

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

6:19-17527 Michael Lewis Jackson and Samantha Kim Jackson

Chapter 13

#1.00 Application for Compensation with Notice of Hearing, Proof of Service and Exhibit A, for Anthony B Vigil, Debtor's Attorney, Period: 11/27/2019 to 3/9/2021, Fee: \$3,400.00, Expenses: \$0.

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Anthony Vigil, rep. Debtors, Michael and Samantha Jackson)

Docket 44

Tentative Ruling:

4/15/2021

Application: Additional \$3,400 for services mostly related to two relief from stay motions

Opposition: Trustee recommends \$1,580

Analysis: 11 U.S.C. § 330(a)(1) provides that the court may award attorney fees for "reasonable compensation for actual, necessary services" and for "reimbursement for actual, necessary expenses." § 330(a)(3)(F) provides that in determining the reasonableness of the fees the court shall consider "whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title." "[T]he burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney's own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008) *citing* *Blum v. Stenson*, 465 U.S. 886, 896 (1984) at n. 11; *see also In re Walker*, 652 Fed. Appx. 539, 540 (9th Cir. 2016)(unpublished) ("[chapter 13 debtor's counsel] did not carry its burden of proving its entitlement to the fees requested because it failed to produce sufficient evidence that the fee request was

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Chapter 13

reasonable").

Tentative: On August 27, 2019, Michael Lewis and Samantha Kim Jackson ("Debtors") filed a Chapter 13 voluntary petition. On December 4, 2019, Debtors' Chapter 13 plan was confirmed. Pursuant to the Rights and Responsibilities agreement filed on August 27, 2019, Anthony B. Vigil's ("Counsel") base fee is \$5,000.

On August 31, 2020, Creditor Exeter Finance filed a motion for relief from stay. Counsel filed a one page opposition stating parties were working on an APO. On September 24, 2020, the parties filed an APO. The Court granted it pursuant to order entered on September 25, 2020. On January 7, 2021 Creditor Freedom Mortgage Corporation filed a motion for relief from stay. Counsel filed a two-page opposition arguing the motion was moot as Debtors had tendered the late mortgage payments. Copies of the checks, the mortgage statement, and the payment history schedule were attached as exhibits. Movant withdrew the motion at the hearing.

On March 18, 2021, Counsel filed an application seeking \$3,400 in fees related to these two relief from stay motion. On March 22, 2021, Trustee filed comments arguing that there was no evidence to show that the issues Counsel dealt with were any different than those commonly faced by chapter 13 practitioners. Additionally, task related to emailing and follow up could have been billed at a lower paralegal rate. Trustee recommended fees be reduced to \$1,040 representing 1.6 hours of attorney time at \$400 per hour to cover review, the oppositions, and APO negotiations, and \$540 for 3.6 hours of paralegal time at \$150 an hour for a total fee award of \$1,580.

The Court, having reviewed the oppositions, APO, and billing records, agrees with Trustee's contention that it appears that Counsel has not faced any problems that are unusual to a typical Chapter 13 case. As Counsel has not provided any evidence to the contrary, the Court considers how other courts have dealt with such applications.

The court in *In re Quiroz* 6:17-BK-10255-WJ, 2019 WL 9244665 has conducted a study on fees typically awarded for services relating to relief from stay. The

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Quiroz court found that attorneys in chapter 13 cases in Riverside county who perform services involving a form opposition that are typically resolved by an adequate protection stipulation are awarded \$608.34. *Id.* at *6-*7 (Bankr. C.D. Cal. Dec. 12, 2019) ("for the last three years (2017-2019), the average amount of fees which chapter 13 debtors and trustees have agreed upon for similar services [for resolving a motion for relief from stay] is \$608.34").

The Court also notes that .8 of an hour spent on the first opposition and 1.0 of an hour spent on the second opposition appears excessive given the contents of the documents. Additionally, certain of the other time entries appear excessive. The Court agrees with Trustee that much of the work could have been done by a paralegal, thus lowering the total billed. Accordingly, the Court is inclined to adopt the Trustee's recommendation and APPROVE additional fees in the amount of \$1,580 and DISAPPROVE the remaining \$1,820.

APPEARANCES REQUIRED. Applicant may decline to appear and will be deemed to submit to the tentative.

Party Information

Debtor(s):

Michael Lewis Jackson

Represented By
Anthony B Vigil

Joint Debtor(s):

Samantha Kim Jackson

Represented By
Anthony B Vigil

Movant(s):

Michael Lewis Jackson

Represented By
Anthony B Vigil

Samantha Kim Jackson

Represented By
Anthony B Vigil

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Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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Hearing Room 303

11:00 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#2.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #3

(Placed on calendar by order entered 3/23/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 74

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Movant(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:20-10899 Elizabeth T Baker

Chapter 13

#3.00 CONT. Trustee's Motion to Dismiss Case

Also #2

From: 3/18/21, 4/1/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

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Central District of California
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Hearing Room 303

11:00 AM

6:20-17898 Jose M Vazquez Javier

Chapter 13

#4.00 CONT. Confirmation of Chapter 13 Plan

From: 3/4/21, 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. David Lozano, rep. Debtor, Jose Vasquez)

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose M Vazquez Javier

Represented By
David Lozano

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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6:21-10341 Melvin T Marks and Maria Popeonas

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melvin T Marks

Represented By
Natalie A Alvarado

Joint Debtor(s):

Maria Popeonas

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:21-10367 Lenois Stovall

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 2/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenois Stovall

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-10387 Jaime Mendez Gonzalez

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, specially appearing for Debtor, Nicholas Wajda)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Mendez Gonzalez

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-10391 Leticia Aispuro

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Giovanna Gallo, rep. Debtor, Leticia Aispuro)

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Aispuro

Represented By
Giovanna M Gallo

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:21-10517 Howard E Terrell

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH_____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Howard Terrell, Debtor)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard E Terrell

Represented By
Anthony P Cara

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:21-10529 Phyllis Ann Colucci

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phyllis Ann Colucci

Represented By
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

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Hearing Room 303

11:00 AM

6:21-10530 Christine Marlo

Chapter 7

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 2/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christine Marlo

Represented By
Bruce A Boice

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-10561 Rosendo Trevino, III and Timmie Lynn Trevino

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosendo Trevino III

Represented By
Paul Y Lee

Joint Debtor(s):

Timmie Lynn Trevino

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-10573 Thomas J. Gibbs and Sandra J. Gibbs

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joseph Delmotte, rep. creditor, U.S. Bank National Association)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas J. Gibbs

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Sandra J. Gibbs

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 303

11:01 AM

6:16-13169 Teresa M. Dearmond

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa M. Dearmond

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

11:01 AM

6:16-13595 Robert P Contreras and Marie G Contreras

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 89

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert P Contreras

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Marie G Contreras

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, April 15, 2021

Hearing Room 303

11:01 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/12/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

11:01 AM

6:19-17080 Cesar Orozco

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Paul Lee, rep. Debtor, Cesar Orozco)

Docket 75

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cesar Orozco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

11:01 AM

6:19-17416 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Curtis Collins

Represented By
M. Wayne Tucker

Joint Debtor(s):

Valerie Cecelia Collins

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 303

11:01 AM

6:19-19922 Angela Clarice Atou

Chapter 13

#19.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Clarice Atou

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, April 15, 2021

Hearing Room 303

11:01 AM

6:20-12092 Loi Phuoc Au and Nancy O Sengdara-Au

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loi Phuoc Au

Represented By
Todd B Becker

Joint Debtor(s):

Nancy O Sengdara-Au

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se