

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

Wednesday, November 16, 2016

Hearing Room 302

9:30 AM

1:09-16565 David Schwartzman

Chapter 11

#1.00 Post confirmation status conference

fr. 10/27/11, 11/1/12, 5/23/13, 12/5/13,
4/24/14, 9/4/14, 2/26/15, 5/7/15, 11/5/15; 5/5/16

Docket 1

*** VACATED *** REASON: Matter reset to 11/17/16 @9:30am (eg)

Tentative Ruling:

Having considered the post-confirmation status report, the post-confirmation status conference shall be continued to November 16, 2016 at 9:30 a.m.

NO APPEARANCE REQUIRED on 5/5/16.

DEBTOR TO LODGE ORDER NOTIFYING PARTIES OF THE CONTINUED DATE.

Party Information

Debtor(s):

David Schwartzman

Represented By
Victor A Sahn
Mark S Horoupian
Steven Werth

Movant(s):

David Schwartzman

Represented By
Victor A Sahn
Mark S Horoupian
Steven Werth

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

Adv#: 1:13-01290 Seror v. Matilsky

#2.00 Status Conference re Amended Complaint to Avoid and Recover Transfers (11 USC 544, 548(a)(1)(A) and (B), 550(a)(1) and (2) and California Civil Code 3439, et seq)

fr. 3/31/14, 10/21/14, 4/23/15, 7/22/15, 10/21/15, 2/24/16; 6/15/16; 6/22/16, 9/14/16

Docket 28

***** VACATED *** REASON: Default jdmt. entered 11/8/16 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

L.D.T. Investments Inc. Pro Se

Defendant(s):

Debbie Matilsky Pro Se

Plaintiff(s):

David Seror Represented By
Richard Burstein
Jessica L Bagdanov

Trustee(s):

David Seror (TR) Represented By
David Seror
David Seror (TR)
Steven T Gubner
Corey R Weber
Michael W Davis
Richard Burstein

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... L.D.T. Investments Inc.

Chapter 7

Elissa Miller
Aram Ordubegian
Andy Kong
Jessica L Bagdanov
Ronald P Abrams

David Seror (TR)

Pro Se

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

Adv#: 1:13-01307 Seror v. Huerta et al

#3.00 Status Conference re Complaint to Avoid and Recover Transfers (11 USC 544, 548(a)(1)(A) and (B), 550(a)(1) and (2) and California Civil Code 3439, et seq)

fr. 3/31/14, 10/21/14, 4/23/15, 7/22/15, 10/21/15, 2/24/16; 6/15/16, 9/14/16

Docket 1

***** VACATED *** REASON: Default jdmt. entered 10/4/16 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

L.D.T. Investments Inc. Pro Se

Defendant(s):

O&L Maintenance Services, Inc. Pro Se

Omar Huerta Pro Se

Plaintiff(s):

David Seror Represented By
Richard Burstein

Trustee(s):

David Seror (TR) Represented By
David Seror
David Seror (TR)
Steven T Gubner
Corey R Weber
Michael W Davis
Richard Burstein

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... L.D.T. Investments Inc.

Chapter 7

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC

Chapter 7

Adv#: 1:16-01143 Seok v. Owner Management Service, LLC et al

#4.00 Status Conference re: Notice of Removal

Docket 1

*** VACATED *** REASON: Stip. cont. to 1/11/17 @11am (eg)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Owner Management Service, LLC Pro Se

Defendant(s):

Raford Management Company, Inc. Pro Se

BANK OF AMERICA, N.A. Pro Se

Owner Management Service, LLC Pro Se

David Seror, Chapter 7 Trustee Pro Se

Plaintiff(s):

Jung A. Seok Represented By
Richard Burstein

Trustee(s):

David Seror (TR) Represented By
Richard Burstein
Michael W Davis
David Seror
David Seror (TR)
Steven T Gubner
Reagan E Boyce
Jessica L Bagdanov
Reed Bernet

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:13-10518 Reliable Trust Deed Services, Inc.

