

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:11-29610 Wendy M Peel

Chapter 13

#1.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK TRUST N.A.  
vs  
DEBTOR

Docket 72

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Wendy M Peel

Represented By  
Kahlil J McAlpin

**Movant(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

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10:00 AM

**CONT...**

**Wendy M Peel**

**Chapter 13**

U.S. Bank Trust, N.A., As Trustee

Represented By  
Christina J O

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:11-43209 Ansel B Rodriques

Chapter 13

#2.00 Hrg re: Motion for relief from stay [RP]

FEDERAL NATIONAL MORTGAGE ASSOC  
VS  
DEBTOR

Docket 62

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 65).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Ansel B Rodriques

Represented By  
Andrew Edward Smyth  
William J Smyth

**Movant(s):**

Federal National Mortgage

Represented By  
Lisa B Singer  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:11-56806 Noelia Sade Mendoza**

**Chapter 13**

**#3.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 130

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Noelia Sade Mendoza

Represented By  
Alfred J Verdi

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Noelia Sade Mendoza**

**Chapter 13**

**Movant(s):**

WELLS FARGO BANK, NA

Represented By  
Brett P Ryan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:12-17220 Luis Panlasigui Majuelo, II and Hossannah Tanga Majuelo**

**Chapter 13**

**#4.00** Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS  
DEBTOR

Docket 69

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Luis Panlasigui Majuelo II

Represented By  
Emmanuel S Vargas  
Peter M Lively

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**CONT... Luis Panlasigui Majuelo, II and Hossannah Tanga Majuelo**

**Chapter 13**

**Joint Debtor(s):**

Hossannah Tanga Majuelo

Represented By  
Emmanuel S Vargas  
Peter M Lively

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Brandye N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Represented By  
Kathy A Dockery (TR)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:13-21845 Lorenzo Alvaro Selva, Sr. and Rita Trejo Selva**

**Chapter 7**

**#5.00 Hrg re: Motion for relief from stay [RP]**

THE BANK OF NEW YORK MELLON  
VS  
DEBTOR

Docket 55

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Lorenzo Alvaro Selva Sr.

Represented By  
Brad Weil

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

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10:00 AM

**CONT... Lorenzo Alvaro Selva, Sr. and Rita Trejo Selva**

**Chapter 7**

**Joint Debtor(s):**

Rita Trejo Selva

Represented By  
Brad Weil

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Erica T Loftis

**Trustee(s):**

David A Gill (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:13-38565 Perry Wallace**

**Chapter 13**

**#6.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 61

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Perry Wallace

Represented By  
Devin Sawdayi

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

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**Hearing Room 1545**

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10:00 AM

**CONT... Perry Wallace**

**Chapter 13**

**Movant(s):**

U.S. Bank National Association

Represented By  
Mark D Estle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:14-22500 Walter Alfred Williams and Janice Joyce Pierce

Chapter 13

#7.00 Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO  
vs  
DEBTOR

Docket 46

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

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Central District of California  
Los Angeles  
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**CONT... Walter Alfred Williams and Janice Joyce Pierce Chapter 13**

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Walter Alfred Williams

Represented By  
Kahlil J McAlpin

**Joint Debtor(s):**

Janice Joyce Pierce

Represented By  
Kahlil J McAlpin

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Gagan G Vaideeswaran  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:15-16188 Jose Hernandez and Ayrin Hernandez

Chapter 13

#8.00 Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 39

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 01, 2016**

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**CONT... Jose Hernandez and Ayrin Hernandez Chapter 13**

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Jose Hernandez

Represented By  
Peter L Lago

**Joint Debtor(s):**

Ayrin Hernandez

Represented By  
Peter L Lago

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-18070 Ricki Denise West**

**Chapter 13**

**#9.00** Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON  
VS  
DEBTOR

Docket 67

**\*\*\* VACATED \*\*\* REASON: The Court has issued its order regarding  
the parties' adequate protection agreement.**

**Tentative Ruling:**

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

**Debtor(s):**

Ricki Denise West

Represented By  
Rabin J Pournazarian

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Erica T Loftis

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

**2:15-20488 Santiago Mayorga and Veronica Mayorga**

**Chapter 13**

#10.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK TRUST, NA  
vs  
DEBTOR

Docket 57

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 63).**

**Tentative Ruling:**

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

**Debtor(s):**

Santiago Mayorga

Represented By  
Caroline S Kim

**Joint Debtor(s):**

Veronica Mayorga

Represented By  
Caroline S Kim

**Movant(s):**

U.S. Bank Trust, N.A., As Trustee

Represented By  
Dane W Exnowski  
Christina J O

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-22365 Maria Christina Araujo**

**Chapter 13**

**#11.00** Hrg re: Motion for relief from stay [RP]

CAM IX TRUST  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 26).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Maria Christina Araujo

Represented By  
Jeffrey J Hagen

**Movant(s):**

CAM IX TRUST, its successors

Represented By  
Reilly D Wilkinson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-25545 James B Williams**

**Chapter 13**

**#12.00** Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST  
VS  
DEBTOR

Docket 128

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

James B Williams

Represented By  
Claudia L Phillips

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... James B Williams**

**Chapter 13**

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-25719 Rudy R. Martinez and Sylvia S. Martinez**

**Chapter 13**

**#13.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
VS  
DEBTOR

Docket 26

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties adequate protection agreement.**

**Tentative Ruling:**

- NONE LISTED -

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

Rudy R. Martinez

Represented By  
Mufthiha Sabaratnam

**Joint Debtor(s):**

Sylvia S. Martinez

Represented By  
Mufthiha Sabaratnam

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-27906 Rogelio Cuevas- Flores and Beatriz Garcia Cuevas**

**Chapter 13**

**#14.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 35

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Rogelio Cuevas- Flores

Represented By  
William G Cort

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

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10:00 AM

**CONT... Rogelio Cuevas- Flores and Beatriz Garcia Cuevas**

**Chapter 13**

**Joint Debtor(s):**

Beatriz Garcia Cuevas

Represented By  
William G Cort

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Brandy N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:15-28334 Fanny Florisel Santizo Cifuentes

Chapter 13

#15.00 Hrg re: Motion for relief from stay [RP]

SETERUS, INC.  
vs  
DEBTOR

Docket 27

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Fanny Florisel Santizo Cifuentes

Represented By  
Jesus L Zuniga

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Fanny Florisel Santizo Cifuentes**

**Chapter 13**

**Movant(s):**

Seterus, Inc. as the authorized

Represented By  
Nichole Glowin

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-11690 Ulises Caldera**

**Chapter 13**

**#16.00** Hrg re: Motion for relief from stay [RP]

JTF ROSE INC.  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Ulises Caldera

Represented By  
William G Cort

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Ulises Caldera**

**Chapter 13**

**Movant(s):**

JTF Rose Inc., a California

Represented By  
Michelle R Ghidotti

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-13372 Christine Anne Casarez

Chapter 13

#17.00 Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NATIONAL ASSOC  
vs  
DEBTOR

Docket 42

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Christine Anne Casarez

Represented By  
Joseph M Hoats

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Christine Anne Casarez**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, National

Represented By  
Christina J O

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-14935 Craig Collins**

**Chapter 7**

**#18.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 46

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

CONT... **Craig Collins**

**Chapter 7**

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Craig Collins

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Brandye N Foreman  
Merdaud Jafarnia

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-18506 Susan Vega**

**Chapter 13**

**#19.00** Hrg re: Motion for relief from stay [RP]

MTGLQ INVESTORS, LP  
vs  
DEBTOR

Docket 16

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Notices. Grant the request to be excused from the notice requirements of FRBP 3002.1(b) & (c).

(3) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**CONT... Susan Vega**

**Chapter 13**

**Debtor(s):**

Susan Vega

Represented By  
Michael V Jehdian

**Movant(s):**

MTGLQ INVESTORS, LP

Represented By  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-20366 Carlos I Sanchez and Hannah L Monk

Chapter 7

#20.00 Hrg re: Motion for relief from stay [RP]

ANDREW LOEFFLER AND EDMUND LOEFFLER  
VS  
DEBTOR

Docket 30

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1), to the extent, if any, that it applies. Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Carlos I Sanchez

Pro Se

**Joint Debtor(s):**

Hannah L Monk

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Carlos I Sanchez and Hannah L Monk**

**Chapter 7**

**Movant(s):**

Andrew Loeffler and Edmund

Represented By  
Edward T Weber

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-22180 Jin Soo Moon

Chapter 13

#21.00 Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION  
vs  
DEBTOR

Docket 14

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Retroactive relief. Grant the request for retroactive annulment of the stay.

(4) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

CONT... **Jin Soo Moon**

**Chapter 13**

automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(5) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Jin Soo Moon

Pro Se

**Movant(s):**

U.S. Bank National Association

Represented By  
Brandye N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-22697 Ramiro J Perez

Chapter 13

#22.00 **[CASE DISMISSED ON 10/14/16]**

Hrg re: Motion for relief from stay [RP]

SPECIALIZED LOAN SERVICING LLC  
vs  
DEBTOR

Docket 9

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**CONT... Ramiro J Perez**

**Chapter 13**

**Debtor(s):**

Ramiro J Perez

Pro Se

**Movant(s):**

Specialized Loan Servicing LLC, as

Represented By  
Bethany Wojtanowicz

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:14-24103 Eduardo Falcon**

**Chapter 13**

**#23.00** Hrg re: Motion for relief from stay [PP]

U.S. BANK NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 50

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Eduardo Falcon

Represented By  
Tyson Takeuchi

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Eduardo Falcon**

**Chapter 13**

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Drew A Callahan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-18966 Scott Simmons**

**Chapter 13**

**#24.00** Hrg re: Motion for relief from stay [PP]

U.S. BANK NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 49

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 52).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Scott Simmons

Represented By  
Julie J Villalobos

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Drew A Callahan

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-10287 Rosa Hairston**

**Chapter 13**

**#25.00** Hrg re: Motion for relief from stay [PP]

BALBOA THRIFT & LOAN  
VS  
DEBTOR

Docket 28

**\*\*\* VACATED \*\*\* REASON: This Court has issued its order regarding  
the parties' adequate protection agreement.**

**Tentative Ruling:**

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

**Debtor(s):**

Rosa Hairston

Represented By  
Claudia L Phillips

**Movant(s):**

Balboa Thrift & Loan

Represented By  
Keith E Herron

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-12224 Donnicus L Cook**

**Chapter 13**

**#26.00** Hrg re: Motion for relief from stay [PP]

SANTANDER CONSUER USA, INC.  
VS  
DEBTOR

Docket 45

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 51).**

**Tentative Ruling:**

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

**Debtor(s):**

Donnicus L Cook

Represented By  
Vernon R Yancy

**Movant(s):**

Santander Consumer USA Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-15761 Carlos Rivera

Chapter 13

#27.00 Hrg re: Motion for relief from stay [PP]

EXETER FINANCE CORP  
vs  
DEBTOR

Docket 22

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

*Key documents reviewed (in addition to motion papers):* debtor's declaration of non-opposition, dkt. 24.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Carlos Rivera

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**CONT... Carlos Rivera**

**Chapter 13**

Michael E Clark  
Heather J Canning

**Movant(s):**

Exeter Finance Corp.

