

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#28.00 Trustee's Motion to Dismiss Case**

Docket 89

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-10079 Judy Marie Napolitano**

**Chapter 13**

**#29.00** Trustee's Motion to Dismiss Case

Docket 86

**\*\*\* VACATED \*\*\* REASON: Cont'd to 9/22/20 @ 11:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Judy Marie Napolitano

Represented By  
Robert Reganyan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-10336 Alicia Quezada - Escobar**

**Chapter 13**

**#30.00 Trustee's Motion to Dismiss Case**

Docket 42

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alicia Quezada - Escobar

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-10398 Jose Luis Banuelos and Maria L. Tejada**

**Chapter 13**

**#31.00** Trustee's Motion to Dismiss Case for Failure  
to Submit All Tax Refunds

fr. 10/22/19, 12/17/19, 2/25/20; 3/31/20

Docket 63

**\*\*\* VACATED \*\*\* REASON: cont'd to 8/25/20 @ 11:00.**

**Tentative Ruling:**

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

**Debtor(s):**

Jose Luis Banuelos

Represented By  
Leonard Pena

**Joint Debtor(s):**

Maria L. Tejada

Represented By  
Leonard Pena

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-10797 Marshall Gregory Hetson**

**Chapter 13**

**#32.00** Trustee's Motion to Dismiss Case  
(Plan Expiration)

Docket 90

**\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal - Doc. #103. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Marshall Gregory Hetson

Represented By  
Glenn Ward Calsada

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-10822 Tracey Lynne Baumert**

**Chapter 13**

**#33.00** Trustee's Motion To Dismiss Case for Failure to  
Submit All Tax Refunds

fr. 3/31/20; 5/19/20

Docket 125

**Tentative Ruling:**

TELEPHONIC APPEARANCE REQUIRED unless Trustee stipulates to continue.

**Party Information**

**Debtor(s):**

Tracey Lynne Baumert

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-11072 Humberto Delgadillo Garcia**

**Chapter 13**

**#34.00 Trustee's Motion to Dismiss Case**

Docket 163

**\*\*\* VACATED \*\*\* REASON: Cont. to 9/22/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Humberto Delgadillo Garcia

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-12928 Theodore Douglas BECK and Susan Marjorie BECK**

**Chapter 13**

**#35.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 5/19/20

Docket 75

**\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal - Doc. #90. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Theodore Douglas BECK

Represented By  
R Grace Rodriguez

**Joint Debtor(s):**

Susan Marjorie BECK

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:15-14101 Carlita Smith**

**Chapter 13**

**#36.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 1/28/20; 3/31/20

Docket 60

**\*\*\* VACATED \*\*\* REASON: Cont. to 9/22/20 @ 11am (eg)**

**Tentative Ruling:**

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

**Debtor(s):**

Carlita Smith

Represented By  
Lauren Rode

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:16-10194 Heliodoro Navarro**

**Chapter 13**

**#37.00** Motion RE: Objection to Claim Number 7  
by Claimant Internal Revenue Service

fr. 5/19/20

Docket 98

**\*\*\* VACATED \*\*\* REASON: Cont'd to July 21, 2020, at 11 a.m., per  
stipulation - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Heliodoro Navarro

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos**

**Chapter 13**

**#38.00** Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec. 1329(a) and the Percentage to be Paid to Unsecured Creditors or, in the Alternative, Dismissing the Chapter 13 Petition Due to Debtors' Failure to Make Debtors' Best Efforts to Repay Creditors Pursuant to 11 USC Sec. 1307(c)(6)

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20

Docket 55

**\*\*\* VACATED \*\*\* REASON: Cont'd to 8/25/20 @ 11:00.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jim K. Nikolopoulos

Represented By  
Scott D Olsen

**Joint Debtor(s):**

Ayarpi Nikolopoulos

Represented By  
Scott D Olsen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:16-12201 Andrea Beckham**

**Chapter 13**

**#39.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 10/22/19, 12/17/19; 1/28/20; 3/30/20; 5/19/20

Docket 42

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Andrea Beckham

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:16-12648 Fernando Benitez**

**Chapter 13**

**#40.00** Motion RE: Objection to Claim Number 4 by Claimant  
North American Savings Bank, F.S.B..

fr. 4/28/20, 5/19/20

Docket 37

**Tentative Ruling:**

In light of NASVB's need to reconcile the payment history, this matter will be continued to July 21 at 11:00 am. The supplemental declaration should be filed by July 14.

NO Appearance on June 23 required.

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

Fernando Benitez

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-10353 Annette Sanders-Wright**

**Chapter 13**

**#41.00** Trustee's Motion to Dismiss Case for Failure to  
Submit All Tax Returns

fr. 12/17/19, 2/25/20, 4/28/20

Docket 51

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

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

**Debtor(s):**

Annette Sanders-Wright

Represented By  
Dana C Bruce

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-10479 Felipe Rosas**

**Chapter 13**

**#42.00** Trustee Motion to Dismiss for Failure to Submit  
All Tax Refunds

fr. 2/25/20

Docket 42

**\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal - Doc. 46. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Felipe Rosas

Represented By  
Mark M Sharf

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-10811 Daniel Mora**

**Chapter 13**

**#43.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 1/28/20, 2/25/20; 3/31/20

Docket 38

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Daniel Mora

Represented By  
Axel H Richter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#44.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 9/24/19, 11/19/19; 1/28/20; 3/31/20

Docket 138

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#45.00** Trustee's Motion to Dismiss Case for Failure to  
Submit All Tax Returns

fr. 12/17/19; 1/28/20; 3/31/20

Docket 151

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo**

**Chapter 13**

**#46.00** Motion to Dismiss Case for Failure to  
Make Plan Payments

fr. 11/19/19; 1/28/20; 3/31/20, 4/28/20

Docket 58

**Tentative Ruling:**

On 5/1/20, the chapter 13 trustee filed comments recommending approval of Debtors Motion to Modify Plan, with the suspension of 9.3 payments rather than the 8 proposed by Debtor, to maintain feasibility & 100% payout.