Chapter 7

Adv#: 1:15-01228 Seror v. TD Foreclosure Services, Inc.

#5.00 Pre-Trial Conference re: Complaint to avoid
and recover fraudulent transfers

fr. 2/24/16, 8/10/16

Docket 1

Tentative Ruling:

The parties should advise whether there is any conflict with the following possible dates for trial:

January 27, 30 & 31

March 13, 14 & 17

Party Information

Debtor(s):

Reliable Trust Deed Services, Inc.

Represented By
Gerald McNally
Mark S Blackman

Defendant(s):

TD Foreclosure Services, Inc.

Pro Se

Plaintiff(s):

David Seror

Represented By
Travis M Daniels

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Travis M Daniels

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Reliable Trust Deed Services, Inc.

Chapter 7

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:13-10518 Reliable Trust Deed Services, Inc.

Chapter 7

Adv#: 1:15-01230 Seror, Chapter 7 Trustee v. Wolcott

#6.00 Pre-Trial Conference re: Complaint to
avoid and recover fraudulent transfers

fr. 2/24/16, 8/10/16

Docket 1

Tentative Ruling:

see # 5

Party Information

Debtor(s):

Reliable Trust Deed Services, Inc.

Represented By
Gerald McNally
Mark S Blackman

Defendant(s):

Lynn Wolcott

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Travis M Daniels

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Travis M Daniels

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:14-13029 Brian D Presley

Chapter 7

Adv#: 1:15-01016 One Longhorn Land I, L.P. v. Presley

#7.00 Status Conference re: Second Amended
Complaint Re: Nondischargeability of Debt

fr. 6/17/15, 7/1/15, 3/30/16, 5/25/16, 7/27/16; 9/7/16

Docket 9

Tentative Ruling:

No status report filed. APPEARANCE REQUIRED so that the parties can apprise the Court of the results of the mediation and status of the Texas Action.

Party Information

Debtor(s):

Brian D Presley

Represented By
Gary R Wallace

Defendant(s):

Brian D Presley

Represented By
Gary R Wallace

Plaintiff(s):

One Longhorn Land I, L.P.

Represented By
Paul J Laurin
Stacy L Foster

Trustee(s):

Diane Weil (TR)

Pro Se

Diane Weil (TR)

Pro Se

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#8.00 Scheduling Conference on (1) Motion to Dismiss With Prejudice; and (2) Motion to Remove Victor Poteet From Adversary Proceeding

Docket 11

Tentative Ruling:

This will be carried with the status conference until the state court matters are resolved. Although the state court ruled on a similar motion, this court does not have the record to see exactly what was litigated to know how that would apply in this adversary. There is no need to go into this right now, as it may be moot.

Party Information

Debtor(s):

David Brown Levy Pro Se

Defendant(s):

David Brown Levy Pro Se

Movant(s):

David Brown Levy Pro Se

Plaintiff(s):

Gene Salkind Represented By
Bernard J Kornberg
Donald H Cram III

Michael Clofine Represented By
Bernard J Kornberg
Donald H Cram III

Victor Poteet Represented By
Bernard J Kornberg

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... David Brown Levy

Chapter 7

The Workshop LLC

Donald H Cram III

Represented By
Bernard J Kornberg
Donald H Cram III

Trustee(s):

Nancy J Zamora (TR)

Represented By
Wesley H Avery

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:15-14037 David Brown Levy

Chapter 7

Adv#: 1:16-01024 Poteet et al v. Levy

#9.00 Status Conference re Complaint to determine dischargeability of debt

fr. 5/4/16

Docket 1

Tentative Ruling:

The court is inclined to follow the status report and continue this and any motions until March 29, 2017 at 11 am. The matter was left on calendar to check status and calendars with all parties.