Represented By  
Marian Garza  
Timothy J Silverman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-17442 Bridgett Dawn Lewis**

**Chapter 13**

**#28.00** Hrg re: Motion for relief from stay [PP]

VW CREDIT, INC.  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 27).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Bridgett Dawn Lewis

Represented By  
Sam Benevento

**Movant(s):**

VW Credit, Inc. dba Audi Financial

Represented By  
Erica T Loftis

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

**2:16-17896 Annette Paula Williams Reed**

**Chapter 13**

**#29.00** Hrg re: Motion for relief from stay [PP]

SANTANDER CONSUMER USA, INC.  
VS  
DEBTOR

Docket 28

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Annette Paula Williams Reed

Represented By  
S Renee Sawyer Blume

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

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10:00 AM

**CONT... Annette Paula Williams Reed**

**Chapter 13**

**Movant(s):**

Santander Consumer USA Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

**2:16-18028 Enrique Peralta and Rosa Estrada**

**Chapter 13**

**#30.00** Hrg re: Motion for relief from stay [PP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 29

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 32).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Enrique Peralta

Represented By  
Thomas B Ure

**Joint Debtor(s):**

Rosa Estrada

Represented By  
Thomas B Ure

**Movant(s):**

Wells Fargo Bank, N.A. dba Wells

Represented By  
Jennifer H Wang

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-19905 Dario Olague, Jr. and Nicole Lynn Olague

Chapter 7

#31.00 Hrg re: Motion for relief from stay [PP]

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 33

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Dario Olague Jr.

Represented By  
Allan S Williams

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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10:00 AM

**CONT... Dario Olague, Jr. and Nicole Lynn Olague**

**Chapter 7**

**Joint Debtor(s):**

Nicole Lynn Olague

Represented By  
Allan S Williams

**Movant(s):**

Wells Fargo Bank, N.A., dba Wells

Represented By  
Jennifer H Wang

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-21317 Richard M Correa

Chapter 13

#32.00 Hrg re: Motion for relief from stay [PP]

BMW BANK OF NORTH AMERICA  
VS  
DEBTOR

Docket 20

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Richard M Correa

Represented By  
Joseph L Pittera

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

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10:00 AM

**CONT... Richard M Correa**

**Chapter 13**

**Movant(s):**

BMW Bank of North America

Represented By  
Marian Garza  
Timothy J Silverman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

**2:15-22189 Jose A Saavedra and Margarita Saavedra**

**Chapter 13**

#33.00 Hrg re: Motion for relief from stay [PP]

BRIDGECREST CREDIT COMPANY, LLC  
VS  
DEBTOR

Docket 60

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 62).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

Jose A Saavedra

Represented By  
William J Smyth

**Joint Debtor(s):**

Margarita Saavedra

Represented By  
William J Smyth

**Movant(s):**

Bridgecrest Credit Company, LLC,

Represented By  
Michelle R Ghidotti

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Hearing Room 1545

10:00 AM

2:16-21342 Santiago Camacho

Chapter 13

#34.00 **[CASE DISMISSED 10/04/2016]**

Hrg re: Motion for relief from stay [UD]

THE BANK OF NEW YORK MELLON  
vs  
DEBTOR

Docket 15

**Tentative Ruling:**

Grant in part and deny in part as set forth below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting

**United States Bankruptcy Court  
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CONT... **Santiago Camacho**

**Chapter 13**

to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

(5) Relief under *Perl* or *Smith*. To the extent the movant seeks a ruling that the automatic stay does not apply under *In re Perl*, 811 F.3d 1120 (9th Cir. 2016), or *In re Smith*, 105 B.R. 50 (Bankr. C.D.Cal. 1989), the tentative ruling is to deny such relief.

First, this is not a situation like *Perl*, in which prepetition the movant had obtained both an unlawful detainer judgment and a writ of possession against the individual debtor. *Perl* concluded that this was enough, under California law, to extinguish all legal and equitable possessory interests in the real property at issue therein. In this case, in contrast, the movant has not established that all such interests have been extinguished in the subject real property, so the automatic stay applies under 11 U.S.C. 362(a)(2)-(5) (the subsections dealing with "property" of the debtor or the estate).

Second, in *Perl* the appellee (who did not participate in the appeal before the Ninth Circuit) had already vacated the premises and removed personal property from the premises by the time that appeal was heard. See *In re Perl* (Case No. 2:13-bk-26126-NB) dkt. 51 p.3:18-19. Presumably for that reason, the Ninth Circuit's decision in *Perl* did not address the possible application of the automatic stay to things other than real property, such as

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CONT... **Santiago Camacho**

**Chapter 13**

whether the creditor's lockout of the debtor constituted an "act to obtain possession of [personal] property" located at the real property in violation of 11 U.S.C. 362(a)(3), or whether *in personam* acts such as bodily seizing and evicting a debtor (which is the culmination of an unlawful detainer proceeding against an obdurate occupant) would constitute the continuation of an "action or proceeding against the debtor" in violation of 11 U.S.C. 362(a)(1). In this case the movant has not established that these other aspects of the automatic stay are inapplicable.

Third, regarding the statutory construction articulated in *Smith*, Judge Bason is tentatively persuaded that:

(a) regardless whether a debtor's bare possession of premises post-foreclosure is a cognizable "property" interest (*compare Smith with, e.g., In re Butler*, 271 B.R. 867 (Bankr. C.D. Cal. 2002)), there are other interests at stake as set forth below;

(b) a debtor may have grounds to seek to expand that bare possession into something more, such as the ability in some circumstances to seek relief from forfeiture as recognized in *Smith*, 150 B.R. at 54 (citing and analyzing California law);

(c) one purpose of the automatic stay is to provide the debtor with a "breathing spell" to evaluate and pursue such potential remedies;

(d) that breathing spell and those remedies may be essential to a debtor's attempt to pay creditors (*e.g.*, the debtor may need to recover personal property such as computers with information that is vital to the debtor's ability to earn future income; and that may be particularly true in a chapter 11 or 13 reorganization, as distinguished from the chapter 7 case in *Smith*);

(e) in addition, even if a debtor has no intent or ability to reorganize, a debtor may have other legitimate reasons to need a breathing spell and to seek remedies (*e.g.*, a debtor may seek to recover personal property on the premises that, even in a chapter 7 case, would be exempt);

(f) acts that are contrary to such a "breathing spell" appear to come within the plain words of the statute (*see, e.g.*, 11 U.S.C. 362(a)(1) (staying "the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title ..."));

(g) Congress enacted special exceptions to the automatic stay for

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**CONT... Santiago Camacho**

**Chapter 13**

certain types of eviction proceedings, in 11 U.S.C. 362(b)(22) and (23), and those exceptions would be unnecessary under the statutory interpretation adopted by *Smith* (see *United States v. Menasche*, 348 U.S. 528, 538–539 (1955) (statutes should be construed so as not to make portions redundant or surplusage)), and

(h) although *Smith* suggests that the statute should be construed somewhat less broadly than it might first appear, so as to apply only to acts that would "interfere with the administration of the bankruptcy estate" (*id.* at 55), Judge Bason is tentatively persuaded that interference with the "breathing spell" and the potential remedies described above would indeed "interfere with the administration of the bankruptcy estate."

For all of the foregoing reasons, the automatic stay applies, and movant must seek relief from it. Such relief is addressed in the other portions of this tentative ruling.

Judge Bason is empathetic to the frustration of parties such as the movant, and recognizes the costs that bankruptcy filings may impose (on all parties, the courts, the administration of justice, and society as a whole), particularly when the bankruptcy system is abused. But the broad scope of the stay serves very important goals, and there are remedies for parties such as movant. The procedures established by Congress, this Bankruptcy Court, and Judge Bason provide ready means for shortened time, easily completed forms, self-calendar, telephonic appearances, *in rem* relief (*e.g.*, 11 U.S.C. 362(d)(4)), etc. For all of these reasons, Judge Bason is tentatively persuaded not to grant relief requested under *Perl* or *Smith*.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Santiago Camacho

Pro Se

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Erin M McCartney

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Santiago Camacho**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Hearing Room 1545

10:00 AM

2:16-22591 Joo Won

Chapter 13

#35.00 **[CASE DISMISSED ON 10/11/16]**

Hrg re: Motion for relief from stay [UD]

MANHATTAN HOMES, LLC  
vs  
DEBTOR

Docket 7

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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CONT...

**Joo Won**

**Chapter 13**

order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (b) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Joo Won

Pro Se

**Movant(s):**

Manhattan Homes, LLC dba The

Represented By  
Joseph Cruz

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-22722 Cecilia Morales**

**Chapter 13**

**#36.00 [CASE DISMISSED ON 10/28/16]**

Hrg re: Motion for relief from stay [UD]

GROUP X ROSEMEAD PROPERTIES, LP  
vs  
DEBTOR

Docket 8

**Tentative Ruling:**

Continue to 11/8/16 at 10:00 a.m. to address the following issues.  
Appearances are not required on 11/1/16.

Option for shortened time: This court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Reasons:

(1) Notice. The notice attached to the motion for relief from stay incorrectly provided an opposition deadline of 10/25/16 at 4:40 p.m.(the actual deadline pursuant to this court's posted Procedures was 10/27/16 at 5:00 p.m.). Because it appears interested parties were not given accurate notice of the deadline to file oppositions to the motion, this court will permit oppositions to be submitted orally at the continued hearing.

(2) Evidence. The evidence in support of the motion does not demonstrate that the movant is the correct party in interest to prosecute the motion. The declaration in support of the motion refers to Exhibit 1 as evidence of the movant's interest in the subject property. The lease attached to the motion as Exhibit 1, however, is a rental agreement listing the landlord as PAMA Management Co., not the movant. **No later than November 2,**

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Central District of California  
Los Angeles  
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**CONT... Cecilia Morales**

**Chapter 13**

**2016**, the movant must file with the court and serve on the debtor and the chapter 13 trustee a supplemental declaration providing evidence demonstrating that the movant is the correct party in interest to bring the motion.

In addition, this court notes that the declaration attached to the motion is incomplete and/or contains changes to the mandatory form (which are hereby treated as a request to amend the form per LBR 9009-1), specifically, neither alternative is checked in paragraph "2" of that declaration (the "business records" paragraph). This court makes no determination whether such omissions/changes would withstand an evidentiary objection. Nevertheless, this court has considered the key documents because (a) there are no evidentiary objections and/or (b) those documents appear to be admissible on other grounds. In future the movant's failure to complete the form properly may result in denial of the motion sua sponte.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Cecilia Morales

Pro Se

**Movant(s):**

Group X Rosemead Properties, LP

Represented By  
Helen G Long

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Hearing Room 1545

10:00 AM

2:16-23104 Patricia A Childers

Chapter 13

#37.00 **[CASE DISMISSED ON 10/20/16]**

Hrg re: Motion for relief from stay [UD]

DUKE PARTNERS II, LLC

vs

DEBTOR

Docket 7

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 U.S.C. 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) There is no stay, under *Perl*. To the extent the movant seeks a ruling that the automatic stay does not apply under *In re Perl*, 811 F.3d 1120 (9th Cir. 2016), the tentative ruling is to grant such relief. As in *Perl*, the movant has obtained both an unlawful detainer judgment and a writ of possession against the debtor. See dkt. 7, PDF pp. 33-34, 36). *Perl* concluded that this was enough, under California law, to extinguish all legal and equitable possessory interests in the real property at issue therein. The movant has accordingly established that all such interests have been extinguished in the subject real property, so the automatic stay does not apply under 11 U.S.C. 362(a)(2)-(5) (the subsections dealing with "property" of the debtor or the estate). Moreover, the debtor has not argued that the eviction will be violative of the automatic stay as it applies to personal property or *in personam* acts to the extent those things are covered by the automatic stay.

