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

Thursday, December 15, 2016 **Hearing Room 303**

12:30 PM
6:15-18734 Eduardo Javier Meza and Margaret Ruth Morales **Chapter 13**

#1.00 Motion to Disallow Claims # 22

EH__

Docket No: 149

Tentative Ruling:

12/15/16

Background:

On September 1, 2015, Eduardo Meza and Margaret Morales ("Debtors") filed a Chapter 13 petition. On October 19, 2015, their Chapter 13 plan was confirmed. On March 7, 2016, Claims 2 and 4, held by Cavalry SPV I, LLC and Midland Credit Management, respectively, were disallowed. On March 23, 2016, Claims 6, 7, 13 and 18, all held by Midland Funding, LLC, were disallowed. On the same day, Claim 21, held by Capital One N.A., was disallowed. On April 19, 2016, Claims 10, 11, 12, 14, and 16, all held by Midland Funding, LLC, were disallowed. On April 29, 2016, Claims 8 and 9, both held by Midland Funding, LLC, were disallowed. On August 12, 2016, the Chapter 13 plan was amended.

On January 4, 2016, Capital One Bank N.A. ("Capital One") filed Claim 22. On November 8, 2016, Capital One amended the claim to include billing records. On November 9, 2016, Debtors filed a motion to disallow Claim 22, held by Capital One. Debtor argues that the claim was filed after the statute of limitations had expired.

Applicable Law:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy

Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.,* 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

Analysis:

1. **Statute of Limitations-Proof of Claim**

11 U.S.C. § 502(b)(1) (2005) states:

> (b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—
>
> > (1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than

because such claim is contingent or unmatured;

Cal. Code Civ. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g.*, *Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

2. Claim 22

Claim 22 is based on "money loaned." This appears to fit within the category established by Cal. Code Civ. P. § 337. Therefore, the statute of limitations is four years. The statement of account filed by Capital One indicates that the account was opened on June 2, 2005, that the charge-off date was January 25, 2010, and that the last payment date was June 18, 2015. Nevertheless, the billing records submitted by Capital One are old (from September 2009 to January 2010), and do not indicate any payments made, but rather a ballooning balance. The entirety of the activity identified on the billing records consists of past due and overlimit fees, and payment protection charges. The statement of accounts then indicates that the account was charged-off on January 25, 2010. Fed. R. Bankr. P. Rule 3001(c)(1) requires a claim based on a writing to include the supporting documentation. The supporting documentation here evidences a claim upon which no activity occurred in the last four years. The absence of information supporting the conclusion that the claim is not barred by the statute of limitations suggests that the statute of limitations has expired.

Furthermore, failure to object shall be deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

Tentative Ruling

For the foregoing reasons, the Objection is SUSTAINED as to Claim 22.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

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CONT... Eduardo Javier Meza and Margaret Ruth Morales **Chapter 13**

Party Information

Debtor(s):

Eduardo Javier Meza	Represented By Dana Travis

Joint Debtor(s):

Margaret Ruth Morales	Represented By Dana Travis

Movant(s):

Margaret Ruth Morales	Represented By Dana Travis Dana Travis
Eduardo Javier Meza	Represented By Dana Travis Dana Travis

Trustee(s):

Rod (MH) Danielson (TR)	Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:30 PM
6:16-12335 Philip Jerry Moreb **Chapter 7**

#2.00 CONT Motion to Convert Case From Chapter 7 to 13

From: 11/16/16, 12/1/16

Also #3 & #4

EH__

Docket No: 39
***** VACATED *** REASON: WITHDRAWAL FILED 12/13/16**

Tentative Ruling:

Party Information

Debtor(s):

Philip Jerry Moreb — Represented By Jenny L Doling

Movant(s):

Philip Jerry Moreb — Represented By Jenny L Doling

Trustee(s):

Howard B Grobstein (TR) — Pro Se

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6:16-12335 Philip Jerry Moreb **Chapter 7**

#3.00 CONT Motion to Avoid Junior (Second) Lien with Andrew Coldicutt, Esq. Trustee for Thomas D. Coldicutt

From: 12/1/16

Also #2 & #4

EH__

Docket No: 44
***** VACATED *** REASON: WITHDRAWAL FILED 12/13/16**

Tentative Ruling:

Tentative:

Hearing Date: 12/1/16

Summary of the Motion:
Notice: Proper
Opposition: Yes
Address: 72020 Palm Crest Dr., Rancho Mirage, CA
First trust deed: $ 943,372 (Debtor relies on Creditor's relief from stay motion filed on June 22nd for this amount. That valuation appears to be solely based on the declaration included in the motion
Second trust deed (to be avoided per matter 6): $ 31,911 (based on deed dated June 30, 2013)
Third trust deed (to be avoided per matter 7): $57,500 (based on deed dated July 3, 2014)
Fair market value (per appraisal & appraiser declaration): $ 849,000

As an initial matter the motion is premature as the case was a Chapter 7 at the time of filing. Next, Sakthivel Balasubrammanian, Sampta Kiran, Hardeep Luthra, Vita Nova Holdings, the previous holder of the third trust deed, has provided evidence they foreclosed on May 10, 2016. Due to the foreclosure, there is no longer any third lien to be avoided. It appears that Debtor does not have any remaining interest in the

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CONT... **Philip Jerry Moreb** **Chapter 7**

property and, that Debtor does not have standing to bring this motion. Debtor alternatively states that he is the owner of the real property at issue, and was the owner of the real property at issue at the time the petition was filed. Evidence has been provided that controverts the former, and the latter is insufficient to establish standing (or subject matter jurisdiction).

TENTATIVE

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Philip Jerry Moreb	Represented By Jenny L Doling

Movant(s):

Philip Jerry Moreb	Represented By Jenny L Doling

Trustee(s):

Howard B Grobstein (TR)	Pro Se

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6:16-12335 Philip Jerry Moreb **Chapter 7**

#4.00 CONT Motion to Avoid Junior (Third) Lien with Sakthivel Balasubrammanian, Sampat
Kiran, Hardeep Luthra & Vita Holdings, Inc.

From: 12/1/16

Also #2 & #3

EH__

Docket No: 45
***** VACATED *** REASON: WITHDRAWAL FILED 12/13/16**

Tentative Ruling:

Tentative:

Hearing Date: 12/1/16

Summary of the Motion:
Notice: Proper
Opposition: Yes
Address: 72020 Palm Crest Dr., Rancho Mirage, CA
First trust deed: $ 943,372 (Debtor relies on Creditor's relief from stay motion filed on June 22nd for this amount. That valuation appears to be solely based on the declaration included in the motion
Second trust deed (to be avoided per matter 6): $ 31,911 (based on deed dated June 30, 2013)
Third trust deed (to be avoided per matter 7): $57,500 (based on deed dated July 3, 2014)
Fair market value (per appraisal & appraiser declaration): $ 849,000

As an initial matter the motion is premature as the case was a Chapter 7 at the time of filing. Next, Sakthivel Balasubrammanian, Sampta Kiran, Hardeep Luthra, Vita Nova Holdings, the previous holder of the third trust deed, has provided evidence they foreclosed on May 10, 2016. Due to the foreclosure, there is no longer any third lien

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CONT... **Philip Jerry Moreb** **Chapter 7**

to be avoided. It appears that Debtor does not have any remaining interest in the property and, that Debtor does not have standing to bring this motion. Debtor alternatively states that he is the owner of the real property at issue, and was the owner of the real property at issue at the time the petition was filed. Evidence has been provided that controverts the former, and the latter is insufficient to establish standing (or subject matter jurisdiction).

TENTATIVE

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Philip Jerry Moreb	Represented By Jenny L Doling

Movant(s):

Philip Jerry Moreb	Represented By Jenny L Doling

Trustee(s):

Howard B Grobstein (TR)	Pro Se

12:30 PM
6:16-13719 Darryl R Brown and Kimberly J Brown **Chapter 13**

#5.00 Motion RE: Objection to Claim Number 14 by Claimant Ace Cash Express

EH__

Docket No: 35

Tentative Ruling:

12/15/16

Background:

On April 26, 2016, Darryl and Kimberly Brown ("Debtors") filed a Chapter 13 petition. On June 8, 2016, Ace Cash Express filed an unsecured claim in the amount of $760. On June 14, 2016, Debtors' Chapter 13 plan was confirmed. On November 9, 2016, Debtors filed an objection to Claim 14, held by Ace Cash Express.

