TO JANUARY 12, 2017 AT 10:30 A.M. -- PER ORDER OF
THE COURT AT CONFIRMATION HEARING HELD ON NOV. 22, 2016 TO
ALLOW DEBTORS TO CORRECT SERVICE ISSUE (XX) -- eas/td**

Tentative Ruling:

Party Information

Debtor(s):

Eric Gil Aguilar

Represented By
Jerry T Morgan

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:11-22108 Charles Michael Chiodo, Jr and Seema Chiodo

Chapter 7

#24.00 Hearing RE: U.S. Trustee's Motion to Reopen Chapter 7 Case to Administer Estate Assets and to Appoint a Chapter 7 Trustee

Docket No: 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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):

Charles Michael Chiodo Jr

Represented By
Roya Rohani

Joint Debtor(s):

Seema Chiodo

Represented By
Roya Rohani

Trustee(s):

James J Joseph (TR)

Pro Se

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:14-12206 Wayne Ludlum

Chapter 7

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

[JOHN M. WOLFE, CHAPTER 7 TRUSTEE]

Docket No: 99

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Approve fees and expenses as requested.

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

Party Information

Debtor(s):

Wayne Ludlum

Represented By
Amid Bahadori

Trustee(s):

John M Wolfe (TR)

Represented By
Richard L Barnett

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:14-12206 Wayne Ludlum

Chapter 7

#26.00 Hearing RE: Barnett & Rubin's First and Final Application for Compensation and Reimbursement of Expenses and for Approval of Partial Payment as Counsel for Chapter 7 Trustee

[BARNETT & RUBIN, COUNSEL FOR CHAPTER 7 TRUSTEE]

Docket No: 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Approve fees and expenses as requested.

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

Party Information

Debtor(s):

Wayne Ludlum

Represented By
Amid Bahadori

Trustee(s):

John M Wolfe (TR)

Represented By
Richard L Barnett

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:14-13585 Scott A. Bourdelais

Chapter 11

#27.00 Hearing RE: Debtor's First Amended Disclosure Statement in support of First Amended Plan of Reorganization

Docket No: 240

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Approve First Amended Disclosure Statement with minor modifications set forth in the tentative ruling.

Modifications

1. Plan: On page 1, Debtor refers to Exhibit A to the Disclosure Statement (DS) as one containing Plan Projections. However, Exhibit A to the DS is the settlement term sheet re VK Major One. Cash Flow Projections appear in Exhibit B to the DS.
2. DS: Page 3, Part2(E) -- general reference is made to administrative priority claims such as professional fees but the professional fees mentioned on page 1 of the Plan, \$30,000 owing to Debtor's counsel), is not mentioned. Further, there is a reference to professional fees being paid in monthly installments as set forth in Exhibit B. Exhibit does not include a line item for professional fees, just a general reference to "Administrative Claims. Shouldn't "Administrative Claims" be changed to "Professional Fees?" Finally, the total amount for such claim in Exhibit B is \$22,000. How will the other \$8,000 be paid?
3. DS: Page 6: Did anything change re spousal support at the November 17, 2016 hearing.

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Scott A. Bourdelais

Chapter 11

4. DS: Page 6: Same comments re reference to "Adminstrative claims" -- should this be "Professional fees" and should the amount be \$11,000 per Exhibit B rather than \$10,000?

Confirmation Schedule:

Hearing Date: 2/9/17 at 10:30 a.m.

Deadline to modified 1st Amended
Plan/Disclosure Statement: 12/8/16

Deadline to serve plan packages: 12/15/16

Deadline for creditors to return ballots/
object to plan confirmation: 1/17/17

Deadline to file confirmation brief/
ballot tally analysis 1/26/17

Party Information

Debtor(s):

Scott A. Bourdelais

Represented By
Michael G Spector
Vicki L Schennum

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:14-13585 Scott A. Bourdelais

Chapter 11

#28.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 4-7-15; 7-7-15; 9-3-15; 9-15-15; 12-17-15; 1-14-16; 3-17-16; 4-21-16; 5-19-16; 7-19-16; 10-20-16

Docket No: 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 7, 2015

Claims bar date:	June 15, 2015 (notice by 4/15/15)
Deadline to file plan/disc. stmt:	June 22, 2015
Deadline to file employment applic:	April 21, 2015

Continued Status Conf:	July 7, 2015 at 10:30 a.m.; updated Status Report must be filed by June 23, 2015 unless a plan/DS has filed by such date, in which case no report will be required. (XX)
------------------------	--

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

July 7, 2015

Continue status conference to September 3, 2015 at 10:30 a.m.; updated status report must be filed by August 20, 2015, unless a plan and disclosure statement have been timely filed by such date in which case the requirement of an updated report will be waived. (XX)