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CONT... Patricia A Childers

Chapter 13

(3) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(4) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(5) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

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10:00 AM

**CONT... Patricia A Childers**

**Chapter 13**

**Debtor(s):**

Patricia A Childers

Pro Se

**Movant(s):**

Duke Partners II, LLC

Represented By  
Sam Chandra

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-23153 Ector Ramirez

Chapter 13

#38.00 **[CASE DISMISSED ON 10/20/16]**

Hrg re: Motion for relief from stay [UD]

DUKE PARTNERS II, LLC  
vs  
DEBTOR

Docket 10

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief). Deny the request for *in rem* relief for lack of sufficient cause shown.

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

**United States Bankruptcy Court  
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10:00 AM

CONT... Ector Ramirez

Chapter 13

(5) Relief under *Perl*. To the extent the movant seeks a ruling that the automatic stay does not apply under *In re Perl*, 811 F.3d 1120 (9th Cir. 2016), the tentative ruling is to deny such relief.

First, this is not a situation like *Perl*, in which prepetition the movant had obtained both an unlawful detainer judgment and a writ of possession against the individual debtor. *Perl* concluded that this was enough, under California law, to extinguish all legal and equitable possessory interests in the real property at issue therein. In this case, in contrast, the movant has not established that all such interests have been extinguished in the subject real property, so the automatic stay applies under 11 U.S.C. 362(a)(2)-(5) (the subsections dealing with "property" of the debtor or the estate).

Second, in *Perl* the appellee (who did not participate in the appeal) had already vacated the premises and removed personal property from the premises by the time the appeal was heard by the Ninth Circuit. See *In re Perl* (Case No. 2:13-bk-26126-NB) dkt. 51 p.3:18-19. Presumably for that reason, the Ninth Circuit's decision in *Perl* did not address the possible application of the automatic stay to things other than real property, such as whether the creditor's lockout of the debtor constituted an "act to obtain possession of [personal] property" located at the real property in violation of 11 U.S.C. 362(a)(3), or whether *in personam* acts such as bodily seizing and evicting a debtor (which is the culmination of an unlawful detainer proceeding against an obdurate occupant) would constitute the continuation of an "action or proceeding against the debtor" in violation of 11 U.S.C. 362(a)(1). In this case the movant has not established that these other aspects of the automatic stay are inapplicable.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Ector Ramirez

Pro Se

**Movant(s):**

Duke Partners II, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Ector Ramirez**

Sam Chandra

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-22180 Jin Soo Moon

Chapter 13

#39.00 Hrg re: Motion for relief from stay [UD]

DAILY INVESTMENT CO  
vs  
DEBTOR

Docket 8

**Tentative Ruling:**

Grant in part and continue in part to 11/8/16 at 10:00 a.m. as set forth below.  
Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to future bankruptcy cases ("in rem" relief).

As to the requested "*in rem*" relief, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (*i.e.*, the lease). Reasons: Judge Bason has due process concerns about granting *in rem* relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Cheran Moon.

Option for shortened time: This court has selected a continued hearing

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**CONT... Jin Soo Moon**

**Chapter 13**

date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional relief (or, alternatively, that the movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Jin Soo Moon

Pro Se

**Movant(s):**

Daily Investment Co.

Represented By  
Joseph Cruz

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:14-16286 Suzanne De Passe**

**Chapter 11**

**#40.00** Hrg re: Motion for Approval of Stipulation  
re Adequate Protection

Docket 225

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

The movant's counsel is advised that future motions to approve adequate protection agreements need not be set for hearing absent objection. See Rule 4001(d)(3) (Fed. R. Bankr. P.).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Suzanne De Passe

Represented By  
Marcus G Tiggs

**Movant(s):**

JPMC Specialty Mortgage, LLC

Represented By  
Todd S Garan  
Greg P Campbell

**United States Bankruptcy Court  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:11-51566 Cristobal Jimenez Alcocer and Sonia Estela Jimenez**

**Chapter 13**

**#41.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16

U.S. BANK NATIONAL ASSOC  
VS  
DEBTOR

Docket 90

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 9/27/16):**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 92-93).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Party Information**

**Debtor(s):**

Cristobal Jimenez Alcocer

Represented By  
Andrew Edward Smyth  
William J Smyth

**Joint Debtor(s):**

Sonia Estela Jimenez

Represented By  
Andrew Edward Smyth  
William J Smyth

**Movant(s):**

c/o Scheer Law Group U.S. Bank

Represented By  
Joshua L Scheer

**United States Bankruptcy Court  
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Los Angeles  
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10:00 AM

**CONT... Cristobal Jimenez Alcocer and Sonia Estela Jimenez  
Reilly D Wilkinson**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:11-53552 Demetris K Aguebor**

**Chapter 13**

**#42.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/13/16, 10/18/16

DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS  
DEBTOR

Docket 63

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 75).**

**Tentative Ruling:**

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

**Debtor(s):**

Demetris K Aguebor

Represented By  
Ali R Nader

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Asya Landa

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:12-38039 Silvana Aslanyan**

**Chapter 13**

**#43.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16, 10/4/16

JP MORGAN CHASE BANK  
vs  
DEBTOR

Docket 87

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the hearing on 10/4/16 counsel for the debtor appeared and informed this court of the response by the debtor (dkt. 93), seeking to cure the (relatively minor) arrears, and stated that a payment had been made but not yet recieved by the creditor. Given the small dollar amount at issue and the statement that a payment was pending, this court was persuaded to grant a brief continuance.

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 93).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/4/16:**

Grant as provided below. Appearances are not required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 01, 2016

Hearing Room 1545

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10:00 AM

CONT... Silvana Aslanyan

Chapter 13

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

*Key documents reviewed (in addition to motion papers): Notice of Errata, dkt. 94.*

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling For 9/27/16:**

Continue to 10/4/16 at 10:00 a.m. to address the following issues.

Appearances are not required on 9/27/16.

Option for shortened time: This court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Reasons: The movant's motion for relief from the automatic stay is missing page 5. See dkt. 87, pdf p. 4-5).

Alternative: If the movant wishes to appear and orally supplement its written motion to address the missing last page (including an offer of proof as to any missing signatures), or otherwise contest this tentative ruling, then it is

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10:00 AM

**CONT... Silvana Aslanyan**

**Chapter 13**

directed to consult Judge Bason's Procedures (posted at  
www.cacb.uscourts.gov) then search for "tentative rulings".

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

**Debtor(s):**

Silvana Aslanyan

Represented By  
Thomas B Ure

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:13-15238 Frank Narvaez and Rosemarie Quijano Valdez-Narvaez**

**Chapter 13**

**#44.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16, 10/4/16

JP MORGAN CHASE BANK, NATIONAL ASSOC  
VS  
DEBTOR

Docket 72

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 10/4/16):**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the hearing on 9/27/16 counsel for the debtor appeared and informed this court of the (late) response by the debtor, seeking to cure the (relatively minor) arrears via payments spread out over the entire remainder of the plan term rather than the typically much shorter period for an adequate protection order. Given the small dollar amounts at issue and the duration of this case this court was persuaded to grant a brief continuance. At the hearing on 10/4/16, this court was again persuaded to grant a continuance to allow the parties time to negotiate the terms of an adequate protection agreement.

There is no tentative ruling, but the parties should be prepared to address (a) whether the creditor will agree to the alleged arrears being paid through the plan or (b) whether the parties will agree to the terms of an adequate protection order (see the debtor's response, dkt. 76).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/27/16:**

Grant as provided below. Appearances are not required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

CONT... **Frank Narvaez and Rosemarie Quijano Valdez-Narvaez** **Chapter 13**

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Frank Narvaez

Represented By  
Javier H Castillo

**Joint Debtor(s):**

Rosemarie Quijano Valdez-Narvaez

Represented By  
Javier H Castillo

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

**2:13-36848 Virginia Landis Stewart**

**Chapter 13**

**#45.00** Cont'd hrg re: Motion for relief from stay [PP]  
fr. 9/27/16

TOYOTA MOTOR CREDIT CORPORATION  
VS  
DEBTOR

Docket 95

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 9/27/16):**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 101).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Party Information**

**Debtor(s):**

Virginia Landis Stewart

Represented By  
Kevin T Simon

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Erica T Loftis

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-12387 Martin Solorio**

**Chapter 13**

**#46.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 10/4/16

WELLS FARGO BANK  
vs  
DEBTOR

Docket 37

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the hearing on 10/4/16, this court granted a continuance at the request of the moving party to allow the parties more time to negotiate the terms of an adequate protection agreement.

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 39).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/4/16:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not

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**CONT... Martin Solorio**

**Chapter 13**

been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Martin Solorio

Represented By  
Rebecca Tomilowitz

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Erica T Loftis  
Mark D Estle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-18122 William John Burch**

**Chapter 13**

**#47.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16

U.S. BANK NATIONAL ASSOCIATION  
VS  
DEBTOR

Docket 37

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties adequate protection**

**Tentative Ruling:**

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

**Debtor(s):**

William John Burch

Represented By  
Andrew Moher

**Movant(s):**

U.S. Bank National Association, as

Represented By  
William F McDonald III

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-26576 Thelma H Williford**

**Chapter 13**

**#48.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16, 10/4/16

NEW PENN FINANCIAL, LLC  
VS  
DEBTOR

Docket 56

**\*\*\* VACATED \*\*\* REASON: This court has issued its order regarding  
the parties' adequate protection agreement.**

**Tentative Ruling:**

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

**Debtor(s):**

Thelma H Williford

Represented By  
James B Smith

**Movant(s):**

New Penn Financial, LLC d/b/a

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:15-28721 George Arriaga**

**Chapter 13**

**#49.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/6/16, 10/4/16

WELLS FARGO BANK NA  
vs  
DEBTOR

Docket 35

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 10/4/16):**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/6/16 and 10/4/16 hearings on the motion, this court continued the hearing at the request of the parties to allow them additional time to negotiate the terms of an adequate protection agreement.

There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/6/16:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11

**United States Bankruptcy Court  
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Los Angeles  
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**CONT... George Arriaga**

**Chapter 13**

U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

George Arriaga

Represented By  
Luis G Torres

**Movant(s):**

Wells Fargo Bank NA

Represented By  
Erica T Loftis

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-10993 Michelle Emelle

Chapter 13

#50.00 Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16

FIRST ENTERTAINMENT CREDIT UNION  
VS  
DEBTOR

Docket 39

\*\*\* VACATED \*\*\* REASON: The court has issued its order (dkt. 51)  
approving the adequate protection agreement between the debtor and the  
movant.

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Michelle Emelle

Represented By  
Thomas B Ure

**Movant(s):**

First Entertainment Credit Union

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Tuesday, November 01, 2016

Hearing Room 1545

10:00 AM

2:16-19638 Louis Afram Ghreir

Chapter 13

**#51.00 [Case dismissed on 10/26/16]**

Cont'd hrg re: Motion for relief from stay [RP]  
fr. 10/4/16

WELLS FARGO BANK  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 10/4/16):**

Grant as provided below. Appearances are not required.

*Key documents reviewed (in addition to motion papers):* the debtor's opposition (dkt. 31).

Analysis: At the hearing on 10/4/16, counsel for the movant appeared and requested a continuance. The docket does not reflect any agreement by the parties as of the date of preparation of this tentative ruling, so the analysis remains the same.