Debtors argue that they have no knowledge of the identity of Ace Cash Express, and that Debtors have never owed money to Ace Cash Express.

Applicable Law:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.,* 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide

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CONT... Darryl R Brown and Kimberly J Brown **Chapter 13**

sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

Analysis:

Ace Cash Express's proof of claim states that the basis of the claim is consumer debt. The writing attached to the account appears to be a collections bill. It is not a writing upon which the claim is based. Fed. R. Bankr. P. Rule 3001(c) requires a proof of claim for a claim based on a writing to include the writing evidencing the claim. The writing here does not evidence a claim, but merely evidences an attempt to collect.

Furthermore, failure to oppose shall be deemed consent to the requested relief pursuant to Local Rule 9013-1(h).

Tentative Ruling

For the foregoing reasons, the Objection is SUSTAINED.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Darryl R Brown Represented By
M Wayne Tucker

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CONT... **Darryl R Brown and Kimberly J Brown** **Chapter 13**

Joint Debtor(s):

Kimberly J Brown	Represented By M Wayne Tucker

Movant(s):

Kimberly J Brown	Represented By M Wayne Tucker
Darryl R Brown	Represented By M Wayne Tucker

Trustee(s):

Rod (MH) Danielson (TR)	Pro Se

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6:16-14457 Milorad Mileusnic and Sonja Mileusnic **Chapter 13**

#6.00 CONT Motion RE: Objection to Claim Number 2 by Claimant Internal Revenue Service

From: 8/4/16, 9/29/16, 11/3/16

Also #7

EH__

Docket No: 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milorad Mileusnic — Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Sonja Mileusnic — Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Sonja Mileusnic — Represented By
Jenny L Doling
Summer M Shaw

Milorad Mileusnic — Represented By
Jenny L Doling
Jenny L Doling
Summer M Shaw
Summer M Shaw

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CONT... **Milorad Mileusnic and Sonja Mileusnic** **Chapter 13**

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

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6:16-14457 Milorad Mileusnic and Sonja Mileusnic **Chapter 13**

#7.00 CONT Confirmation of Chapter 13 Plan

From: 6/23/16, 8/4/16, 9/29/16,11/3/16

Also #6

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milorad Mileusnic — Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Sonja Mileusnic — Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:30 PM
6:16-17342 Natasha Marie Kiehl and Phillip Nathan Kiehl **Chapter 13**

#8.00 CONT Confirmation of Chapter 13 Plan

From: 9/29/16, 11/3/16

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natasha Marie Kiehl — Represented By Bill J Parks

Joint Debtor(s):

Phillip Nathan Kiehl — Represented By Bill J Parks

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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6:16-18750 Donald Craig Kinnsch and Lynda Dyanne Kinnsch **Chapter 7**

#9.00 Motion For Contempt Request for Turnover; Request for Sanctions and Attorney's Fees
(Converted to Ch 7 on 11/7/16)

EH__

Docket No: 22

Tentative Ruling:

12/15/16

BACKGROUND

On September 30, 2016, Donald and Lynda Kinnsch ("Debtors") filed a Chapter 13 voluntary petition. On November 7, 2016, the case was converted to Chapter 7.

On November 2, 2016, Debtors filed a "motion for contempt request for turnover; request for sanctions and attorney's fees." On December 1, 2016, two oppositions were filed by United States of America, one on behalf of the Social Security Administration ("SSA") and the other on behalf of the Internal Revenue Service ("IRS").

Debtor alleges that both the SSA and IRSA were notified of the automatic stay immediately after the filing of the bankruptcy, yet "refused and continued to refuse to this date to release the debtor's Social Security benefits checks in the amount of $1,563 per month." Debtor alleges that this activity constitutes a violation of the automatic stay.

SSA responds that: (1) the withheld payments at issue were pre-petition payments, and thus their withholding did not violate the automatic stay; (2) that it lacked authority to cease collection until the IRS released its levy, and (3) that the requested relief is inappropriate because the retirement benefits were promptly reinstated and that SSA did not act with the requisite willfulness.