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Scott A. Bourdelais

Chapter 11

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

September 3, 2015

Continue status conference to September 15, 2015 at 10:30 a.m.; same date/time as hearing on approval of employment application. Updated status report not required. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

September 15, 2015

Continue status conference to Dec. 17, 2015 at 10:30 a.m.; updated status report to be filed by Dec. 3, 2015, unless a plan and disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. If no claims bar date notice has been served, re-set claims bar date to Nov. 24, 2015 with notice by Sept. 24, 2015. Deadline to file plan and disclosure statement re-set to Dec. 3, 2015. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

January 14, 2016

No tentative ruling; disposition depends on outcome of disclosure statement hearing.

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Scott A. Bourdelais

Chapter 11

July 19, 2016

Continue status conference to October 20, 2016 at 10:30 a.m.; updated status report must be filed by October 6, 2016, unless Debtor has timely filed an amended plan and disclosure statement by such time, in which case the requirement of updated status report will be waived. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

December 1, 2016

Continue status conference to Feb. 9, 2017 at 10:30 a.m.; updated status report not required if confirmation brief is timely filed.

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to contact the US Trustee prior to the hearing re status of compliance.

Party Information

Debtor(s):

Scott A. Bourdelais

Represented By
Carlos F Negrete

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:14-16339 Anthony J Beckler and Teri R Beckler

Chapter 7

#29.00 Hearing RE: Motion for Order Approving Settlement Agreement and Release of Claims Between the Chapter 7 Trustee and the Debtors Pursuant to Bankruptcy Rule 9019

Docket No: 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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):

Anthony J Beckler

Pro Se

Joint Debtor(s):

Teri R Beckler

Pro Se

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:15-13026 Tony Chaohsing Chang and Lichu Chang

Chapter 7

#30.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket No: 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Approve fees and expenses as requested.

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

Party Information

Debtor(s):

Tony Chaohsing Chang

Represented By
Sam X J Wu

Joint Debtor(s):

Lichu Chang

Represented By
Sam X J Wu

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:15-15217 Next Level Sports Complex, LLC

Chapter 11

#31.00 Hearing RE: Confirmation of Debtor and Debtor-in-Possession's Second Amended Chapter 11 Plan of Reorganization

(Set at DS Hrg. Held 9-22-16)

Docket No: 132

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

The court is inclined to deny confirmation as it is currently unable to make a finding that Debtor has complied with 1129(a)(11) -- feasibility.

The feasibility issue is highlighted by the following:

1. The opposition filed by the Landlord. In particular, Debtor's inability to timely pay the current November 2016 rent in full. Debtor's reply includes no evidence that such rent has been paid.
2. According to Debtor's most recent MOR (for period ending Oct. 2016), Debtor had less than \$15k cash on hand and not the projected \$55,000.
3. There is no evidence of the new value amount of \$175,000.
4. Debtor does not address the "Early Termination Option" provision of the New Lease that the Landlord has promised to exercise in August 2017.
5. The reply is not supported by any evidence.

Party Information

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Next Level Sports Complex, LLC

Chapter 11

Debtor(s):

Next Level Sports Complex, LLC

Represented By
Michael Jones
Sara Tidd
Dirk O Julander

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:15-15217 Next Level Sports Complex, LLC

Chapter 11

#32.00 CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 1-7-16; 4-7-16; 4-12-16; 8-4-; 9-22-16

Docket No: 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 7, 2016

Appearance at this hearing is required because Debtor filed its status report more than two months ago, i.e., a little more than a week after the filing of the case. The report, therefore, does not reflect the current status of the case.

The court notes that in the status report, Debtor projected that a plan and disclosure statement would be filed by April 1, 2016. However in the MOR #1 filed Dec. 15, 2015, Debtor represents at page 16 of 35 that "a proposed plan and disclosure statement *have been filed*." However, the docket does not reflect that either have been filed. Debtor to advise the court why a plan and disclosure statement cannot be filed by February 11, 2016.

Note: Appearance at this hearing is required.

April 7, 2016

Continue Status Conference to April 12, 2016 at 10:30 a.m., same date/time set for hearing on approval of disclosure statement; updated status report not required. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Next Level Sports Complex, LLC
the hearing.

Chapter 11

April 12, 2016

Continue status conference to May 31, 2016 at 10:30 a.m.; updated status report not required.

August 4, 2016

No tentative ruling -- disposition will depend on outcome of approval of disclosure statement.

September 22, 2016

Continue status conference to Dec. 1, 2016 at 10:30 a.m.; updated status report not required. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.