The opposition is not persuasive for numerous reasons: (i) the unauthorized transfer of the property just prior to filing the first bankruptcy case, (ii) the debtor's numerous bankruptcy cases, (iii) the debtor's failure to appear in proper prosecution of those cases (the dockets of which reflect dismissals for, e.g., failing to appear at the meeting of creditors), (iv) the inadequacy of the debtor's excuse that he was repeatedly seeking loan modifications (in fact, using repeated bankruptcies to delay foreclosure in the face of repeated denials of loan modifications is further evidence of a scheme to hinder, delay or defraud creditors), (v) the enormous amount of arrears that the debtor would have to cure, (vi) the failure to explain or provide supporting evidence for the enormous alleged increase in the debtor's income (*compare* dkt. 10 at PDF pp.17-20 showing \$1,436 disposable income *with* dkt. 26 showing \$4,060 disposable income), and (vii) the fact that even with that

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CONT... **Louis Afram Ghreir**

**Chapter 13**

increased income the debtor would lack any ability to pay any interest on the arrears (see dkt. 29, Amended Plan proposing 0% interest). The movant has provided more than sufficient evidence that debtor (and the transferor of the property to the debtor) have engaged in a long-running scheme to hinder, delay or defraud it, and the debtor has not come close to rebutting that evidence.

(1) There is no stay, due to multiple cases. Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) the debtor's prior case (#:2:16-bk-10147-SK) was dismissed (on 2/18/16) within one year before this case was filed (on 7/20/16), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to the debtor *in personam* and as to property of the debtor. See *In re Hernandez & Jiminez*, Case No. 2:11-bk-53730-NB, Dkt 40.

In addition and alternatively, there is cause for termination of the stay as set forth above.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1), (d)(2), and (d)(3). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

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**CONT... Louis Afram Ghreir**

**Chapter 13**

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Louis Afram Ghreir

Represented By  
Tawni Takagi

**Movant(s):**

Wells Fargo Bank, N.A. as servicing

Represented By  
Erica T Loftis

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

10:00 AM

**2:16-21858 Olatunde Okon Ladomi**

**Chapter 13**

**#52.00** Cont'd hrg re: Motion for relief from stay [UD]  
fr. 10/11/16

TRINITY FINANCIAL SERVICES, LLC  
VS  
DEBTOR

Docket 8

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

On 10/11/16, this court granted a continuance on the condition that the debtor file and serve a declaration providing evidence that he made an adequate protection payment of \$4,200 to the movant (dkt. 19). The debtor did file and serve such a declaration (dkt. 21). There is no tentative ruling, but the parties should be prepared to address whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/11/16:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

*Key documents reviewed (in addition to motion papers):* debtor's opposition (dkt. 10).

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CONT... Olatunde Okon Ladomi

Chapter 13

Reasons. The debtor asserts that he attempted to make payments but was not able to do so because after the loan was transferred he was not provided with the new address for payments, nor was he notified of the foreclosure sale, and he has brought an action in State court in which he seeks a temporary restraining order ("TRO") and other relief. Assuming that the debtor's allegations are true (for the sake of discussion), the movant is still entitled to adequate protection of its interests, and the debtor has not presented evidence that he can provide such protection.

For example, the debtor does not allege that every time a payment came due, and he (allegedly) was unable to find an address for payment, he responded by putting the funds aside into a separate account to be paid to the lender once he obtained an address for payments, and those funds are available now so that the movant will not be prejudiced if it ultimately prevails in State court. It is no answer to say that there is equity in the property (as the debtor appears to allege) because (a) there is no evidence to support that allegation and (b) the movant, if it prevails in State court, is entitled to that equity, and is entitled to it right now.

If anything, the debtor's response is all the more reason that the automatic stay should be lifted to let the parties litigate the merits of their disputes in State court. That said, it also appears appropriate not to waive the 14 day stay of the order so that the debtor will have a very brief time in which to attempt to obtain a TRO or other relief in State court.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for the reasons stated above.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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10:00 AM

**CONT... Olatunde Okon Ladomi**

**Chapter 13**

**Party Information**

**Debtor(s):**

Olatunde Okon Ladomi

Pro Se

**Movant(s):**

Trinity Financial Services, LLC

Represented By  
Julie A Esposito

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Hearing Room 1545

10:00 AM

2:16-22732 Lorraine Larrissa Castaneda

Chapter 13

#53.00 Cont'd hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate  
fr. 10/13/16

Docket 11

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Grant, subject to the following conditions. Appearances are not required.

After the hearing date the Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this court provides the foregoing simple process for reconsideration.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative

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10:00 AM

CONT... Lorraine Larrissa Castaneda  
rulings".

Chapter 13

**Tentative Ruling for 10/13/16:**

Grant on a temporary basis and continue to 11/1/16 at 10:00 a.m. to allow the debtor's creditors additional time to review the motion and respond.

Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

This Bankruptcy Court notes that the debtor was represented by her current counsel in her prior bankruptcy case. The dismissal of her prior bankruptcy case preceded the filing of this case by over one month. Moreover, counsel concedes in the application for order setting this hearing on shortened notice (dkt. 12) that the hearing on the motion could have been calendared on 14 days' notice pursuant to this court's posted procedures if it had been filed the day after the petition was filed. For these reasons, this Bankruptcy Court presumes that counsel will not charge any fees for preparation of the application for order setting hearing on shortened notice or any subsequent documents required to comply with the order shortening time (dkt. 13), or seek reimbursement of any related costs. If that is incorrect, then counsel must appear at the continued hearing and argue why fees are appropriate.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Lorraine Larrissa Castaneda

Represented By  
Thomas B Ure

**Movant(s):**

Lorraine Larrissa Castaneda

Represented By  
Thomas B Ure

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10:00 AM

**CONT... Lorraine Larrissa Castaneda**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

11:00 AM

**2:14-25728 Virginia Kern, LLC**

**Chapter 7**

**#1.00** Hrg re: Trustee's final report and account;  
Application for fees and expense  
[Trustee, Elissa D. Miller]

Docket 131

**Tentative Ruling:**

Approve the trustee's final report and account. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Virginia Kern, LLC

Represented By  
Tamar Terzian

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

11:00 AM

**2:14-25728 Virginia Kern, LLC**

**Chapter 7**

**#2.00** Hrg re: First and final fee application of Terzian Law Group, APC Bankruptcy Counsel for debtor

Docket 108

**\*\*\* VACATED \*\*\* REASON: Order granting application entered 6/17/15 (dkt. 121).**

**Tentative Ruling:**

- NONE LISTED -

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

Virginia Kern, LLC

Represented By  
Tamar Terzian

**Trustee(s):**

Elissa Miller (TR)

Pro Se

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**Tuesday, November 01, 2016**

**Hearing Room 1545**

11:00 AM

**2:15-11928 Yasmin Devika Nanayakkara**

**Chapter 7**

Adv#: 2:16-01358 Gill v. Nanyakkara

- #3.00** Status conference re: Complaint for objection to the debtor's discharge pursuant to 11 U.S.C. section 727(a)(2)(B), section 727(a)(4)(A), section 727(a)(4)(D) and section 727(a)(5)

Docket 1

**Tentative Ruling:**

Appearances required. The court has reviewed the plaintiff's unilateral status report (adv. dkt. 4) and the other filed documents and records in this adversary proceeding.

(1) Venue/jurisdiction/authority.

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below?

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CONT... Yasmin Devika Nanayakkara

Chapter 7

(3) Deadlines: This adversary proceeding has been pending since 8/8/16. The plaintiff should be prepared to discuss the status of his negotiations with the defendant's parents' representative, and whether he intends to file a motion for default judgment. If the plaintiff intends to go forward with the adversary proceeding, pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 1/6/17

Dispositive motions to be heard no later than: 2/21/17

Joint Status Report: 2/7/17

Continued status conference: 2/21/17 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: 3/7/17

Pretrial conference: 3/21/17 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: 3/22/17 (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "Trial Practice")

Trial commencement: 3/27/17 at 9:00 a.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Yasmin Devika Nanayakkara

Pro Se

**Defendant(s):**

Yasmin Devika Nanyakkara

Pro Se

**Plaintiff(s):**

David A Gill

Represented By  
Stella A Havkin

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11:00 AM

**CONT... Yasmin Devika Nanayakkara**

**Chapter 7**

**Trustee(s):**

David A Gill (TR)

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

11:00 AM

**2:10-42482 Juan Carlos Alcantara**

**Chapter 13**

Adv#: 2:16-01421 Alcantara v. HSBC BANK USA, N.A. et al

**#4.00** Cont'd hrg re: Debtor's Emergency Motion for a Temporary Restraining Order Pursuant to FRBP, Rule 7065, Restraining HSBC Bank USA, National Association and National Default Servicing Corporation; and Their Agents, Subsidiaries, Assigns and Successors from Conducting Foreclosure Sale of Subject Property Located at 3629 La Scala Court North Las Vegas NV 89032  
fr. 9/27/16

Docket 0

**Tentative Ruling:**

**Tentative Ruling for 11/1/16 (same as for 9/27/16):**

Appearances required. There is no tentative ruling, but the parties should be prepared to address the allegations set forth in the plaintiff's complaint (adv. dkt. 1) and emergency motion for temporary restraining order (adv. dkt. 2), as well as the issues raised by this court in the temporary restraining order (adv. dkt. 6).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Juan Carlos Alcantara

Represented By

Anthony Obehi Egbase

Onyinye N Anyama

**Defendant(s):**

National Default Servicing

Pro Se

HSBC BANK USA, N.A.

Pro Se

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11:00 AM

**CONT... Juan Carlos Alcantara**

**Chapter 13**

**Plaintiff(s):**

Juan Carlos Alcantara

Represented By  
Anthony Obehi Egbase

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**Hearing Room 1545**

11:00 AM

**2:13-38034 Boardbrokers, Inc**

**Chapter 7**

Adv#: 2:15-01620 Avery v. Bank of America Corporation

**#5.00** Cont'd status conference re: Complaint for: (1) Avoidance and recovery of preferential transfers; and (2) Disallowance of claim  
fr. 02/09/16, 4/12/16, 6/21/16, 10/11/16

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order granting stipulation to dismiss adversary proceeding [dkt. 25]**

**Tentative Ruling:**

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

**Debtor(s):**

Boardbrokers, Inc

Represented By  
George J Paukert

**Defendant(s):**

Bank of America Corporation

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Matthew A Lesnick

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
M Douglas Flahaut  
Aram Ordubegian  
Matthew A Lesnick

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1545**

11:00 AM

**2:13-38034 Boardbrokers, Inc**

**Chapter 7**

Adv#: 2:15-01627 Avery v. Globe Properties V, LLC

**#6.00** Cont'd Status Conference re: Complaint for: (1) Avoidance and recovery of preferential transfers; and (2) Disallowance of claim  
fr. 02/09/16, 4/12/16, 6/21/16, 8/9/16, 9/27/16

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Continue to 2/7/17 at 11:00 a.m. for the reasons stated in the plaintiff's notice of settlement (adv. dkt. 17). Appearances are not required on 11/1/16.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/27/16:**

Continue to 11/1/16 at 11:00 a.m. for the plaintiff to prosecute the motion to approve settlement under Fed. R. Bankr. P. 9019. See main case dkt. 223. Appearances are not required on 9/27/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 8/9/16:**

Continue to 9/27/16 at 11:00 a.m. for the plaintiff to file and prosecute the motion to approve settlement under Fed. R. Bankr. P. 9019. See dkt. 13. Appearances are not required on 8/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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11:00 AM

CONT... Boardbrokers, Inc

Chapter 7

**Tentative Ruling for 6/21/16:**

Continue to 8/9/16 at 11:00 a.m. for the plaintiff to obtain approval of the parties' settlement pursuant to the Notice of Settlement (dkt. 11).