Does the proposed Motion to Modify, with the recommended 9.3 payments suspended, resolve this motion?

TELEPHONIC appearance required, unless Trustee stipulates to continue.

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

**Debtor(s):**

Eduardo N Trillo Jr.

Represented By  
Elena Steers

**Joint Debtor(s):**

Maritess Biglangawa Trillo

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:17-11995 Priscilla Jeanette Bueno**

**Chapter 13**

**#47.00** Trustee's Motion to Dismiss Case for Failure to  
Submit All Tax Returns

fr. 12/17/19, 2/25/20,4/28/20; 5/19/20

Docket 55

**\*\*\* VACATED \*\*\* REASON: Cont'd to 8/25/20 @ 11:00.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Priscilla Jeanette Bueno

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:18-10143 Mayra Hernandez**

**Chapter 13**

**#48.00** Motion to Dismiss Case for Failure to Make Plan Payments

fr. , 4/28/20; 5/19/20

Docket 56

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/drawal filed 6/10/20 (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mayra Hernandez

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:18-10533 Marvin Eleid**

**Chapter 13**

**#49.00** Trustee's Motion to Dismiss Case for Failure to Submit  
All Tax Returns

fr. 12/17/19; 1/28/20, 2/25/20; 3/31/20; 5/19/20

Docket 45

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

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

**Debtor(s):**

Marvin Eleid

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:18-10891 Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

**#50.00** Trustee's Application for Instructions from the Court for Direction Concerning the Distribution of Funds Pursuant to Local Bankruptcy Rule 3015-(q)(6)

Docket 131

**\*\*\* VACATED \*\*\* REASON: Per order entered docket no. 136 - hm**

**Tentative Ruling:**

Resolved by previous order and this is vacated.

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

**Debtor(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin  
Stella Rafiei

**Joint Debtor(s):**

Mary Dadyan

Represented By  
Stella A Havkin  
Stella Rafiei

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:18-12473 Stephen Anthony Cook**

**Chapter 13**

**#51.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 1/28/20; 3/31/20

Docket 56

**\*\*\* VACATED \*\*\* REASON: Cont. to 9/22/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stephen Anthony Cook

Represented By  
Lauren Rode

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-10040 Yoonah Mason**

**Chapter 13**

**#52.00** Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/31/20

Docket 72

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yoonah Mason

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-10664 Bridget G Moran Smith**

**Chapter 13**

**#53.00** Motion RE: Objection to Claim Number 3 by Claimant U.S. Bank, National Association, et al. c/o PHH Mortgage Corporation, its Successors and/or Assigns.

fr. 7/30/19; 8/20/19; 10/22/2019; 12/17/19, 2/25/20, 4/28/20

Docket 26

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/25/20 @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bridget G Moran Smith

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-10781 Daniel Correa**

**Chapter 13**

**#54.00** Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/31/20, 4/28/20

Docket 32

**Tentative Ruling:**

On June 17, 2020, the Court entered an Order Approving Stipulation between Debtor and Trustee to Suspend Plan Payments (ECF doc. 39 & 40), which provides for suspension of three payments for April, May, and June 2020. Does the Stipulation resolve the issues related to this Motion?

TELEPHONIC APPEARANCE REQUIRED, unless Trustee agrees to a continuance.

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

**Debtor(s):**

Daniel Correa

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-10789 Carmen Ivy Garcia-Torres**

**Chapter 13**

**#55.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 2/25/20, 4/28/20

Docket 47

**Tentative Ruling:**

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

**Debtor(s):**

Carmen Ivy Garcia-Torres

Represented By  
Matthew D. Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-10789 Carmen Ivy Garcia-Torres**

**Chapter 13**

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

Docket 61

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Carmen Ivy Garcia-Torres

Represented By  
Matthew D. Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-11081 Noel Dia and Imee Dia**

**Chapter 13**

**#56.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 3/31/20

Docket 22

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/drawal filed 6/22/20 (eg)**

**Tentative Ruling:**

On April 23, 2020, the Court entered an Order Granting Motion to Modify or Suspend Plan Payments (ECF doc. 30). Does the Order Granting MOMOD resolve the issues related to this Motion?

TELEPHONIC APPEARANCE REQUIRED, unless Trustee agrees to a continuance.