Party Information

Debtor(s):

David Brown Levy	Pro Se
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Defendant(s):

David Brown Levy	Pro Se
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Plaintiff(s):

Michael Clofine	Represented By Bernard J Kornberg
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Victor Poteet	Represented By Bernard J Kornberg
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The Workshop LLC	Represented By Bernard J Kornberg
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Gene Salkind	Represented By Bernard J Kornberg
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Trustee(s):

Nancy J Zamora (TR)	Represented By Wesley H Avery
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... David Brown Levy

Chapter 7

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-10062 Joshua Ross Allen

Chapter 7

Adv#: 1:16-01133 Kutasi et al v. Allen et al

#10.00 Status Conference re: Complaint to Except debt from Discharge pursuant to 11 U.S.C. section 523(a)(2)(A) 523(a)(4) and 523(a)(6)

Docket 1

***** VACATED *** REASON: Re-issued of summons requested new hrg. date 12/7/16 @11am (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Ross Allen

Represented By
Glenn Ward Calsada

Defendant(s):

Amy Jill Allen

Pro Se

Joshua Ross Allen

Pro Se

Joint Debtor(s):

Amy Jill Allen

Represented By
Glenn Ward Calsada

Plaintiff(s):

West Valley Collection Services,

Represented By
Jeffrey F Gersh

John Kutasi

Represented By
Jeffrey F Gersh

Trustee(s):

David Seror (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-10085 John Elkhani

Chapter 7

Adv#: 1:16-01056 Financial Services Vehicle Trust, by and through i v. Elkhani

#11.00 Status Conference re: Complaint to
determine dischargeability of debt

fr. 6/8/16, 8/10/16, 9/28/16

Docket 1

***** VACATED *** REASON: Stipulated judgment entered 10/24/16 - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Elkhani

Represented By
Edmond Nassirzadeh

Defendant(s):

John Elkhani

Pro Se

Plaintiff(s):

Financial Services Vehicle Trust, by

Represented By
Rebecca A Caley

Trustee(s):

David Seror (TR)

Pro Se

David Seror (TR)

Pro Se

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:10-18698 Krikor Tatoyan

Chapter 7

Adv#: 1:10-01372 Zabrodnaya v. Tatoyan

#11.01 Status Conference re Complaint

fr. 11/2/16

Docket 1

***** VACATED *** REASON: Cont'd to 12/7/16 at 11 a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Krikor Tatoyan

Represented By
Richard M Moneymaker

Defendant(s):

Krikor Tatoyan

Represented By
Richard M Moneymaker

Plaintiff(s):

Irena Zabrodnaya

Represented By
Philip D Dapeer

Trustee(s):

Amy L Goldman (TR)

Represented By
Amy L Goldman (TR)

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#12.00 Motion for relief from stay

JPMORGAN CHASE BANK

Docket 75

Tentative Ruling:

Petition Date: 3/30/15

Ch. 13 plan confirmed: 8/4/15

Service: Proper. No opposition filed.

Property: 12172 Van Nuys Bl., Sylmar, CA 91342

Property Value: \$377,000 (per debtor's schedules)

Amount Owed: \$368,103.94

Equity Cushion: 2.3%

Equity: \$9,890.06

Post-confirmation Delinquency: \$5,225.70 (3 payments of \$1,741.90)

Movant alleges that it has not received payment since August 2016

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

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
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Humberto Delgadillo Garcia

Chapter 13

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-11141 Hope H. Landeros

Chapter 13

#13.00 Motion for relief from stay

HSBC BANK USA, TRUSTEE
FOR OPTEUM MORTGAGE ACCEPTANCE

Docket 31

Tentative Ruling:

Petition Date: 4/15/16

Ch: 13

Service: Proper. No opposition filed.

Property: 12530 Herrick Ave., Sylmar (Los Angeles), CA 91342

Property Value: \$374,000 (per debtor's schedules)

Amount Owed: \$319,516.55

Equity Cushion: 6.5%

Equity: \$54,483.45.