Appearances are not required on 6/21/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 4/12/16:**

Continue to 6/21/16 at 11:00 a.m. in light of the filing of an amended complaint and the issuance of another summons on 3/4/16, and plaintiff's earlier request (dkt. 4) for additional time to attempt to locate the proper defendant and engage in settlement discussions in the event this adversary proceeding is not dismissed. Appearances are not required on 4/12/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 2/9/16:**

Continue to 4/12/16 at 11:00 a.m. pursuant to the plaintiff's request (dkt. 4) for additional time to engage in settlement discussions in the event this adversary proceeding is not dismissed. Appearances are not required on 2/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Boardbrokers, Inc

Represented By  
George J Paukert

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

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**Hearing Room 1545**

11:00 AM

**CONT... Boardbrokers, Inc**

**Chapter 7**

**Defendant(s):**

Globe Properties V, LLC

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Matthew A Lesnick

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
M Douglas Flahaut  
Aram Ordubegian  
Matthew A Lesnick

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

1:00 PM

**2:16-22654 Barbara S Brody**

**Chapter 11**

**#1.00** Status conference re: Chapter 11 case

Docket 7

**\*\*\* VACATED \*\*\* REASON: Case transferred to Judge Zurzolo on  
09/27/2016 due to prior case**

**Tentative Ruling:**

- NONE LISTED -

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

Barbara S Brody

Represented By  
Daniel J Weintraub  
James R Selth  
Elaine Nguyen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**2:16-12012 Rescue One Ambulance**

**Chapter 11**

**#2.00** Hrg re: Application for Payment of Interim Fees  
and/or Expenses for Grimard and Associates CPA

Docket 241

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Rescue One Ambulance

Represented By  
Michael Jay Berger  
Adam N Barasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:16-12012 Rescue One Ambulance**

**Chapter 11**

**#3.00** Hrg re: Second Application for Compensation and Reimbursement of Expenses of Michael Jay Berger attorney for the debtor

Docket 243

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Rescue One Ambulance

Represented By  
Michael Jay Berger  
Adam N Barasch

**United States Bankruptcy Court  
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1:00 PM

**2:15-27153 Brian Lee**

**Chapter 7**

**#4.00** Hrg re: Application for payment of interim fees  
and/or expenses  
[Thompson & Knight LLP, Special Counsel]

Docket 121

**\*\*\* VACATED \*\*\* REASON: This matter is scheduled to be heard on  
12/13/2016 at 11:00 a.m. per parties' Stipulation (dkt. 141)**

**Tentative Ruling:**

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

Brian Lee

Represented By  
Michael Jay Berger

**Movant(s):**

Thompson & Knight LLP

Represented By  
Bruce J Zabarauskas

**Trustee(s):**

David A Gill (TR)

Pro Se

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**2:15-27153 Brian Lee**

**Chapter 7**

**#5.00** Hrg re: Second Interim Application for Compensation  
and Reimbursement of Expenses of Michael Jay Berger

Docket 119

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

**Debtor(s):**

Brian Lee

Represented By  
Michael Jay Berger

**Movant(s):**

Brian Lee

Represented By  
Michael Jay Berger  
Michael Jay Berger

**Trustee(s):**

David A Gill (TR)

Pro Se

**United States Bankruptcy Court  
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Hearing Room 1545

1:00 PM

2:15-29156 Laura Cristina Barragan

Chapter 11

#6.00 Cont'd status conference re: Chapter 11 Case  
fr. 1/19/16, 2/23/16, 3/1/16, 4/12/16, 05/17/16,  
6/21/16, 8/2/16, 9/27/16

Docket 7

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required by counsel for the debtor, but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

Amended Chapter 11 Plan and Disclosure Statement (dkt. 143, 142). The debtor should amend Exhibit H (dkt.142). Parts 2-5 are blank, and the debtor can simply restore the text from dkt. 132. In addition, the debtor should add an explanation for the decreased rents for Unit A in the Lubbock property (\$950 reduced to \$875). Then the tentative ruling is to authorize the debtor to serve the voting package.

(2) Deadlines/dates. This case was filed on 12/21/15.

(a) Bar date: 5/30/16 (timely served, dkt. 106)

(b) Plan/Disclosure Statement: Deadline of 11/8/16 to file (but NOT serve) a further amended draft plan and disclosure statement (incorporating the changes noted above) and lodge Judge Bason's form of order authorizing service of the relevant documents and setting deadlines; 12/13/16 at 1:00 p.m. for the combined hearing on approval of the Disclosure Statement and confirmation of the Plan (with the court to set typical deadlines for objections etc.).

(c) Continued status conference: 11/1/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

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CONT... **Laura Cristina Barragan**

**Chapter 11**

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/27/16:**

Appearances required by counsel for the debtor, but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

Amended Chapter 11 Plan and Disclosure Statement (dkt. 132, 133). This court will review various issues with these documents orally at the hearing.

(2) Deadlines/dates. This case was filed on 12/21/15.

(a) Bar date: 5/30/16 (timely served, dkt. 106)

(b) Plan/Disclosure Statement: Deadline of 10/11/16 to file (but NOT serve) a further amended draft plan and disclosure statement if sufficient issues have been resolved to finalize those draft documents (see above).

(c) Continued status conference: 11/1/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 8/2/16:**

Appearances required by counsel for the debtor, but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

Chapter 11 Plan and Disclosure Statement (dkt. 123, 124). There are numerous issues with these documents, which this Bankruptcy Court will

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**CONT...**      **Laura Cristina Barragan**  
review orally at the hearing.

**Chapter 11**

- (2) Deadlines/dates. This case was filed on 12/21/15.
- (a) Bar date: 5/30/16 (timely served, dkt. 106)
  - (b) Plan/Disclosure Statement: Deadline of 9/13/16 to file (but NOT serve) an amended draft plan and disclosure statement if sufficient issues have been resolved to finalize those draft documents (see above).
  - (c) Continued status conference: 9/27/16 at 1:00 p.m. No written status report is required.
- \*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/21/16:**

Continue to 8/2/16 at 1:00 p.m. Appearances are not required on 6/21/16.

- (1) Current issues. N/A
- (2) Deadlines/dates. This case was filed on 12/21/15.
- (a) Bar date: 5/30/16 (timely served, dkt. 106)
  - (b) Plan/Disclosure Statement\*: file by 7/12/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
- \*Warning: special procedures apply (see order setting initial status conference).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 5/17/16:**

Continue to 6/21/16 at 1:00 p.m. No written status report is required.

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**CONT... Laura Cristina Barragan**

**Chapter 11**

Appearances are not required on 5/17/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 4/12/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Budget motion (dkt. 51). The ruling at the 2/23/16 hearing was to Grant, subject to the limitations on the use of cash collateral. The debtor has not prepared this order.

(2) Deadlines/dates. This case was filed on 12/21/15.

(a) Bar date: 5/30/16 see dkt. 104 requiring service by 4/8/16 - was this order timely served?

(b) Plan/Disclosure Statement\*: file by 6/7/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time). This Court is aware that the debtor has requested a much later deadline (dkt. 25, p.4) but this court is not aware of any reason why so much time is needed. The debtor should be negotiating with secured creditors and other key constituencies already.

(c) Continued status conference: 5/17/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 3/1/16:**

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CONT... **Laura Cristina Barragan**

**Chapter 11**

Continue to 4/12/16 at 1:00 p.m. Appearances are not required on 3/1/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 2/23/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Monthly operating reports ("MORs" dkt. 37, 54). Why are there no separate accounts for each rental property? Why are there no reported rental income? The debtor's supplemental declaration (dkt. 52) states that she is currently renting the California property for \$2,400, and her amended cash collateral motion (dkt. 50, p.7) states that she is renting the Texas property for \$1,850. Did she collect this income in December (within the postpetition period) and/or January?

(b) Amended cash collateral motion (dkt. 50). Grant, as set forth in calendar no. 12 (2/23/16 at 1:00 p.m.).

(c) Budget motion (dkt. 51). Grant, subject to the limitations on the use of cash collateral.

(d) United States Trustee compliance issues. Although the US Trustee's motion to dismiss (dkt. 55) is not on for hearing until 3/1/16, the issue of compliance with DIP requirements (including US Trustee requirements) is a proper subject to address at a status conference. The tentative ruling is to issue a continuing compliance order as requested in the alternative prayer in the US Trustee's reply (dkt. 68) to the debtor's opposition (dkt. 67).

(2) Deadlines/dates. This case was filed on 12/21/15.

(a) Bar date: 5/30/16 (DO NOT SERVE notice yet - *court will prepare an order after the status conference*).

(b) Plan/Disclosure Statement\*: file by 6/7/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later

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**CONT...**

**Laura Cristina Barragan**

**Chapter 11**

time). This Court is aware that the debtor has requested a much later deadline (dkt. 25, p.4) but this court is not aware of any reason why so much time is needed. The debtor should be negotiating with secured creditors and other key constituencies already.

(c) Continued status conference: 3/1/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/19/16:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Prior failed case. The debtor's prior case (no. 2:15-bk-22209-NB) was a chapter 13 case that was dismissed because the debtor failed to make postpetition payments under the proposed chapter 13 plan.

(b) Current problems. The debtor has rental properties in both California and Texas, and secured creditors for each, according to her bankruptcy Schedule D (dkt.1), but her cash collateral motion (dkt. 20) only addresses the California property and includes an unrealistic budget (e.g., \$-0- for maintenance and other typically essential items). Her budget motion (dkt. 24, Ex.A) lists both properties, but again includes apparently unrealistic budgets (e.g., \$-0- for maintenance on the California property, no utilities on the Texas property, and no advertising or other usual expenses for either property). Her status report (dkt. 25, p.2) only addresses one property (the California property?) and it asserts (dkt. 25, p.5) as does her bankruptcy Schedule G (dkt.1) that the debtor has no unexpired leases (not even month-to-month leases?). In sum, the debtor's papers appear to be inconsistent and unreliable.

In addition, as described in the tentative ruling on the debtor's motion to continue the automatic stay (calendar no. 5.1, 1/19/16 at 1:00 p.m.), the

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**Chapter 11**

debtor's budget appears to be worse, not better, than in her prior, failed chapter 13 case. How can the debtor propose a feasible reorganization in this case when her finances appear to have worsened?

In addition, based on the cash collateral motion and the budget motion, it appears that the California property, at least, may be losing money on a monthly basis. Why should the debtor not abandon that property?

More generally, why is this case in chapter 11 instead of chapter 13? It appears that the debtor is within the debt limits for chapter 13, and chapter 11 typically is far more expensive, so it seems doubtful that the debtor needs or can afford a chapter 11 case.

(2) Deadlines/dates. This case was filed on 12/21/15. If this court decides not to dismiss or convert this case to another chapter, the debtor should be prepared to discuss relevant dates and deadlines, including a proposed claims bar date, a deadline for the filing of a chapter 11 plan and disclosure statement and a continued status conference date and time.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Laura Cristina Barragan

Represented By  
Onyinye N Anyama

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Los Angeles  
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**2:16-19500 Richard Todd Hicks and Edith Armstrong Hicks**

**Chapter 11**

**#7.00** Cont'd hrg re: Motion in Individual Ch 11 Case for Order Approving a Budget for the Use of Debtor's Cash and Post-Petition Income fr. 10/25/16

Docket 22

**Tentative Ruling:**

Please see the tentative ruling for the Status Conference (calendar no. 8, 11/1/16 at 1:00 p.m.).