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

**Debtor(s):**

Noel Dia

Represented By  
Rabin J Pournazarian

**Joint Debtor(s):**

Imee Dia

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-12952 Richard Lopez**

**Chapter 13**

**#57.00** Motion RE: Objection to Claim Number 4  
by Claimant The Bank of New York Mellon  
c/o Specialized Loan Servicing, LLC with  
request for valuation of security, payment  
of fully secured claims, and modification of  
undersecured claims.

fr. 3/31/20, 4/28/20

Docket 25

**Tentative Ruling:**

TELEPHONIC APPEARANCE REQUIRED.  
The motion to value will be resolved first

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

**Debtor(s):**

Richard Lopez

Represented By  
James Studer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-12952 Richard Lopez**

**Chapter 13**

**#58.00** Motion for Setting Property Value of residence at 8816 Valjean Ave., North Hills, CA for determining wholly unsecured junior lien claim of The Bank of New York Mellon fka The Bank of New York as Indenture Trustee c/o Specialized Loan Servicing LLC

fr. 4/28/20

Docket 19

**Tentative Ruling:**

Secured creditor has not filed its formal appraisal and nothing has been filed for this continued hearing. What is the status of this Motion?  
TELEPHONIC APPEARANCE REQUIRED

**4-28-20 TENTATIVE BELOW**

Service: Proper. Opposition filed.

Property: 8816 Valjean Ave., North Hills, CA (the "Property")

Fair market value: \$465,000 per Debtor's certified appraisal and declaration

First lien: \$513,281.03 (Select Portfolio Servicing, LLC)

Second lien: \$92,138.39 (BoNYM/Specialized Loan Servicing LLC)

Debtor Richard Lopez ("Movant") asserts that (1) the secured portion of the first lien is \$465,000 and the unsecured portion is \$48,281.03; and (2) the secured portion of the second lien is \$0 and the unsecured portion is \$92,138.

The court takes judicial notice of Movant's documents in support of this Motion pursuant to Rule 201 of the Federal Rules of Evidence.

Secured Creditor, The Bank of New York Mellon ("BoNYM") opposes and contends that the value of the Property is \$1,150,000 based on a broker price opinion. BoNYM requests to continue the hearing to provide it time to obtain a verified appraisal.

Debtor replied stating that BoNYM proposed the \$1,150 valuation in bad faith because BoNYM did not submit evidence that it inspected the home, obtained a verified appraisal, and used the appropriate market comparables.



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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**CONT... Richard Lopez**

**Chapter 13**

**Party Information**

**Debtor(s):**

Richard Lopez

Represented By  
James Studer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13002 Stephen E. Percy**

**Chapter 13**

**#59.00** Motion To Compel Broadcast Music, Inc. To  
Remit Pre-Petition and Post-Petition Earned  
Royalties To Debtor

Docket 48

**\*\*\* VACATED \*\*\* REASON: Order cont. to 7/21/20 @11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stephen E. Percy

Represented By  
Michael F Chekian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13002 Stephen E. Percy**

**Chapter 13**

**#60.00** Motion To Compel Atlantic Recording Corporation  
dba Warner Music Group To Remit Pre-Petition  
and Post-Petition Earned Royalties To Debtor

Docket 49

**\*\*\* VACATED \*\*\* REASON: Order cont. to 7/21/20 @11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stephen E. Percy

Represented By  
Michael F Chekian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13002 Stephen E. Pearcy**

**Chapter 13**

**#61.00** Motion RE: Objection to Claim Number 5  
by Claimant Melissa M. Buchman

Docket 50

**\*\*\* VACATED \*\*\* REASON: Order cont. to 7/21/20 @11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stephen E. Pearcy

Represented By  
Michael F Chekian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13002 Stephen E. Percy**

**Chapter 13**

**#62.00** Motion RE: Objection to Claim Number 7  
by Claimant Melissa Percy

Docket 56

**\*\*\* VACATED \*\*\* REASON: Order cont. to 7/21/20 @11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Stephen E. Percy

Represented By  
Michael F Chekian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13002 Stephen E. Percy**

**Chapter 13**

**#63.00** Motion RE: Objection to Claim Number 10  
by Claimant Department of the Treasury/Internal  
Revenue Service.

Docket 61

**\*\*\* VACATED \*\*\* REASON: Cont. to 7/21/20 @ 11am (eg**

**Tentative Ruling:**

- NONE LISTED -

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

Stephen E. Percy

Represented By  
Michael F Chekian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13095 Ben Byuzand Militonayan**

**Chapter 13**

**#64.00** Motion RE: Objection to Claim Number 7 by  
Claimant Parts Authority Metro, LLC,  
A California Limited Liability Company.

Docket 46

**\*\*\* VACATED \*\*\* REASON: Matter moved to 1pm (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

Ben Byuzand Militonayan

Represented By  
Kristine Theodesia Takvoryan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:19-13157 Juan Maldonado Bastida**

**Chapter 13**

**#65.00 Motion to Avoid Junior Lien**

fr. 4/28/20

Docket 34

**Tentative Ruling:**

Opposition filed by Secured Creditor BSI Financial in advance of the 4/28 hearing was withdrawn on 5/18/20. As no opposition is pending, the Court will grant the Motion. Debtor's amended plan and schedule A/B, filed after the withdrawal, provides for a value of \$505,222 while the Motion requested a finding of value at \$476,000. On which value will Debtor's reorganization be based?

TELEPHONIC APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Juan Maldonado Bastida

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**Tuesday, June 23, 2020**

**Hearing Room 302**

11:00 AM

**1:20-10480 Eliachar Elliott Mamann**

**Chapter 13**

**#66.00** Trustee's Objection to Homestead Exemption

Docket 15

**Tentative Ruling:**

Trustee opposes Debtor's attempt to exempt 100% of the fair market value in two checking accounts, \$20,005.29 under C.C.P. 704.070 and \$6,950 under C.C.P. 704.080 because Debtor has not provided evidence that the funds are exempt under these sections.