IRS argues that: (1) no violation of the automatic stay occurred; (2) the levy was promptly released upon notice of the bankruptcy filing; and (3) IRS did not willfully violate the stay.

FACTUAL BACKGROUND

Debtors and the IRS and SSA dispute the factual background, specifically with regard to what occurred post-petition. Debtors and SSA agree that SSA received notice of the automatic stay on the day of the bankruptcy filing.

Regarding actions taken by the SSA, Debtors assert that various efforts were made by Debtors to remove the garnishment in the days following the filing of the bankruptcy. Debtors allege that for the four days after the filing of the petition, the SSA affirmatively stated that the garnishment would not be ceased. Debtors further allege that an e-mail was forwarded to the IRS on October 11 to provide the SSA with a release of the garnishment by the IRS, but no reply was received by the SSA. Debtors also state that the garnishment was still in force as of October 20.

SSA responds by stating that, to cease collection, the agency required a release of levy by the IRS, and that they had no independent authority to cease collection. SSA states that the levy was released on October 14, and that Debtors' benefits were reinstated on October 26. SSA states that no post-petition benefits were withheld from Debtors. Furthermore, SSA disputes Debtors' account of the agency hanging up on Debtors and otherwise refusing to talk with Debtors.

Regarding actions taken by the IRS, Debtors generally state that they were kept on the line for excessive periods of time or hung up on without receive a direct response until October 5, 2016. On that day, Debtors claim IRS acknowledged that they would contact the SSA to cease attachment. Debtors seem to alternatively argue that they were told on October 7, 2016, that the garnishment was still in force and they needed to make an appointment to discuss a release. Debtors claim the IRS forwarded a release of garnishment on October 11, 2016. Debtors also state that they received conflicting information from the SSA between October 14 and 19 regarding whether any funds had been turned over to the IRS.

The IRS responds that they were notified of the bankruptcy filing on October 5, 2016, that the levies were released on October 6, 2016, and that collection activities ceased on October 7, 2016. IRS denies that it has taken any post-petition actions to collect on debt.

DISCUSSION

I. Violation of the Automatic Stay

11 U.S.C. 362(a)(3) (2010) states, in part:

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5 (a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of-

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate

"[C]ases widely agree that a garnishing creditor has an affirmative duty to stop garnishment proceedings when notified of the automatic stay." *In re Roberts*, 175 B.R. 339, 343 (B.A.P. 9th Cir. 1994). "Courts have overwhelmingly and consistently held that a creditor's failure to halt collection proceedings after a petition is filed violates the automatic stay." *In re McCall-Pruitt*, 281 B.R. 910, 911 (Bankr. E.D. Mich. 2002).

Here, Debtors' argument can be summed up as: "Both entities continued and keep continually to violate of 11 U.S.C. Section 362(a) by withholding the debtor's Social Security benefits and ignoring all communications from the debtor, the debtor's attorney and the debtor's attorney staff." Despite Debtors' clear frustration, the latter is not a violation of the automatic stay, since nowhere in § 362(a) does it say that the stay creates an affirmative duty to communicate with a debtor.

Regarding the former, SSA and IRS have provided unrefuted evidence which indicates that no benefits were withheld post-petition. Specifically, Exhibit 3 to IRS's opposition demonstrates that the last pre-petition benefit payment was applied to Debtors' account on September 23, 2016; this constituted Debtors' September benefits. IRS's Exhibit 4 shows a release of levy that was sent to SSA on October 6, 2016; on this form the first option was checked ("property, rights to property, money credits and bank deposits of the taxpayer(s) named above . . ."). SSA's Exhibit 2 shows an additional release of levy from October 14, 2016; on this form the second option was checked ("wages, salary and other income, now owed to or becoming payable to the taxpayer(s) named above"). SSA's Exhibit 3 shows a letter sent to

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CONT... Donald Craig Kinnsch and Lynda Dyanne Kinnsch **Chapter 7**

Debtors dated October 26, 2016, which states that withholding has ceased and that Debtors would receive their October benefits at the normal time (the third of the month).