Post-Petition Delinquency: \$8,865.60 (5 payments of \$1,773.12)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Hope H. Landeros

Represented By
R Grace Rodriguez

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Hope H. Landeros

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-12695 Sonia E Mole

Chapter 7

#14.00 Motion for relief from stay

FOURSIGHT CAPITAL LLC

Docket 10

Tentative Ruling:

Petition Date: 9/15/16

Ch: 7

Service: Proper. No opposition filed.

Property: 2006 Toyota RAV4

Property Value: \$7,525 (per Movant's evidence: NADA Guide)

Amount Owed: \$8,710.90

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$359.98 (1 payment, last tendered 8/31/16)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Sonia E Mole

Pro Se

Movant(s):

FOURSIGHT CAPITAL, LLC

Represented By
Michael D Vanlochem

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Sonia E Mole

Chapter 7

Trustee(s):

Diane Weil (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-13171 Regla Vera

Chapter 13

#14.01 Motion for relief from stay

NUVISION FEDERAL CREDIT UNION

fr. 11/17/16

Docket 10

Tentative Ruling:

Petition Date: 11/3/16

Ch. 13

Service: Proper on shortened time. Co-debtors served. No opposition filed.

Property: 6425 Matilija St., Van Nuys (Los Angeles), CA 91401

Property Value: not provided, debtor has not filed schedules

Amount Owed: \$445,856.36

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant alleges that this is the fourth case filed by Debtor and that she has been in bankruptcy almost continuously for almost five years. Movant alleges that the Property has been transferred by Debtor or other to whom Debtor transferred the Property, all without authorization. Movant contends that the delinquent amount is approx. \$8101,404.16 (47 payments, plus P & I)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3(a)** (Movant permitted to engage in loss mitigation activities); **5** (relief from the co-debtor stay); **6** (waiver of the 4001(a)(3) stay); **8** (relief under 362(d)(4)); and **9** (relief binding & effective for 180 days against any debtor).

APPEARANCE REQUIRED DUE TO SHORTENED TIME
RULING MAY BE MODIFIED AT HEARING.

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Regla Vera

Chapter 13

MOVANT TO LODGE ORDER WITHIN 7 DAYS.
MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER
ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED
PROPERTY.

Party Information

Debtor(s):

Regla Vera

Represented By
Glenn Ward Calsada

Movant(s):

NuVision Federal Credit Union,

Represented By
Timothy J Silverman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-13053 Pablo Arreola

Chapter 13

#15.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 11871 Vanport Ave., Sylmar, CA 91342 .

Docket 11

Tentative Ruling:

On October 24, 2016, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 15-13936-MB, was a chapter 7 that was filed on 11/30/15 and dismissed on 1/25/2016 for failure to appear at the 341(a) meeting of creditors.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case because he did not authorize the First Filing. There are continued Show Cause hearings related to the disputed authorization of the First Filing, scheduled for December 2016 before Hon. Martin R. Barash.

Debtor claims that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because the First Filing was allegedly executed without his authorization by people who claimed to be helping him with a loan modification. Debtor states that he has sufficient income to keep current on his post-petition mortgage payments and cure the arrears. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Pablo Arreola

Represented By
Eric Bensamochan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
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Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

CONT... Pablo Arreola

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:16-12831 Parminder Singh

Chapter 7

#16.00 Motion for Order Compelling Attorney to File Disclosure
of Compensation Pursuant to 11 U.S.C. § 329

Docket 14

Tentative Ruling:

Debtor filed a voluntary chapter 7 bankruptcy case on September 28, 2016. Only the Statement About Your Social Security Number and Certificate of Credit Counseling were filed with the petition. The majority of the required case commencement documents were not filed and have not been filed to date. Debtor's counsel, Alon Darvish, represented the Debtor during the pendency of the bankruptcy case. Darvish did not file a Disclosure of Compensation on the petition date, nor filed it to date.