Trustee also opposes Debtor's attempt to exempt \$170,000 in in a private retirement account under C.C.P. 704.115(a)(1) and (a)(2) because Debtor has not provided evidence that the funds are exempt under these sections.

In response, Debtor explained that he amended his Schedule C to remove the exemption under 704.070 in the two checking accounts. Debtor contends, however, that he has submitted bank statements to show that his monthly Social Security income is deposited into one of the accounts and the funds therein are exempt under 704.080.

Debtor also argues that his Private Retirement Trust is exempt pursuant to C.C.P. § 704.115(a)(1) & (2) and (b). Debtor contends that the exemption does not require that the Private Retirement Trust be ERISA qualified. Debtor explains that he is employed through his business, Apex Window Treatments, which is sole proprietorship. Through that sole proprietorship, Debtor created a Private Retirement Plan as allowed under C.C.P. §704.115(a)(1). The assets of that plan consist of an annuity which is payable on account of the age of Debtor. Debtor explains that the plan was created for retirement purposes, as Debtor is 71 years old and his only retirement assets are social security of \$585 per month and the Private Retirement Trust. Debtor argues that the Private Retirement Trust is exempt because it was created by the employer, in this case a sole proprietorship, for the benefit of the Debtor. *DeMassa v. McIntyre (In re McIntyre)*, 74 F.3d 186 (9th Cir. 1996); *Salameh v. Tarsadia Hotel*, 2015 US Dist. Lexis 14008 (S.D. Cal. 2015). Debtor maintains that under 704.115(a)(1), the entire plan is exempt if the criteria for

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**CONT... Eliachar Elliott Mamann**

**Chapter 13**

self-employed plans is applied because the plan is exempt to the extent that it is reasonably necessary for Debtor's support. It is Debtor's position that the entire amount is necessary for his support. The only asset of the plan is an annuity which is payable on account of the age of the Debtor and therefore the annuity would be independently exempt under 704.100.

Does the evidence provided by Debtor in support of his response resolve Trustee's Objection?

TELEPHONIC APPEARANCE REQUIRED, unless Trustee and the parties stipulate otherwise

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

Eliachar Elliott Mamann

Represented By  
William E. Winfield

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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1:20-10666 Martha Delatorre

Chapter 13

#67.00 Motion RE: Objection to Claim Number 1  
by Claimant HSAM.

Docket 28

**Tentative Ruling:**

Debtor filed her chapter 13 petition on March 20, 2020. On April 2, 2020, creditor HSAM filed a proof of claim in the amount of \$5,956.86 for “medical treatment” Proof of Claim no. 1, (the “HSAM PoC”). Attached to the HSAM PoC is a copy of a bankruptcy invoice in the name of Martha Gonzalez listing various charges for 2016 and 2018.

Debtor objects to the HSAM PoC, contending that there is no evidence to support that this is Debtor's personal debt, as there is no contract to show that she is liable as the name on the bill is "Martha Gonzalez." Without more, Debtor argues that Claim #1 fails to establish prima facie validity.

**Standard**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes “prima facie evidence of the validity and amount of the claim” pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim “creates a dispute which is a contested matter” within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides “some evidence as to its validity and amount” and is “strong enough to carry over a mere formal objection without more.” Wright v. Holm ( In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), aff'd, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and “show facts tending to defeat the claim by probative

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**CONT... Martha Delatorre**

**Chapter 13**

force equal to that of the allegations of the proofs of claim themselves.” In re Holm, 931 F.2d at 623.

“If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.” In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Service proper on address listed on proof of claim as the address to which notices should be sent. No response filed.

Objection SUSTAINED. Debtor to lodge order within 7 days.  
NO APPEARANCE REQUIRED ON 6/23/20

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

Martha Delatorre

Represented By  
Kenneth H J Henjum

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:20-10666 Martha Delatorre**

**Chapter 13**

**#68.00** Motion RE: Objection to Claim Number 2  
by Claimant TMobile

Docket 29

**Tentative Ruling:**

Debtor filed her chapter 13 petition on March 20, 2020. On April 2, 2020, creditor T-Mobile filed a proof of claim in the amount of \$1,421.33 for “goods sold & services rendered” Proof of Claim no. 2-1, . Attached to the Claim 2-1 was a Statement of Account in the name of Martha Delatorre for an account opened in February 2014 with the last payment date of 10/9/2019 (the "T-Mobile PoC").

Debtor objects to the T-Mobile PoC, contending that there is no evidence to support that this is Debtor's personal debt, as there is no contract to show that she is liable for this debt. Without more, Debtor argues that Claim #2-1 fails to establish prima facie validity.

On May 12, 2020, T-Mobile filed an amended proof of claim (the “T-Mobile Am. PoC”) asserting the same amount owed. Attached to the T-Mobile Am. PoC is a complete bill for the period ending June 2019, which includes a complete breakdown of the charges for both the cell phone services as well as the lease payments on Samsung and iPhones, as well as two pair of Beats earphones.

**Standard**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes “prima facie evidence of the validity and amount of the claim” pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim “creates a dispute which is a contested matter” within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

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CONT...

**Martha Delatorre**

**Chapter 13**

Upon objection, the proof of claim provides “some evidence as to its validity and amount” and is “strong enough to carry over a mere formal objection without more.” Wright v. Holm ( In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), aff'd, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with 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.” In re Holm, 931 F.2d at 623.