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

**Debtor(s):**

Richard Todd Hicks

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Edith Armstrong Hicks

Represented By  
Michael Jones  
Sara Tidd

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2:16-19500 Richard Todd Hicks and Edith Armstrong Hicks

Chapter 11

#8.00 Cont'd status conference re: Chapter 11 case  
fr. 9/6/16, 10/25/16

Docket 9

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

Budget issues. The August and September monthly operating reports (dkt. 34 and 42, respectively) show that the debtors' monthly expenses are exceeding their monthly income: in August, the ending balance on the debtors' general account dropped from approximately \$10,400 to approximately \$6,800; in September, the account balance increased from approximately \$6,800 to \$8,000, but only because the debtors pulled \$3,000 out of savings to supplement their income. Additionally, the debtors' MORs continue to reflect high expenditures for travel, dining out and entertainment. How can this court approve the debtors' proposed amended budget (dkt. 38) when it appears the debtors are unable or unwilling stick to it?

(2) Deadlines/dates. This case was filed on 7/18/16.

(a) Bar date: 11/1/16 (served 9/2/16, dkt. 30).

(b) Plan/Disclosure Statement\*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/13/16 at 1:00 p.m. No status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent,

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**CONT... Richard Todd Hicks and Edith Armstrong Hicks Chapter 11**

then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/6/16:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Application to employ general bankruptcy counsel. Why have proposed counsel not self-calendared a hearing on their employment application (dkt. 12) in response to the objection of the United States Trustee ("UST," dkt. 19)? As noted by the UST, that is the procedure required by LBR 9013-1(o).

(b) Debtors' undisclosed credit card debt. The debtors list five credit card accounts in their Schedule E/F, but claim to "not have" the amounts owed on those accounts, despite using them recently. See dkt. 1, PDF pp. 28-34. What efforts are the debtors taking to ascertain those amounts? What deadline should this court set for the debtors to file an amended Schedule E/F?

(c) Budget motion. The debtors' monthly expenses appear overstated: \$1,200 for utilities; \$425 for clothing; and \$1,600 for food (for a family of four, or three given that their eldest daughter appears to be attending college in Atlanta and no longer resides at home). In addition, the debtors appear to have omitted any expenses for real estate taxes and insurance (as distinguished from medical insurance), although perhaps those are included in their mortgage payments.

(d) July MOR. Why does the July Monthly Operating Report ("MOR") (dkt. 21) start with 7/25/16, omitting the first week of the debtor's bankruptcy case (filed on 7/18/16)?

(2) Deadlines/dates. This case was filed on 7/18/16.

(a) Bar date: 11/1/16 (due to be served 9/2/16, per dkt. 26).

(b) Plan/Disclosure Statement\*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 10/25/16 at 1:00 p.m. No status

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**CONT...**

**Richard Todd Hicks and Edith Armstrong Hicks**

**Chapter 11**

report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Richard Todd Hicks

Represented By  
Michael Jones

**Joint Debtor(s):**

Edith Armstrong Hicks

Represented By  
Michael Jones

**United States Bankruptcy Court  
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Los Angeles  
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1:00 PM

**2:16-18455 Jose Luis Nunez Claver**

**Chapter 11**

**#9.00** Hrg re: Motion for order determining  
value of collateral

Docket 50

**Tentative Ruling:**

Please see the tentative ruling for the status conference (calendar no. 12,  
11/1/16 at 1:00 p.m.).

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

Jose Luis Nunez Claver

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
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2:16-18455 Jose Luis Nunez Claver

Chapter 11

#10.00 Cont'd hrg re: Motion in individual chapter 11 case  
for other authorizing use of cash collateral  
fr. 9/6/16

Docket 20

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Please see the tentative ruling for the status conference (calendar no. 12, 11/1/16 at 1:00 p.m.).

**Tentative Ruling for 9/6/16:**

Grant on an interim basis as provided below, if a legible copy of the debtor's evidence (dkt. 35) is filed prior to the hearing date and time, and such evidence is persuasive. Counsel is cautioned that continuing to file illegible documents in this or other cases may lead to sanctions. Appearances required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

The following are Judge Bason's standard conditions for (A) use of cash collateral or (B) postpetition financing by creditor(s) holding prepetition claim (s):

(1) Form of order.

(a) Any proposed order granting the motion shall include this tentative ruling as an exhibit, thereby adopting it as the written ruling of the court.

(b) Orders approving the use of cash collateral may be on local form F2081-1.1.ORDER.CASH.COLLATERAL.

(c) Rather than repeating any terms set forth in the motion or any stipulation, the proposed order must simply incorporate those terms by reference (including the docket number of the document) or simply grant the motion (except as modified in this tentative ruling or as otherwise directed by

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**CONT... Jose Luis Nunez Claver**

**Chapter 11**

the court).

(2) Interim and final relief. Except as specifically provided in any order granting the motion, any initial relief shall be on an interim basis only, and shall be subject to modification at a final hearing to be noticed and held as follow:

Hearing: 10/11/16 at 1:00 p.m.

Deadline for debtor to serve and file notice of hearing: 9/9/16.

(3) Minimum adequate protection. In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be included in the motion or related papers, the debtor shall provide at least the following protection to any creditor with a security interest in the subject property, pursuant to 11 U.S.C. 361-364, as applicable:

(a) Insurance. The debtor is directed to maintain insurance on the property in a dollar amount at least equal to the debtor's good faith estimate of the value of such creditor's interest in any collateral that is typically insured, and such insurance shall name such creditor as an additional insured.

(b) Taxes. The debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. The debtor is directed to provide, upon such creditor's reasonable request, an accounting of postpetition rents, profits, and expenses, appropriate documentation of those things, and access for purposes of inspection or appraisal.

(d) Disputes. In the event of any disputes regarding the rulings herein, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact the chambers of Judge Bason to arrange a mutually convenient time for a telephonic hearing to address such disputes.

(4) Limitation on postpetition liens. In the event that the motion or related papers seek authority to grant postpetition liens to the creditor(s) *with respect to prepetition debts* any such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or the court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in

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CONT... Jose Luis Nunez Claver

Chapter 11

which the creditor held a security interest as of the petition date, unless the order approving the motion not only states the new types of collateral but also includes a specific statement that such types of collateral are different from the prepetition collateral. For example, postpetition liens shall not extend to the proceeds of any avoidance actions, any recoveries under 11 U.S.C. 506 (c), or any "carveout" under 11 U.S.C. 552, unless the order approving the motion specifically states otherwise.

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any automatic perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(5) Automatic disapproval of insufficiently disclosed provisions. Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either:

(a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively

(b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

---

1:00 PM

**CONT... Jose Luis Nunez Claver**

**Chapter 11**

**Debtor(s):**

Jose Luis Nunez Claver

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

1:00 PM

**2:16-18455 Jose Luis Nunez Claver**

**Chapter 11**

**#11.00** Cont'd hrg re: Motion in Individual Ch 11 Case for Order approving a budget for the use of the debtor's cash and postpetition income fr. 9/6/16

Docket 21

**Tentative Ruling:**

**Tentative ruling for 11/1/16 (same as for 9/6/16):**

Please see the tentative ruling for the status conference (calendar no. 12, 11/1/16 at 1:00 p.m.).

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

**Debtor(s):**

Jose Luis Nunez Claver

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

1:00 PM

**2:16-18455 Jose Luis Nunez Claver**

**Chapter 11**

**#12.00** Cont'd status conference re: Chapter 11 case  
fr. 8/9/16, 9/6/16

Docket 10

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Cash collateral motion (dkt. 20). Grant on a final basis, on the same terms as the interim ordre (dkt. 41).

(b) Budget motion (dkt. 21). The debtor's most recent monthly operating report (MOR, dkt. 55) reflects high expenditures for home repair and maintainance and a large amount of cash expenditures (which tend to be hard to verify and therefore are suspect). The total expenditures reported for the month were approximately \$3,700, whereas his proposed budget allows for approximately \$2,700 per month (dkt. 21, p. 8). The debtor should be prepared to address those issues.

(c) Valuation motion (dkt. 50). Continue to 12/13/16 at 1:00 p.m. to allow creditor Wilmington time to conduct its own appraisal of the subject property.

(2) Deadlines/dates. This case was filed on 6/24/16.

(a) Bar date: 10/28/2016 (timely served, dkt. 34).

(b) Plan/Disclosure Statement\*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/13/16 at 1:00 p.m., No written status report is required.

\*Warning: special procedures apply (see order setting initial status

**United States Bankruptcy Court  
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CONT... Jose Luis Nunez Claver  
conference).

Chapter 11

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/6/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Rental Income. The debtor's proposed budget (dkt. 21, PDF p.8) and cash collateral motion (dkt. 20, PDF p.5) reports rental income in the amount of \$1,500. However, the debtor's schedule I (dkt. 1, PDF p.26) reports that the rental income is only \$1,400. What is the correct amount of the debtor's rental income?

(2) Deadlines/dates. This case was filed on 6/24/16.

(a) Bar date: 10/28/2016 (timely served, dkt. 34).

(b) Plan/Disclosure Statement\*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 11/1/16 at 1:00 p.m., No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 8/9/16:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

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CONT... Jose Luis Nunez Claver

Chapter 11

(1) Current issues.

(a) Reliance on large family contribution. In the debtor's prior chapter 13 case (2:12-bk-19005-NB, dkt. 54) relief from the automatic stay was granted based on an alleged failure to make 17 mortgage payments; the debtor requested voluntary dismissal of that case; and it was dismissed with a 180-day bar to being a debtor in bankruptcy on 10/8/15. In this case the debtor relies on large family contributions (\$1,200 per month). See dkt. 1, Schedule I & J, PDF pp. 25-28, dkt. 20 (cash collateral motion), dkt. 21 (budget motion).

There are no declarations attesting to the family's willingness and ability to make these family contribution, let alone any supporting evidence such as bank account statements or paychecks with a budget showing sufficient disposable income. Is this case feasible? Has it been filed in good faith?

(b) Cash collateral. The Bankruptcy Code prohibits the use of cash collateral without court approval (or consent of the secured creditor, but typically that creditor will not consent without provisions that require court approval). See 11 U.S.C. 363(c). Debtors generally must use cash collateral very soon, for everything from paying utilities to adequate protection payments. For that reason, Judge Bason's posted procedures provide automatically shortened time. Why did counsel for the debtor self-calendar the motion (dkt. 20) for 9/6/16 when this case was filed on 6/24/16 (dkt.1)? Is the debtor violating the Bankruptcy Code?

(c) Lien stripping. The debtor's status report states that the debtor intends to file a lien-stripping motion but no such motion has been filed yet. Why not?

(2) Deadlines/dates. This case was filed on 6/24/16.

(a) Bar date: 10/28/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but,

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**CONT...**

**Jose Luis Nunez Claver**

**Chapter 11**

whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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

**Debtor(s):**

Jose Luis Nunez Claver

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, November 01, 2016**

**Hearing Room 1545**

2:00 PM

**2:15-28443 Cloudbreak Entertainment, Inc.**

**Chapter 11**

**#1.00** Hrg re: First application of Gordon Fishburn & Major LLP d/b/a  
The Brentwood Management Group as Business Management  
Consultant for Allowance and Payment of Interim Compensation  
and Reimbursement of Expenses

Docket 115

**\*\*\* VACATED \*\*\* REASON: Continued to 11/29/16 at 2:00 p.m. [dkt  
137]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cloudbreak Entertainment, Inc.

Represented By  
Jeremy V Richards

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1545**

2:00 PM

**2:15-28443 Cloudbreak Entertainment, Inc.**

**Chapter 11**

**#2.00** Hrg re: First Application of Pachulski Stang Ziehl & Jones LLP  
for Allowance and Payment of Interim Compensation and  
Reimbursement of Expenses

Docket 113

**\*\*\* VACATED \*\*\* REASON: Continued to 11/29/16 at 2:00 p.m. [dkt  
137]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cloudbreak Entertainment, Inc.