Notably, Debtors' description of the facts ends on October 20. Debtors filed this motion on November 2, yet there is no description of anything that occurred between October 20 and November 2. Given that there is no evidence that a violation of the automatic stay occurred, the Court need not discuss the additional arguments made by SSA and IRS: (1) that any violation was not willful; and (2) that prompt action was taken to remedy any violation.

Ultimately, Debtors has not pointed to any act which violated the automatic stay. The Exhibits submitted in opposition indicate that Debtors received their post-petition benefits when they were entitled to receive them. It is not clear what post-petition withholding of benefits occurred. Since the entirety of the IRS and SSA's opposition is based on the argument that the benefits were not withheld, but distributed at the normal time, and the entire legal basis for Debtors' motion is that the benefits were withheld, the Court must conclude that, in the absence of any evidence establishing that the benefits were not sent to Debtor at the required time, the automatic stay was not violated. The automatic stay cannot be interpreted as affording Debtors a right to quicker payment than is afforded recipients not burdened by garnishment.

Furthermore, the Court notes that Debtors have not employed the correct procedural vehicle. Local Rule 9020-(1) outlines a two-step process for contempt proceedings. First, the moving party is required to lodge an order to show cause (LBR 9020-1(a)), and the responding party is allowed seven days to object to the issuance of the order. If an objection is filed, a hearing is scheduled on the issuance of an order to show cause. Here, no order has been entered directing IRS and SSA to show cause.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

12:30 PM
CONT... **Donald Craig Kinnsch and Lynda Dyanne Kinnsch** **Chapter 7**

Debtor(s):

Donald Craig Kinnsch — Represented By Stephen H Darrow

Joint Debtor(s):

Lynda Dyanne Kinnsch — Represented By Stephen H Darrow

Movant(s):

Lynda Dyanne Kinnsch — Represented By Stephen H Darrow

Donald Craig Kinnsch — Represented By Stephen H Darrow

Trustee(s):

Larry D Simons (TR) — Pro Se

12:30 PM
6:16-19325 Gilbert Castillo, Jr and Elsa Castillo **Chapter 13**

#10.00 Motion for Order Compelling Attorney to File Disclosure of Compensation Pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2016
(Case dismissed 11/7/16)

EH__

Docket No: 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert Castillo Jr — Represented By Marc A Duxbury

Joint Debtor(s):

Elsa Castillo — Represented By Marc A Duxbury

Movant(s):

United States Trustee (RS) — Represented By Abram Feuerstein esq

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:30 PM

6:16-19904 Bentley Martin Brown **Chapter 13**

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

***** VACATED *** REASON: CASE DISMISSED 11/28/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bentley Martin Brown Pro Se

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

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6:16-19919 Timothy Leonard Johnson **Chapter 13**

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Leonard Johnson — Represented By Paul Y Lee

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:30 PM
6:16-19955 Ernest Leyva **Chapter 13**

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernest Leyva — Represented By Brad Weil

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:30 PM
6:16-19962 Fonda Cormier **Chapter 13**

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fonda Cormier Represented By
Phillip Myer

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:30 PM

6:16-19967 Jeremy Joseph Salas and Ronda-Sue Alice Marie Salas **Chapter 13**

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Joseph Salas — Represented By Robert W Ripley

Joint Debtor(s):

Ronda-Sue Alice Marie Salas — Represented By Robert W Ripley

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:30 PM

6:16-20024 Rachelle Marie Millsap **Chapter 13**

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

***** VACATED *** REASON: CASE DISMISSED 12/9/2016**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rachelle Marie Millsap Pro Se

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

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6:16-20026 Julio C. Davila **Chapter 13**

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio C. Davila — Represented By Michael Jay Berger

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:30 PM
6:16-20036 Hector Manuel Chavez, Jr. **Chapter 13**

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hector Manuel Chavez Jr. Represented By
Matthew D Resnik

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:30 PM
6:16-20044 Charles Mickey Alligood **Chapter 13**

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Mickey Alligood Represented By
Neil R Hedtke

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:30 PM

6:16-20048 Jimmy Ferrel and Erika T Ferrel **Chapter 13**

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jimmy Ferrel — Represented By Michael Smith

Joint Debtor(s):