“If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.” In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Service proper on address listed on proof of claim as the address to which notices should be sent. A party objecting to a claim must come forward with 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.” In re Holm, 931 F.2d at 623. Here, Debtor’s objection is not adequate to defeat this claim, as amended, because the evidence attached to the T-Mobile Am. PoC is sufficient to overcome Debtor's *pro forma* objection.

Objection overruled. Debtor to lodge order within 7 days.  
NO APPEARANCE REQUIRED ON 6/23/20

**Party Information**

**Debtor(s):**

Martha Delatorre

Represented By  
Kenneth H J Henjum

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:20-10666 Martha Delatorre**

**Chapter 13**

**#69.00** Motion RE: Objection to Claim Number 8,9  
by Claimant Jefferson Capital Systems, LLC.

Docket 34

**Tentative Ruling:**

Debtor filed her chapter 13 petition on March 20, 2020. On May 26, 2020, creditor Jefferson Capital filed two proofs of claim, Claim 8-1 in the amount of \$331.66 for "telecom" Proof of Claim no. 8-1, (the "Jefferson PoC 8") and Claim 9-1 in the amount of \$1,060.05 for "telecom" Proof of Claim no. 9-1, (the "Jefferson PoC 9"). Attached to the Jefferson PoC 8 is a copy of a "Proof of Claim and an Account Stated" reflecting that the original creditor was "Verizon Wireless" for an account opened in February 2014 and charged off in July 2014, as well as a copy of a past due bill dated July 27, 2014, sent to Debtor at the address listed on this bankruptcy. Attached to the Jefferson PoC 9 is a copy of a "Proof of Claim and an Account Stated" reflecting that the original creditor was "Verizon Wireless" for an account opened in January 2014 and charged off in June 2014, as well as a copy of a past due bill dated June 24, 2014, sent to Debtor at the address listed on this bankruptcy.

Debtor objects to the both the Jefferson PoC 8 and the Jefferson PoC 9, arguing that the underlying debts are stale, as they are more than six years old and therefore unenforceable. Debtor further contends that there is no evidence to support that this is Debtor's personal debt, as there is no contract to show that she is liable.

**Standard**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

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CONT... Martha Delatorre

Chapter 13

Upon objection, the proof of claim provides “some evidence as to its validity and amount” and is “strong enough to carry over a mere formal objection without more.” Wright v. Holm ( In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), aff’d, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with 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.” In re Holm, 931 F.2d at 623.

“If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.” In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int’l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Service proper on address listed on proof of claim as the address to which notices should be sent. No response filed. A party objecting to a claim must come forward with 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.” In re Holm, 931 F.2d at 623.

While Claimant included sufficient evidence to show that it was this Debtor who was liable for the debts on which these claims are based, Debtor’s objection that the debts are unenforceable under CA law as beyond the statute of limitations is SUSTAINED.

Objection SUSTAINED. Debtor to lodge order within 7 days.  
NO APPEARANCE REQUIRED ON 6/23/20

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

Martha Delatorre

Represented By  
Kenneth H J Henjum



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**CONT... Martha Delatorre**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Hearing Room 302**

11:00 AM

**1:16-12264 Alicia Butterfield**

**Chapter 13**

**#69.01 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 3/31/20

Docket 64

**Tentative Ruling:**

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

**Debtor(s):**

Alicia Butterfield

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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12:00 PM

**1:19-12155 Gary Alan Kurtz**

**Chapter 13**

**#70.00 Motion RE: Objection to Claim Number 7 by  
Claimant STARR TAXMAN.**

fr. 3/31/20, 4/28/20; 5/19/20

Docket 70

**Tentative Ruling:**

PRIOR TENTATIVE BELOW

Gary Alan Kurtz (the "Debtor") filed for chapter 13 bankruptcy on August 27, 2019. The deadline to file claims in the Debtor's bankruptcy case was November 5, 2019. On this date, the Debtor's estranged spouse, Star Taxman (the "Claimant"), filed a timely claim for \$15,000,0000. [Claim No. 7-1]. On this same day, the Claimant amended Claim No. 7-1 to a claimed amount of \$5,457,891.73 (the "Claim"). [Claim No. 7-2]. Bankruptcy courts generally allow amendments to a proof of claim where the purpose is to (1) cure a defect in the claim as originally filed; (2) describe the claim with greater particularity; or (3) plead a new theory of recovery on the facts set forth in the original claim. United States v. International Horizons, Inc. (In re International Horizons, Inc.), 751 F.2d 1213, 1216 (11th Cir. 1985). The court will therefore allow the amendment.

On November 5, 2019, the Claimant also filed Claim No. 8-1, which duplicates Claim No. 7-1. On January 1, 2020, the Claimant filed an amended claim to Claim No. 8-1, changing the claimed amount to \$14,865,508.09. (Claim No. 8-2).

On January 10, 2020, the Claimant filed Claim No. 9-1, which indicates a claimed amount of \$5,487,893.73. and Claim No. 10 with a claimed amount of \$14,865,508.09, which is an amount identical to Claim No. 8-2. These claims have been disallowed as late. This tentative will discuss Claim Nos. 7-1 and 7-2.

On March 23, 2020, Debtor filed an objection to Claim Nos. 7-1 and 7-2 (the "Motion"). At the March 31, 2020 hearing, the court set a deadline for the Claimant to file a response by April 17, 2020 and for the Debtor to file a reply by April 28, 2020. The Claimant

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**CONT...**

**Gary Alan Kurtz**

**Chapter 13**

has not filed a response. She called the courtroom deputy on May 13, 2020, one month after her response was due to say she is ill and would like more time to respond.