Represented By  
Jeremy V Richards

**United States Bankruptcy Court  
Central District of California  
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**2:15-28443 Cloudbreak Entertainment, Inc.**

**Chapter 11**

**#3.00** Hrg re: First Application for Allowance and Payment of interim compensation and reimbursement of expenses

Docket 114

**\*\*\* VACATED \*\*\* REASON: Continued to 11/29/16 at 2:00 p.m. [dkt 137]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cloudbreak Entertainment, Inc.

Represented By  
Jeremy V Richards

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 01, 2016**

**Hearing Room 1545**

2:00 PM

**2:13-26483 Saeed Cohen**

**Chapter 11**

Adv#: 2:15-01330 Official Committee of Creditors Holding Unsecured v. Cohen

**#4.00** Cont'd status conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 01/05/16, 2/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16 6/7/16, 8/9/16, 9/6/16, 10/11/16

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 9 on 11/1/16 at 2:00 p.m.). Appearances are not required on 11/1/16.

**Tentative Ruling for 9/6/16:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 7 on 9/6/16 at 2:00 p.m.). Appearances are not required on 9/6/16.

**Revised Tentative Ruling for 8/9/16:**

Continue all matters in this case to 9/6/16 at 2:00 p.m. (see Order, case dkt. 1340, para. 4). Appearances are not required on 8/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 8/9/16:**

Please see the tentative ruling for calendar no. 3.1 (8/9/16 at 2:00 p.m.).

**Tentative Ruling for 6/7/16:**

Please see the tentative ruling for calendar no. 6 (6/7/16 at 2:00 p.m.).

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CONT... Saeed Cohen

Chapter 11

**Tentative Ruling for 5/16/16:**

Please see the tentative ruling for calendar no. 10 (5/16/16 at 10:00 a.m.).

**Tentative Ruling for 1/5/16:**

Continue to 2/23/16 at 11:00 a.m. to address the following issues.

Appearances are not required on 1/5/16.

Reasons: This court understands that this adversary proceeding will likely be resolved when/if the debtor's confirmed chapter 11 plan becomes effective. Rather than setting deadlines at this time that will likely be vacated, this court continues this matter to the above-referenced date and time, to be heard concurrently with the other, related adversary proceedings.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

**Defendant(s):**

Fariba Cohen

Pro Se

**Plaintiff(s):**

Official Committee of Creditors

Represented By  
Christopher Celentino

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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**Tuesday, November 01, 2016**

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2:00 PM

**2:13-26483 Saeed Cohen**

**Chapter 11**

Adv#: 2:15-01331 Official Committee of Creditors Holding Unsecured v. Mayer Hoffmann

**#5.00** Cont'd Status Conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 1/5/16, 02/23/16, 2/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16, 7/19/16

Docket 1

**Tentative Ruling:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 9 on 11/1/16 at 2:00 p.m.). Appearances are not required on 11/1/16.

**Party Information**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

**Defendant(s):**

Mayer Hoffmann McCann P.C.

Pro Se

**Plaintiff(s):**

Official Committee of Creditors

Represented By  
Christopher Celentino

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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2:00 PM

**2:13-26483 Saeed Cohen**

**Chapter 11**

Adv#: 2:15-01333 Official Committee of Creditors Holding Unsecured v. Kolodny & Anteau, a

**#6.00** Cont'd Status Conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 01/05/16, 02/23/16, 03/22/16, 04/05/16, 04/12/16, 7/19/16, 10/11/16

Docket 1

**Tentative Ruling:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 9 on 11/1/16 at 2:00 p.m.). Appearances are not required on 11/1/16.

**Party Information**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

**Defendant(s):**

Ronald W. Anteau, a Professional	Pro Se
Stephen A. Kolodny, a Professional	Pro Se
Kolodny & Anteau, a Partnership of	Pro Se
Kolodny Law Group, a Professional	Pro Se

**Plaintiff(s):**

Official Committee of Creditors

Represented By  
Christopher Celentino

**United States Bankruptcy Court  
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Los Angeles  
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**CONT... Saeed Cohen**

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
Judge Neil Bason, Presiding  
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2:00 PM

**2:13-26483 Saeed Cohen**

**Chapter 11**

Adv#: 2:15-01334 Official Committee of Creditors Holding Unsecured v. Brager Tax Law

**#7.00** Cont'd Status Conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 01/05/16, 02/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16, 7/19/16, 8/9/16, 9/6/16, 10/11/16

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 9 on 11/1/16 at 2:00 p.m.). Appearances are not required on 11/1/16.

**Tentative Ruling for 9/6/16:**

Continue all matters in this adversary proceeding to the same time as the next status conference in the main case (see Tentative Ruling, calendar no. 7 on 9/6/16 at 2:00 p.m.). Appearances are not required on 9/6/16.

**Revised Tentative Ruling for 8/9/16:**

Continue all matters in this case to 9/6/16 at 2:00 p.m. (see Order, case dkt. 1340, para. 4). Appearances are not required on 8/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 8/9/16:**

Please see the tentative ruling for calendar no. 3.1 (8/9/16 at 2:00 p.m.).

**Tentative Ruling for 5/16/16:**

Please see the tentative ruling for calendar no. 10 (5/16/16 at 10:00 a.m.).

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**CONT... Saeed Cohen**

**Chapter 11**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

**Defendant(s):**

Dennis N. Brager, a Professional

Pro Se

Brager Tax Law Group, a

Pro Se

**Plaintiff(s):**

Official Committee of Creditors

Represented By  
Christopher Celentino

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**2:13-26483 Saeed Cohen**

**Chapter 11**

**#8.00** Cont'd hrg re: Joint Motion of Debtor and Official Committee of Creditors Holding Unsecured Claims (1) to Compel Fariba Cohen to Execute Documents in Accordance with Confirmed Plan and Plan Confirmation Order, or in The Alternative, for Appointment of an Elisor, and (2) Requesting the Court to Exercise its Inherent Authority to Impose Sanctions upon Fariba Cohen fr. 11/17/15, 12/8/15, 12/15/15, 12/28/15, 1/19/16, 2/2/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16, 6/21/16, fr. 7/19/16, 10/25/16

Docket 1189

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Please see the tentative ruling for calendar no. 9 (11/1/16 at 2:00 p.m.).

**Tentative Ruling for 7/19/16:**

Please see the tentative ruling for calendar no. 9 (7/19/16 at 2:00 p.m.).

**Tentative Ruling for 6/21/16:**

Please see the tentative ruling for calendar no. 6 (6/21/16 at 2:00 p.m.).

**Tentative Ruling for 5/16/16:**

Please see the tentative ruling for calendar no. 10 (5/16/16 at 10:00 a.m.).

**Tentative Ruling for 2/2/16:**

Please see the tentative ruling for calendar no. 9 (2/2/16 at 2:00 p.m.).

**Tentative Ruling for 12/15/15:**

Please see the tentative ruling for calendar no. 14 (12/15/15 at 2:00 p.m.).

**Tentative Ruling for 12/8/15:**

Please see the tentative ruling for calendar no. 7 (12/8/15 at 2:00 p.m.).

**Tentative Ruling for 11/17/15:**

Please see the tentative ruling for calendar no. 5 (11/17/15 at 2:00 p.m.).

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**CONT... Saeed Cohen**

**Chapter 11**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

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2:13-26483 Saeed Cohen

Chapter 11

**#9.00** Cont'd status conference re: Post confirmation  
fr. 07-30-13, 09-03-13, 10-01-13, 10-08-13,  
12-10-13, 12-17-13, 1-7-14, 02-11-14, 2-18-14,  
3-18-14, 5-14-14, 6-25-14, 7/1/14, 7/10/14,  
7/24/14, 7/29/14, 7/31/14, 08/19/14, 8/25/14,  
9/16/14, 10/21/14, 11/13/14, 11/18/14, 12/16/14,  
1/13/15, 1/16/15, 1/22/15, 1/30/15, 2/3/15, 3/11/15,  
3/16/15, 3/31/15, 4/6/15, 4/28/15, 5/12/15, 5/26/15,  
7/10/15, 7/16/15, 7/20/15, 8/27/15, 9/22/15, 9/28/15,  
10/13/15, 11/17/15, 12/8/15, 12/15/15, 12/28/15,  
1/19/16, 2/2/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16  
6/7/16, 6/21/16, 7/19/16, 8/2/16, 8/9/16  
fr. 9/6/16, 10/11/16

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 11/1/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Calendar number 8: this Court's order directing Ms. Cohen to sign the plan documents. The docket appears to reflect that Ms. Cohen has not been paying the coercive sanctions ordered by this court (except to the extent that the debtor has been disbursing to this court the dollar amounts that would have been paid as spousal support) (see, e.g., case dkt. 1302, 1316, 1328, 1354, 1355; adv. no. 2:14-ap-01046-NB dkt. 91). What additional coercive procedures are warranted?

(b) Status of the bankruptcy case. The parties should be prepared to report on the status of this case.

(2) Deadlines/dates. Continued status conference: 12/13/16 at 2:00 p.m. No written status report is required.

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2:00 PM

CONT... Saeed Cohen

Chapter 11

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 9/6/16:**

Continue to 10/11/16 at 2:00 p.m. No appearances are required on 9/6/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 8/9/16:**

Continue all matters in this case to 9/6/16 at 2:00 p.m. (see Order, case dkt. 1340, para. 4). Appearances are not required on 8/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 8/2/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

On 7/19/16, this Court continued this status conference to this date and time to give Ms. Cohen's new counsel, and any other party in interest, an opportunity to raise any appropriate issues. There is no tentative ruling, but parties should be prepared to address the status of this case.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Supplemental Tentative Ruling for 7/19/16:**

In addition to the tentative rulings set forth below, the tentative ruling in view of the joint status report of the debtor and the Committee (dkt. 1319, p.4:6-10)

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is to continue the hearing on the motion to appoint an elisor (dkt. 1189) to October 25, 2016 at 2:00 p.m. This Court also will address with the parties the procedures for making payments to the Clerk of the Court, as outlined in that status report (dkt. 1319, p.5:8-14).

**Tentative Ruling for 7/19/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Calendar number 8: Status of Ms. Cohen's compliance with this Court's order directing her to sign the required plan documents. Has Ms. Cohen signed the required documents? If not, sanctions are accruing (see memorandum decision, 2:13-bk-26483-NB, dkt. 1302; order, 2:14-ap-01046-NB, adv. dkt. 91).

(b) Calendar number 9: Status of the bankruptcy case. On 6/29/16, this Court issued four orders all related to sanctions and attempting to allow this case to move forward. How do the parties intend to proceed at this time?

(2) Deadlines/dates. Continued status conference: 9/6/16 at 2:00 p.m. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 6/21/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

*Proposed orders:* Committee counsel is directed to serve and lodge proposed orders reflecting this Court's rulings on each of the pending matters via LOU within 7 days after the hearing date, as discussed at the status conference on 6/7/16.

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(1) Current issues

(a) Calendar no. 7: Motion to Compel Ms. Cohen to Sign Plan Documents, etc. (dkt. 1189). On 5/16/16 this Court issued an order (dkt. 1292) granting the motion and setting a deadline of 6/13/16 for Ms. Cohen to sign all of the plan documents and 6/15/16 for the parties to file written reports on whether she has complied. On 6/9/16 this Court issued a memorandum decision (dkt. 1302) setting forth coercive contempt sanctions that this Court intends to impose if Ms. Cohen has not complied by this deadline.