December 1, 2016

No tentative ruling; disposition will depend upon outcome of confirmation hearing.

Party Information

Debtor(s):

Next Level Sports Complex, LLC

Represented By
Michael Jones

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:16-10948 Juan Martinez and Elida Martinez

Chapter 7

#33.00 Hearing RE: Debtors' Motion for Turnover of Exempt Property to Debtors

Docket No: 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016 [TENTATIVE HAS BEEN MODIFIED]

Grant motion up to \$2700.00, except that request for attorneys fee set forth in the reply is denied. Also Debtors need to clearly state from whom turnover is requested. The Motion request turnover from the Sheriff; the reply seeks turnover from "whoever is in possession."

Any request for attorneys fees should have been set forth in the Motion itself, not in the reply. See LBR 9013-1(g)(4).

Basis for Tentative Ruling:

The facts in this case are substantively identical to the facts in the BAP's decision in *In re Hernandez*, 483 B.R. 713. The tentative ruling is, therefore, based upon the analysis of the BAP in that decision -- which covers all of the issues raised by the parties, including the ownership interest, exemption statute/policy, and 542 issue. The court is not persuaded by Respondent's efforts to distinguish *Hernandez*.

Party Information

Debtor(s):

Juan Martinez

Represented By
Michael Poole

Joint Debtor(s):

Elida Martinez

Represented By

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

CONT... Juan Martinez and Elida Martinez

Chapter 7

Michael Poole

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:16-12981 Misty Larijani

Chapter 7

#34.00 Hearing RE: Debtor's Motion to Dismiss Chapter 7 Case

Docket No: 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Deny motion.

Debtor has not satisfied her burden of proof re cause for dismissal and lack of legal prejudice to creditors. The court adopts and incorporates by reference the analysis of the chapter 7 trustee's opposition. In particular, the court notes that there is substantial evidence that Debtor has not been truthful about her assets and that the trustee should have an opportunity to review the proofs of claim filed by creditors once the claims filing deadline expires and to make her own assessment as to the legitimacy of such claims.

Party Information

Debtor(s):

Misty Larijani

Represented By
Mark S Martinez

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, December 01, 2016

Hearing Room 5A

10:30 AM

8:16-13273 Gael V Lauritzen

Chapter 7

#35.00 Hearing RE: Motion for Order Extending Deadline for Filing a Motion to Dismiss Pursuant to 11 U.S.C. Section 77(b) and/or an Adversary Complaint Pursuant to 11 U.S.C. Section 727, for The Office of The United States Trustee and Chapter 7 Trustee

Docket No: 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 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):

Gael V Lauritzen

Represented By
Joseph A Weber

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Joseph A Weber

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

Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:16-13365 Francisco Rodriguez

Chapter 13

#36.00 Hearing RE: Debtor's Objection to Proof of Claim #2 Filed by Bosco Credit VI Trust Series 2012-1 (\$149,000.00)

Docket No: 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Overrule Objection

Basis for Tentative Ruling:

1. Debtor does not provide a copy of the fully executed June 14, 2011 loan modification agreement ("Agreement"). However, assuming *arguendo* that such an Agreement was indeed fully executed, Debtor did not comply with the terms stated on the face of the document, to wit, making payments. There is no evidence that Debtor may any payments under the agreement, or under the original note, from June 14, 2011 until the loan was sold to Franklin in May 2012.

2. Debtor seems to imply that the Resurgent, by its agent, *orally amended* the terms of the written agreement subsequent to its execution by imposing an additional condition that does not appear on the face of the agreement, i.e., that the loan modification agreement would not become effective until the completion of a loan modification with Debtor's senior lender. Declaration of Rodriguez Francisco, para. 3. However, Debtor provides no analysis whatsoever as to why the parol evidence rule would not apply. Under California law, the parol evidence rule ordinarily precludes consideration of additional terms where an integrated written contract exists. To determine whether a document is an integrated contract not susceptible to modification by parol evidence under California law, three additional factors must be

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Chapter 13

considered: "the language and completeness of the written agreement [,] the terms of the alleged oral agreement and whether they contradict those in writing, [and] whether the oral agreement might naturally be made as a separate agreement[.]" *Sicor v. Cetus Corporation*, 51 F3d 848, 859 (9th Circuit 1995), citing *McLain v. Great Am. Ins. Cos.*, 256 Cal.Rptr. 863, 867, 208 Cal.App.3d 1476, 1484 (1989) (quoting *Mobil Oil Corp. v. Rossi*, 187 Cal.Rptr. 845, 851–52, 138 Cal.App.3d 256, 266 (1982)).