On October 17, 2016, Debtor's case was ordered dismissed based on the failure to file schedules, statements, and/or plan. Although assisted Debtor in filing this case, Darvish failed to file a Disclosure of Compensation for Attorney ("Disclosure of Compensation"), as 11 U.S.C. § 329(b) and FRBP 2016 require. Consequently, the Court and the U.S. Trustee cannot determine the amount of compensation Mr. Darvish received. The U.S. Trustee requests that the Court order Mr. Darvish to file a Disclosure of Compensation and that the Court also retain jurisdiction over any disgorgement motion.

Service proper. No response filed.

**Motion GRANTED. UST to lodge order within 7 days.
NO APPEARANCE REQUIRED**

Party Information

Debtor(s):

Parminder Singh

Represented By
Alon Darvish

Trustee(s):

Amy L Goldman (TR)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:13-13370 Jose Adolfo Montepeque and Maria Montepeque

Chapter 7

#17.00 Objection of Chapter 7 Trustee to Debtors' Amended
Wildcard Exemption

fr. 10/5/16

Docket 57

Tentative Ruling:

APPEARANCE REQUIRED ON 11/16/16

This hearing was continued from 10/5/16 because Debtor appeared at the hearing without having filed an opposition. Trustee did not appear because the tentative waived appearances.

Trustee objects to Debtor's claim of a wildcard exemption in the amount of \$26,925 (the "Exemption") on the basis of equitable estoppel. Trustee argues that Debtors failed to disclose litigation as an asset of the estate in their schedules. Because equitable estoppel is an applicable state law ground on which to disallow an exemption, the bankruptcy court may disallow this exemption. See In re Lua, 529 B.R. 766 (Bankr.C.D.Cal. 2015), aff'd 551 B.R. 448 (C.D. Cal. 2015). The litigation has since been settled by Trustee for \$39,000, and Trustee also settled the attorney fee matter with respect to Debtor Maria's state court counsel.

Debtors contend that there are no facts in this case that support applying equitable estoppel to disallow their claim of exemption. To invoke equitable estoppel under California law, a party must show: "(a) a representation or concealment of material facts; (b) made with knowledge, actual or virtual, of the facts; (c) to a party ignorant, actually and permissibly, of the truth; (d) with the intention, actual or virtual, that the ignorant party act on it; and (e) that party was induced to act on it." Simmons v. Ghaderi, 44 Cal.4th 570, 584, 80 Cal.Rptr.3d 83, 187 P.3d 934 (Cal.2008).

Debtors argue that Maria was unaware that the potential litigation, related to a workplace injury, was an asset as of the petition date and she did not understand the full nature of her claims against her employer. Debtors claim that because Maria did not understand that this potential litigation was an asset, she did not have the requisite knowledge of the facts to misrepresent or conceal the existence of the litigation. Lastly, Debtors maintain that Rule 1009 permits Debtors to amend their

**United States Bankruptcy Court
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11:00 AM

CONT... **Jose Adolfo Montepeque and Maria Montepeque** **Chapter 7**

schedules at any time and that Trustee and creditors were not prejudiced by the amendment disclosing the asset because the exemption rights are fixed at the date of the petition. If Debtors could have validly claimed the exemption at the beginning of the case, the funds Trustee seeks to disburse via this Objection would not have been available to creditors. Debtors also note that Trustee's primary authority supporting his objection, In re Lua, is now pending at the Ninth Circuit Court of Appeals (15-56814).

Trustee's reply focuses on Debtors' having been represented by experienced bankruptcy counsel since the beginning of this case, and that they did not amend Sch. C and claim the exemption until *one day after* Trustee reopened the case. This was not a situation where Debtors acted on their own volition – it was only when Trustee reopened the case did Debtors do anything affirmative to inform creditors and Trustee of the existence of the potential litigation.