Erika T Ferrel — Represented By Michael Smith

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:30 PM
6:16-18906 Ethel N Odimegwu **Chapter 13**

#20.10 CONT Confirmation of Chapter 13 Plan

From: 11/10/16, 12/8/16

EH__

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu Represented By
Michael Smith

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:30 PM
6:16-15614 Donald Lloyd Maki **Chapter 13**

#20.20 CONT Confirmation of Chapter 13 Plan

From: 7/28/16, 9/8/16, 10/6/16, 10/20/16, 12/8/16

EH __

Docket No: 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Lloyd Maki — Represented By John F Brady

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:31 PM

6:13-29271 Dana Rene Hampton **Chapter 13**

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 77

***** VACATED *** REASON: VOLUNTARY DISMISSAL OF MOTION FILED 12/14/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rene Hampton — Represented By David Lozano

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM

6:14-18049 Elsworth A Clare and Eleanor L Clare **Chapter 13**

#22.00 Motion for Order Dismissing Chapter 13 Proceeding (Delinquence)

EH__

Docket No: 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elsworth A Clare — Represented By Michael Smith

Joint Debtor(s):

Eleanor L Clare — Represented By Michael Smith

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM

6:14-21228 Roy Kenneth Scott and Tashiea Scott **Chapter 13**

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 82

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Kenneth Scott — Represented By Sunita N Sood

Joint Debtor(s):

Tashiea Scott — Represented By Sunita N Sood

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM
6:14-23388 Jose N Recinos and Patricia Recinos **Chapter 13**

#24.00 CONT Trustee's Motion to Dismiss Case

From: 10/20/16, 11/17/16

EH__

Docket No: 169

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose N Recinos — Represented By Michael Smith

Joint Debtor(s):

Patricia Recinos — Represented By Michael Smith

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM

6:15-20222 Marquis George Powell and Judy Ann Powell **Chapter 13**

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marquis George Powell Pro Se

Joint Debtor(s):

Judy Ann Powell Pro Se

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:31 PM
6:15-21760 Gabriel Francisco Nieves **Chapter 13**

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Francisco Nieves Represented By
Brian J Soo-Hoo

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:31 PM
6:16-10638 Jose A Gonzales **Chapter 13**

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose A Gonzales Represented By
John F Brady

Trustee(s):

Rod (MH) Danielson (TR) Pro Se

12:31 PM
6:16-12069 Aristottle T Saquilabon **Chapter 13**

#28.00 CONT Motion for Order Dismissing Chapter 13 Proceeding (Delinquency)

From: 11/17/16

EH__

Docket No: 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aristottle T Saquilabon — Represented By Emilia N McAfee

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM

6:16-12814 Omar Nathaniel Shepherd and Stefanie Jeanine Shepherd **Chapter 13**

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Omar Nathaniel Shepherd — Represented By Candace J Arroyo

Joint Debtor(s):

Stefanie Jeanine Shepherd — Represented By Candace J Arroyo

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

12:31 PM

6:16-14345 Teresa A Salvail and Michael D Salvail **Chapter 13**

#30.00 Trustee's Motion to Dismiss Case

EH__

Docket No: 63

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON 12/15/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa A Salvail — Represented By Julie J Villalobos

Joint Debtor(s):

Michael D Salvail — Represented By Julie J Villalobos

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

12:31 PM
6:14-23150 Vivian Munson **Chapter 13**

#30.10 CONT Trustee's Motion to Dismiss Case

From: 12/8/16

EH__

Docket No: 137

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson — Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se

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

Thursday, December 15, 2016 **Hearing Room 303**

1:30 PM

6:16-19531 Irma Hernandez **Chapter 13**

#31.00 Motion to disgorge attorney's fees under 11 U.S.C. section 329 by U.S. Trustee Notice of Motion and Motion to Disgorge Compensation Pursuant to 11 U.S.C. § 329 and Federal Rule of Bankruptcy Procedure 2017
(Case Dismissed 11/14/16)

EH__

Docket No: 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irma Hernandez — Represented By David T Egli

Movant(s):

United States Trustee (RS) — Pro Se

Trustee(s):

Rod (MH) Danielson (TR) — Pro Se