Under 11 U.S.C. § 502(a), a claim or interest, proof of which is filed under 11 U.S.C. § 501, is deemed allowed, unless a party in interest objects. Additionally, a properly executed and filed proof of claim "shall constitute prima facie evidence of the validity and amount of the claim." 11 U.S.C. § 3001(f). A proof of claim provides "some evidence as to its validity and amount" and prima facie validity is "strong enough to carry over a mere formal objection without more." Lundell v. Anchor Construction Specialists, Inc., 223 F.3d 1035 (9th Cir. 2000), quoting Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991). To be legally sufficient and prima facie valid under FRBP 3001, a claim must: (1) be in writing; (2) make a demand on debtor's estate; (3) express the intent to hold the debtor liable for the debt; (4) be properly filed; and (5) be based upon facts which would make the allowance equitable. 9 Collier on Bankruptcy (15th ed. Rev. 2004) ¶3001.05[2].

When a party in interest objects to a creditor's claim, the bankruptcy court shall determine the amount of such claim as of the date of the filing of the petition. 11U.S.C.S. § 502(b). Post-petition conduct cannot justify disallowing a proof of claim. An objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified. LBR 3007-1(c).

To defeat a claim, a debtor must present sufficient evidence to "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623. "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." In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir. 1992). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

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**CONT... Gary Alan Kurtz**

**Chapter 13**

Discussion

The Claimant's Claim is prima facie valid under Rule 3001 because the Claimant properly and timely filed a proof of claim in writing and made a demand for \$5,457,891.73 on the Debtor's bankruptcy estate. The Claim is also supported by numerous documents, including the following:

- A "Proof of Claim Index" showing computations of separate claims by LJG Family Trust and Creditor under different scenarios where Debtor may be responsible for certain charges. The computations include line items for the real property mortgage, attorney's fees and costs; homeowner's insurance; home maintenance and improvements; homeowner's association dues; a fountain pen collection; artworks; watch collection; past due support, children medical, educational, and other children's expenses; professional legal & CPA fees; among other things.
- A "Declaration of Trust" for the LJG Family Trust showing that the trust was signed and executed on September 8, 2004 by Debtor as settlor and trustee and Creditor, also as settlor and trustee. The "Property of the Trust Estate" is indicated as 2103 Kenwyn Court, Topanga, California 90290 (the "Topanga Property"). The Claim also attaches an adjustable rate note for the same property in the amount of \$875,000 signed by Debtor and Creditor individually and as trustees of the LJG Family Trust.
- A computation of mortgage taxes and an email indicating a payment history of taxes paid on the real property.
- A statement from Bank of America indicating the mortgage principal, payments, and balance on the real property.
- A check paid for \$12,311.57 on April 1, 2011 to reinstate the mortgage.
- Annual property tax bills for years 2008, 2009, 2010, 2011, 2013, 2014, 2017, 2018, and 2019.
- Creditor's typed statement that she used \$20,000 in separate property as down payment on a house located at 7740 Sale Avenue, West Hills, California.

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- A summary of Creditor's separate property home insurance payments totaling approximately \$30,000.
- A summary of Creditor's payments to home improvements totaling approximately \$693,544.
- A summary of Creditor's payments to homeowner's association dues of \$43,135.67 for August 2009 to October 2019 for the Topanga Property.
- Creditor's typed statement stating that a Mercedes Benz automobile is community property and requesting the court to order an appraisal.
- Creditor's typed statement stating that a comic book collection is community property and requesting the court to order an appraisal. Creditor asserts that the comic collection can sell for six to seven figures.
- Creditor's typed statement stating that she owns 50% of the comic book collection, fountain pen and pen collection, watches, a trumpet and saxophone, books, among other things.
- Typed statements about Debtor's law practice, which Creditor expects to receive \$1,000,000; artwork collection; retirement accounts.
- A stock portfolio in BlackRock indicating a market value of approximately \$585,000.
- A summary of past due support payments for years 2009 through 2019.

The burden shifted to the Debtor to present evidence sufficient to defeat the Claim. The Debtor objects to the Claim on the following grounds:

1. The Claim fails to state a claim with sufficient detail and specificity as to make it comprehensible;
2. The Claim fails to attach sufficient documents to prove that a debt is owed in violation of Rule 3007(d)(5);
3. The Claim fails to state a valid debt owed to the claimant, namely the LIG Family Trust;
4. The Creditor has no standing or authority to raise claims against the Debtor, who is a co-trustee;