Both Trustee and the Debtors make forceful arguments on whether equitable estoppel should be applied here. They appear to turn on the credibility of Maria Montepeque. The problem is that any inquiry into what she knew and understood at various points in the involved history here would necessarily invade the attorney client privilege. As the inferences and conclusions each side seeks to have the court draw would be more easily resolved by an evidentiary hearing, the question is whether that is possible, and if so, whether the debtor will waive her privilege as to relevant conversations. This must be explored at the hearing.

Party Information

Debtor(s):

Jose Adolfo Montepeque

Represented By
Kevin T Simon

Joint Debtor(s):

Maria Montepeque

Represented By
Kevin T Simon
Kevin T Simon

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Robbin L Itkin
Alexandra S Kelly

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:12-11628 Jordan Wank

Chapter 7

#18.00 Trustee's Final Report and Application for
Compensation

Trustee:
David Gottlieb

Attorney for Trustee:
Sulmeyer Kupetz

Accountant for Trustee:
Crowe Horwath LLP

Docket 74

Tentative Ruling:

Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 11/16/16.

Party Information

Debtor(s):

Jordan Wank

Represented By
William H Schultz

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Asa S Hami
Howard M Ehrenberg
Elizabeth Jiang

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

Wednesday, November 16, 2016

Hearing Room 302

11:00 AM

1:12-17118 Igaal Barak

Chapter 7

#19.00 Trustee's Final Report and Application for Compensation

Trustee:
David Gottlieb

Attorney for Trustee:
Sulmeyer Kupetz

Accountant for Trustee:
Menchaca & Company LLP

Docket 64

Tentative Ruling:

Having reviewed the Trustee's Final Report, Debtor's objection thereto, and Trustee's Reply to Debtor's Objection, the Court finds that the fees and costs are reasonable and is satisfied with Trustee's explanation of how the estate was settled. Debtor's objection is overruled and the Final Report is approved as requested.

APPEARANCE REQUIRED DUE TO OBJECTION

Party Information

Debtor(s):

Igaal Barak

Represented By
James L Tenner

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Jason Balitzer

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

Wednesday, November 16, 2016

Hearing Room 302

1:00 PM

1:12-10229 C.M. Meiers Company, Inc.

Chapter 11

Adv#: 1:14-01042 Sharp v. Essex Insurance Company

#19.01 Status Conference on Complaint for:
1- Declaratory Relief;
2- Breach of COnttract;
3- Breach of the Implied Covenant of Good
Faith and Fair Dealing

fr. 5/7/14, 10/29/14, 11/12/14, 12/3/14, 2/18/15,
5/13/15; 12/9/15, 2/10/16; 2/17/16, 2/24/16, 4/11/16,
4/12/16, 9/13/16, 10/18/16, 11/8/16

Docket 1

Tentative Ruling:

Appearance required

Party Information

Debtor(s):

C.M. Meiers Company, Inc.	Pro Se
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Defendant(s):

Essex Insurance Company	Pro Se
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Plaintiff(s):

Bradley D Sharp	Represented By Larry W Gabriel
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Trustee(s):

Bradley D. Sharp (TR)	Represented By David Gould Stanley H Shure Larry W Gabriel
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, November 16, 2016

Hearing Room 302

1:00 PM

CONT... C.M. Meiers Company, Inc.

Chapter 11

US Trustee(s):

United States Trustee (SV)

Pro Se

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

Wednesday, November 16, 2016

Hearing Room 302

2:00 PM

1:10-10209 R.J. Financial, Inc.

Chapter 7

#20.00 Motion for Protective Order

fr. 11/4/15; 12/16/15, 2/3/16, 3/30/16; 5/11/16; 8/17/16

Docket 619

*** VACATED *** REASON: cont'd per stipulation to Feb. 8, 2017 at 2
p.m. - hm

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

R.J. Financial, Inc.

Represented By
Sandford Frey
Stuart I Koenig
Marta C Wade

Trustee(s):

David Seror (TR)

Represented By
Robyn B Sokol
Michael W Davis
Travis M Daniels