3. The Agreement is unequivocally clear as to the terms and conditions of the modification.

4. The alleged oral amendment contradicts the clear, unambiguous language of the Agreement. The Agreement states that it "*is made and entered into as of June 14, 2011 (the 'Effective Date')*". Rodriguez Declaration, Exhibit A. Thus, the Agreement on its face became effective June 14, 2011. Debtor's statement that Resurgent's agent orally changed the effective date from June 14, 2011 to some time after Debtor obtained a loan modification from his senior lender is contradictory and, therefore, prohibited by the parole evidence rule. Notably, the Agreement includes language indicating that any amendments to the Agreement would be presented in writing. See Agreement, last paragraph.

5. Even if Debtor could somehow overcome the parole evidence rule and argue that the Agreement did not become effective until he completed his first lien modification in July 2012, he would have nevertheless been obligated to make payments under the original note, which he did not. It strains credulity that the Agreement would spring into effectiveness in July 2012 (or 2016) on the same 2011 terms following an entire year (or five years) of nonpayment by Debtor. Indeed, the Agreement, at para. C(5) expressly provides that, absent payments made thereunder, the original note remained in "full force and effect." The court notes parenthetically that Debtor has apparently made no payments on this debt since 2008.

6. Even if Debtor could somehow assert a breach of the Agreement and sue for breach of contract as argued in the Objection at p. 5, it would appear that such suit would fail due to the expiration of the applicable 4-year statute of limitations for breach of contract claims under California law. Assuming the

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Chapter 13

alleged breach occurred in July 2012 after Debtor "satisfied" the oral condition, Debtor would have had to bring suit no later than July 2016, which he did not do.

7. Based upon all of the foregoing, as well as the evidence set forth in the opposition which is incorporated herein by reference, Debtor has failed to rebut the presumed validity of the proof of claim by substantial evidence equal in probative force to the claim.

Party Information

Debtor(s):

Francisco Rodriguez

Represented By
Michael Poole

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 01, 2016

Hearing Room 5A

10:30 AM

8:16-13741 Moses Ugochukwu Anusiem and Chibuzo Blessing Anusiem Chapter 13

#37.00 Hearing RE: Debtors' Motion to Disallow the Claim in Favour of Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee of Structured Asset Mortgage Investments II Inc., Bear Stearns, Arm Trust, Mortgage Pass-Through Certificates, Series 2007-4 Claim No. 3-1

Docket No: 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 1, 2016

Deny motion without prejudice as premature.

Debtor's objection is based upon a loan modification agreement that currently does not exist.

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

Party Information

Debtor(s):

Moses Ugochukwu Anusiem

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Joint Debtor(s):

Chibuzo Blessing Anusiem

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Thursday, December 01, 2016

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Chapter 13

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Central District of California
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Thursday, December 01, 2016

Hearing Room 5A

2:00 PM

8:15-10719 Margaret Allen Rawson

Chapter 7

#38.00 CONT'D Hearing RE: Trustee's Motion for Order Compelling Debtor to Turn Over Bankruptcy Estate Assets

FR: 11-17-16

Docket No: 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 17, 2016

Deny motion requiring turnover of all funds and all trust powers to the Trustee. Grant alternative relief for turnover of one-half of the trust funds deposited with FFEC to the Trustee. The Trustee's trust powers are limited to the Family Bypass and Marital Trust sub-trusts.

Basis for Tentative Ruling:

1. The court notes preliminarily that the Trustee appears to be attempting to re-litigate matters of partial summary adjudication determined by this court in connection with Defendant's motion for summary judgment. See this court Order entered October 12, 2016 ("Oct. 12 Order"), wherein the court held that a) the Debtor's interest in the Surviving Spouse's Sub-Trust is not property of the estate, b) the Trustee is not entitled to turnover of the Surviving Spouse's Sub-Trust, and c) the Trustee is not entitled to injunctive relief as to the Surviving Spouse's Sub-Trust.
2. As the court found that the Family Bypass and Marital Trust sub-trusts are property of the estate, funds attributable to those sub-trusts should be turned over.
3. The foregoing assumes the parties agree to a 50/50 split regarding the

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CONT... Margaret Allen Rawson Chapter 7

funds deposited with FFEC. The court has never made a determination as to the amount in each sub-trust and neither the Trustee or Trustee Rawson has provided a tracing analysis regarding the same.

December 1, 2016

As the parties cannot agree to a resolution (or even the terms of a continuance), the court will stick with its tentative ruling of November 17, 2016.

Party Information

Debtor(s):

Margaret Allen Rawson

Represented By
Sylvia Lew
David A Tilem

Trustee(s):

Richard A Marshack (TR)

Represented By
Misty A Perry Isaacson
Donald W Sieveke
Chad V Haes