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5. The Claim does not state a valid basis for a claim as to Paragraph 7.
6. The Claim does not state a valid basis for a claim as to Paragraph 8 because it fails to include the attachment required by Rule 3001(c) in violation of Rule 3007(d)(6)
7. The Claim does not state a valid basis for a claim as to Paragraph 9 because it fails to substantiate that any part of the claim is secured, fails to file a Mortgage Proof of Claim attachment as required under the "Real estate" section, and fails to attach any documents evidencing perfection of a security interest as required in the "Basis for perfection" section in violation of Rule 3007(d)(6)
8. The Claim does not establish a basis for a secured claim because the "Basis for perfection" section states "Settlement," which does not establish a security interest
9. The Claim does not state a valid basis for a claim as to Paragraph 12, "Domestic support obligations" because a trust cannot be owed domestic support obligations as a matter of law
10. The Claim does not state a valid basis for a claim as to Paragraph 12, "Up to \$3,025 of deposits..." because the instant trust, which was established solely for the purpose of holding title to real estate for estate planning purposes, cannot be owed funds identified in this section
11. The Claim does not state a valid basis for a claim as to Paragraph 12, "Wages, salaries or commission..." because the instant trust, which was established solely to hold title to real estate for estate planning purposes, cannot be owed funds identified in this section.
12. The Claim does not state a valid basis for a claim as to Paragraph 12, "Taxes or penalties owed to governmental units..." because the instant Trust, which was established solely to hold title to real estate for estate planning purposes, cannot be owed funds identified in this section, and Claimant is not a governmental unit. [This section did not apply to Claim No 7-2 because it was left blank].

Specifically, the Debtor alleges that it is unclear whether the Claimant filed the Claim in her individual capacity or as trustee for the LJG Family Trust. On the signature page of Claim No 7-2, the Claimant wrote her name, "Star Taxman" and indicated her title as, "Trustee for LJG Family Trust" and under Company indicated, "as Plaintiff/Creditor/Trustee/Settlor." [Claim No. 7-2, p. 3].

Is the Claimant filing the Claim in her individual capacity and/or as the trustee for the

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LJG Family Trust?

The Debtor's main contention is that the Claim should be disallowed under 11 U.S.C. § 502 because the Claim does not attach supporting documents, which allegedly violate Rule 3001(c)(1). Rule 3001(c)(1) states that when a claim or an interest in a debtor's property securing the claim is based on a writing, the original or a copy of the writing must be filed with the claim. Fed. R. Bankr. P. 3001(c); T. Jones, Inc. v. Simmons (In re Simmons), No. WW-04-1344-PST, 2005 Bankr. LEXIS 2954, at \*14 (9th Cir. BAP March 31, 2005).

The Claim indicates that it is secured by \$1,900,000 in assets, including: (1) real property; (2) a motor vehicle; and (3) Debtor's law office, which is shown as community property. The unsecured amount of the Claim is indicated as \$3,557,891.73 for a total claim of \$5,457,891.73. [Claim No. 7-2, p. 2]. The Claim also indicates entitlement to priority under 11 U.S.C. § 507(a) of (1) \$36,658.82 for domestic support obligations; (2) \$3,025.00 for purchase, lease, or rental of property or services for personal, family, or household use; and (3) \$13,650.00 for wages, salaries, or commissions earned within 180 days before the bankruptcy petition is filed, or the debtor's business ends, whichever is earlier. [Id., p. 3].

Most courts adopt the "exclusive view" that § 502 provides the exclusive grounds to disallow a claim. In re Dove Nation, 318 B.R. 147, 150 (8th Cir. BAP 2004)(followed by Heath v. Am. Express Travel Related Servs. Co. (In re Heath), 331 B.R. 424, 435 (9th Cir. BAP 2005)). Under the majority rule, a party seeking to disallow a claim must allege a substantive basis under § 502(b). Section 502(b) enumerates nine grounds on which a proof of claim may be disallowed. Sears v. Sears (In re Sears), 863 F.3d 973, 979 (8th Cir. 2017).

In the Ninth and Eight Circuits, a failure to file documents is not among the bases for disallowing a claim under § 502(b). (In re Sears), 863 F.3d at 979; In re Heath, 331 B.R. at 435 ("Noncompliance with Rule 3001(c) is not one of the statutory grounds for disallowance").

The debtor relies on the Tenth Circuit's ruling in Kirkland, which found that a bankruptcy court properly disallowed a claim because the creditor did not conform substantially to the appropriate Official Form as required by Fed. R. Bankr. P. 3001(a). In re Kirkland, 572 F.3d 838, 840-41 (10th Cir. 2009). Official Form 10 required a claimant to "[attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements." Fed. R. Bankr. P. Official Form 10. Form 10 also required a claimant to explain if the documents are not available. Id.



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Kirkland is not controlling and the facts in Kirkland are starkly different. In Kirkland, the creditor failed to produce a single document to support its proof of claim or to explain the absence of evidentiary support. In re Kirkland, 572 F.3d at 840-41. The Tenth Circuit therefore concluded that the creditor failed to present "prima facie evidence of the validity and amount of the claim." Id. at 841. By contrast, here, Creditor attached numerous documents to her proof of claim as listed above. Where a creditor supports the proof of claim with attached exhibits, it is sufficient prima facie evidence of the claim although "not precisely in the manner contemplated by the rules." In re Sears, 863 F.3d at 980.

The Ninth Circuit's decision in Heath controls. The Ninth Circuit explained why it followed the majority view. First, the Ninth Circuit looked to the plain language of sections 501(a), 502(a), and 502(b) and concluded that noncompliance with Rule 3001(c) is not one of the statutory grounds to disallow a claim. In re Heath, 331 B.R. at 435. Second, the Ninth Circuit reasoned that the claims allowance process does not violate due process because the process is designed to be speedy and inexpensive; the purpose of Rule 3001(f) is to allow the proof of claim to act like a verified complaint and have an independent evidentiary effect; and a proof of claim has more weight than an evidentiary pleading because it is signed under penalty of up to \$500,000 or up to five years in prison, or both, for fraudulent claims. Id. The creditor's failure to provide supporting documents in violation of Rule 3001(c)(1) is not a basis to disallow a claim under § 502(b).

The Debtor provides a list of other arguments but provides no law and analysis. Neither the Debtor's position nor the Claimant's is clear. Has the family court made a division of property? Is either side relying on a clear division of assets or DSO?

The Claimant indicates that all or part of the Claim is secured. If a creditor claims that its debt is secured, the proof of claim must be accompanied by evidence that the security interest has been perfected. Fed. R. Bankr. P. 3001(d); T. Jones, Inc. v. Simmons (In re Simmons), BAP No. WW-04-1344-PST, 2005 Bankr. LEXIS 2954, at \*14 (9th Cir. BAP March 31, 2005). The Claimant is instructed to provide evidence of a security interest.

This Motion will not be decided at this hearing and will be discussed further.

TELEPHONIC APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Gary Alan Kurtz

Represented By

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Stephen L Burton

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:19-12155 Gary Alan Kurtz**

**Chapter 13**

**#71.00** Motion RE: Objection to Claim Number 8 by  
Claimant STARR TAXMAN.

fr. 3/31/20,4/28/20; 5/19/20

Docket 71

**Tentative Ruling:**

See analysis under claim 7. Claimant should advise if claim 8 is intended to substitute for claim 7. It is largely duplicative, but adds detail.

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

Gary Alan Kurtz

Represented By  
Stephen L Burton

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:19-13095 Ben Byuzand Militonayan**

**Chapter 13**

**#72.00** Motion RE: Objection to Claim Number 7 by  
Claimant Parts Authority Metro, LLC,  
A California Limited Liability Company.

Docket 46

**Tentative Ruling:**

Debtor owns and operates Ben's Auto Parts. He purchases auto parts from wholesale distributors, such as Parts Authority Metro, and supplies the auto parts directly to the consumer. Prior to the Petition Date, on or about June 5, 2019, Parts Authority Metro filed an action against Debtor in Superior Court (the "State Court Action") alleging that the Debtor owed \$348,269.99 in debt which it broke down into three distinct debts: (1) \$168,000 remaining debt on a "Promissory Note"; (2) \$114,609 unpaid invoices on the "Payoff Account"; and (3) \$65,660 unpaid invoices on the "Buying Account". The State Court Action was not adjudicated because Debtor filed bankruptcy. Debtor's objection is premised on his argument that Debtor has made a substantial amount of payments that are not reflected in the Proof of Claim.

With respect to the Promissory Note, Debtor explains that he entered into a promissory note on October 1, 2015 with Metropolitan Automotive Warehouse (the "Promissory Note") whereby he promised to pay \$512,654.84 by making monthly payments of \$5,000 with the final payment due on April 1, 2024. At the time the State Court Action commenced, Debtor contends that he had paid off over two-thirds of the debt in less than half the life of the debt with five (5) years remaining to pay off the balance of \$168,000. Furthermore, the Promissory Note was secured by a security agreement, giving Metropolitan Automotive Warehouse a security interest in all inventory held by Ben's Auto Parts (the "Security Agreement"). This Security Agreement is the basis of a UCC-1 filing with the California Secretary of State. In addition to making the monthly payments as outlined above, Debtor claims that he turned over to Parts Authority Metro approximately \$200,000 worth of inventory in repayment of the debt. Decl. of Militonayan, Ex. 2. Debtor maintains that the ledger provided by Claimant underestimates the value of the total credit as \$160,784.93 and that, to date, no credit has been

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applied to the debt, and no mention of this credit was made in Claimant's Claim.

With respect to the Payoff Account, Debtor argues that he paid off the account well before the State Court Action commenced, having made payments totaling \$114,007.67 and does not owe a balance on this account. Decl. of Militonyan, Ex.3. As to the Buying Account, Debtor contends that he has been making payments on this account in the ordinary course of business totaling \$58,883.11 and owes a balance of less than \$7,000. Decl. of Militonyan, Ex. 4. Accordingly, Debtor requests that Parts Authority Metro's Claim be disallowed, as Claimant has failed to provide evidence to substantiate the full amount of the debt asserted in its Claim. Additionally, the Debtor requests that the Claimant provide a full accounting and credit him for all payments/credits made.

Parts Authority opposes the Motion, arguing that the balance on the promissory note was accelerated for nonpayment and thus the entire \$165,000 is due and payable now. Parts Authority points out that Debtor seems to acknowledge that he owes a secured balance of \$168,000 on the Promissory Note. Decl. of Militonyan, ¶ 5. It also asserts that the balance on the Payoff Account is \$114,609.59. as no payment has been made on the Payoff Account since September 29, 2018. Lastly, Parts Authority disputes Debtor's explanation of how the Buying Account is credited and his assertion that he is due credits that would reduce the amount owed. Parts Authority explains that it agreed to take back product and credit Debtor's Buying Account for the amount he had paid, less a 15% restocking charge. Bauby Decl. ISO Opposition. Parts Authority contends that Debtor returned product in the amount of \$171,315.21 and credited Debtor's account \$160,784.93 (the value, less the 15% restocking charge).

The parties should be prepared to discuss if this contested matter requires an evidentiary hearing to resolve these accounting issues, or whether the parties would prefer a continuance to attempt to resolve the issues consensually.

TELEPHONIC APPEARANCE REQUIRED.

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**Chapter 13**

**Debtor(s):**

Ben Byuzand Militonyan

Represented By

Kristine Theodesia Takvoryan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se