The debtor (dkt. 1305) reported non-compliance. Ms. Cohen (dkt. 1306, and errata at dkt. 1307) asserts through counsel that she has executed some documents, not signed other documents that she seeks to have amended, and refused to sign certain additional documents as to which she allegedly planned to submit her own, separate statement (see dkt. 1306, p. 4, para. 5). No such statement appears on the docket as of the time this tentative ruling has been prepared and, in any event, the time for any response has expired. Ms. Cohen also did not address the schedule of coercive contempt sanctions that this Court intends to impose.

The tentative rulings are as follows:

(i) Reject Proposed changes to Mutual and General Release.

The revision suggested by Ms. Cohen does not appear appropriate (see dkt. 1306, p. 3, para. 4.b.). The parties -- at the time both represented by bankruptcy counsel -- agreed to the terms of this provision. To now add the suggested caveat would be an improper effort to possibly modify her rights. Ms. Cohen's rights under that provision are as agreed to, and she is free to argue as she sees appropriate on appeal.

(ii) Permit oral responses regarding proposed changes to letter to Blue Cross and judgment of dissolution of marriage. What is the position of the debtor and the Committee regarding these proposed revisions (see dkt. 1306, pp. 2-4, para. 4.a.&c.)? What is Ms. Cohen's justification for not proposing these changes sooner (during the many months since confirmation), or for being permitted to raise them now, after prior hearings at which this Court heard arguments regarding the forms of documents? In addition, regarding Ms. Cohen's assertion about child support - that it would be higher under the Statewide Uniform Guideline than the stipulated amount (and not the other way around) - how can Ms. Cohen assert these things now when they were addressed at prior hearings and resolved against her, and

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alternatively where is her calculation under the Statewide Uniform Guideline showing any *good faith* basis to make this assertion?

(iii) Overrule any other objections as unsupported and untimely.

(b) Calendar nos. 8 & 9: Sanctions motion and reasonableness of fees (see *Cohen v. Cohen*, 2:16-ap-01046-NB, adv. dkt. 70, 72). This Court previously issued a decision (dkt. 37) that Ms. Cohen's complaint for revocation of confirmation will be dismissed without leave to amend. This Court also issued a decision (dkt. 65) to grant the debtor's motion (dkt. 17) seeking sanctions against Ms. Cohen in a dollar amount not less than fees incurred by (i) the debtor's bankruptcy counsel, (ii) the debtor's divorce counsel, and (iii) counsel for the Committee. The current hearing was set so as to address the reasonableness of the fees, and how they will be paid.

This Court has reviewed Ms. Cohen's opposition (adv. dkt. 70, 72), the debtor's reply (adv. dkt. 74, 75), and Mr. Shenson's response (adv. dkt. 76). Ms. Cohen's arguments fall broadly into three categories: (i) that fees related to prosecuting the sanctions motion are not recoverable as a matter of law, because of limitations to this Court's ability to award sanctions under its inherent powers (adv. dkt. 70, p. 4:8-15); (ii) that the sanction is not reasonable or are not recoverable as a matter of law because Ms. Cohen allegedly does not have the ability to pay the sanctions award (adv. dkt. 70, p. 4:21-23); and (iii) that the fees incurred do not relate to or are not sufficiently related to the sanctionable conduct to be properly included (adv. dkt. 70, p. 4:16-20). Each of these issues will be addressed in turn.

(i) Fees related to prosecuting the sanctions motion are recoverable in this instance. Ms. Cohen cites *In re Southern California Sunbelt Division, Inc.*, 608 F.3d 456, 466-67 (9th Cir. 2010), and *Lockary v. Kayfetz*, 974 F.2d 1166 (9th Cir.1992), for the proposition it is improper to include the costs of litigation of the sanctions motion when a bankruptcy court issues sanctions under its inherent powers.

Relying on *Margolis v. Ryan*, 140 F.3d 850 (9th Cir.1998), the debtor contends (at some length) that *Lockary* is no longer good law because it relied on an old version of Federal Rule of Civil Procedure 11. The debtor extrapolates that because *Lockary* is no longer good law (see *Margolis*, 140 F.3d 850, 854 ("The rule in *Lockary*, enunciated in 1992, is no longer good law."), and because *Sunbelt* relied on *Lockary*, *Sunbelt* should be read as a non-binding outlier and held to its facts. This is not correct and in a footnote

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*Sunbelt* directly addressed and rejected this contention with respect to sanctions under this Court's inherent powers. See *In re S. California Sunbelt Developers, Inc.*, 608 F.3d 456, 467 n. 6 ("We reject appellees' contention that *Lockary* has been overruled by *Margolis v. Ryan*, 140 F.3d 850 (9th Cir.1998), with respect to sanctions imposed under the court's inherent power."). This Court is bound to follow *Sunbelt*, which means that in general it is not possible under this Court's inherent powers to award fees for prosecuting a sanctions motion.

Nevertheless, "a common-law exception to [this] rule permits fee awards in litigation brought to remedy willful violations of court orders." *In re Schwartz-Tallard*, 803 F.3d 1095, 1098 (9th Cir. 2015) (citation omitted). That exception applies because, as this Court previously has ruled, Ms. Cohen's conduct constitutes a willful violation of the order that approve the parties' settlement that was embodied in the chapter 11 plan:

On July 31, 2015, this Court entered its order confirming the Plan ("Plan Confirmation Order") (case dkt. 1110).

That order bound the parties to their settlement in Option One. For nearly half a year Ms. Cohen focused on implementation of the confirmed Plan, asserting various alleged concerns about such issues as the wording of the documents to be filed with the divorce court. Then she changed her tactics [and filed her frivolous adversary proceeding under 11 U.S.C. 1144]. [Adv. dkt. 37, pp. 3:27-4:3, emphasis added].

Because Ms. Cohen's conduct constituted a willful violation of this Court's Plan Confirmation Order, her conduct falls within the common-law exception to so-called 'fees on fees,' and it is reasonable and permissible under this Court's inherent authority to award fees for prosecuting the sanctions motion (and related hearings).

(ii) Ms. Cohen's ability to pay does not justify a reduction in the sanction. In determining a reasonable sanction award, Ms. Cohen contends that this Court must consider her ability to pay (see *Matter of Yagman*, 796 F.2d 1165, 1185 (9th Cir.), *opinion amended on denial of reh'g sub nom. In re Yagman*, 803 F.2d 1085 (9th Cir. 1986)), in addition to a number of other factors. This argument is not persuasive for several reasons:

First, Ms. Cohen has not cited authority that this Court must consider ability to pay when awarding *compensatory sanctions* and not *coercive or*

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*punitive sanctions.*

Second, alternatively, Ms. Cohen's alleged inability to pay immediately does not render an award *per se* unreasonable. This Court agrees with the debtor that to allow Ms. Cohen to not pay anything would allow her to continue to engage in tactics and delay while leaving this Court largely powerless to control her willful violation of Court orders. Additionally, this Court agrees with the debtor that merely because a sanctions award might force an offending party into bankruptcy, this is also not sufficient to justify denying a sanctions award. *See Persyn v. United States*, 36 Fed. Cl. 708, 719 (1996), *aff'd in part, rev'd in part on other grounds*, 135 F.3d 773 (Fed. Cir. 1997) ("Even where an offending party presents the court with affidavits relating to ability to pay, courts have held consistently that mere assertion that an award would force the offending party into bankruptcy is insufficient to show inability to pay.").

Third, "the sanctioned party has the burden to produce evidence of inability to pay." *Gaskell v. Weir*, 10 F.3d 626, 629 (9th Cir. 1993). Ms. Cohen has provided no evidence of her ability to pay, and in fact she has entirely omitted significant income that will be generated from Elco Lighting (see adv. dkt. 74, p. 8:13-19).

Fourth, this Court cannot entirely determine Ms. Cohen's ability to pay based on the partial disclosures made. For example, she fails to disclose that (if she complies with her obligations so that the confirmed plan becomes effective) she will be receiving substantial additional income.

Fifth, this Court has already found that Ms. Cohen committed perjury and, accordingly, this Court does not start with a presumption that anything she alleges is necessarily accurate - she will have to establish that it is.

This Court has provided Ms. Cohen the opportunity to present plan for repayment over a period of time, or other proposal for repayment. She has made no proposal.

Ms. Cohen should be prepared to address why this Court should not simply award the entire amount of fees, payable immediately, rather than permit her belatedly to propose a repayment plan. Alternatively, if this Court is persuaded to permit her to pay over time, she can address why this Court should not order payments on the schedule proposed by the debtor (see reply, adv. dkt. 74, pp. 8-9), and the debtor should be prepared to address the issues raised in Mr. Shenson's response (adv. dkt. 76). If Ms. Cohen is not able to propose a reasonable or feasible payment plan for the sanctions and

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her own attorneys' fees, perhaps Ms. Cohen will have to file her own bankruptcy.

(iii) Ms. Cohen's objections to certain line items. Ms. Cohen's counsel provides a line-by-line objection to certain fees.

(1) Objection to fees based on sanctions. With regard to Ms. Cohen's objections to fees incurred related to the sanctions motion, as set forth above, these objections are overruled.

(2) Objections to fees of debtor's bankruptcy counsel. This Court sustains the objection to the extent that they charged for an email exchange relating to the Namvar settlement (\$51.10).

The other objections are overruled.

Allowed fees: \$135,170.00 (requested) - \$51.10 = \$132,119.90.

(3) Objections to fees of debtor's family law counsel. With regard to Ms. Cohen's objections to the fees of the debtor's family law counsel (adv. dkt. 70, pp. 8:15-9:21), this Court disagrees that there is no evidence that the billing relates to the motion to dismiss (or the sanctions motion). Ms. Mendell, debtor's family law counsel, includes an unobjected-to declaration that the fees were incurred related to the motion to dismiss and/or sanctions motion (see adv. dkt. 49, p. 2, para. 3). To this extent, the objection is overruled.

This Court overrules Ms. Cohen's objection to Ms. Mendell's appearance at multiple hearings because directly at issue was what was disclosed in the divorce proceeding. In order for the debtor to properly defend against Ms. Cohen's frivolous complaint, it was reasonable to have his family law counsel present.

Ms. Cohen objects to certain fees because they are redacted. Ms. Mendell submitted a declaration in response attesting that that the redacted fees were not included in the requested amount (adv. dkt. 75, p. 2, para. 5). Accordingly, this objection, too, is overruled.

Allowed fees: \$12,815.25 (requested amount).

(4) Objection to fees incurred by the Committee's counsel. To the extent that Ms. Cohen objects to the Committee performing asset analysis, this objection is overruled. The Committee would not have had to incur these fees had Ms. Cohen not brought the frivolous complaint.

Similarly, to the extent that Ms. Cohen objects to the Committee's review of issues related to the other adversary proceedings and other motions, these objections are overruled. If Ms. Cohen had not commenced

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this frivolous adversary proceeding, these additional continuances, and related fees, would not have been incurred.

None of the other objections are well taken.

Allowed fees: \$118,172.00 (requested amount).

(c) Calendar no. 10: Rescission action (2:16-ap-01226-NB). This Court has issued a memorandum decision stating that this adversary proceeding will be dismissed (adv. dkt. 8).

(d) Orders on all matters. This Court intends to issue orders on each of these matters shortly after the hearing.

(2) Deadlines/dates. Continued status conference: 7/19/16 at 2:00 p.m. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/21/16:**

This court anticipates posting a tentative ruling at a later time.

**Revised Tentative Ruling for 6/7/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Calendar no. 2: Rescission action (2:16-ap-01226-NB). Ms. Cohen does not dispute that this Court can dismiss this action, provided that she can appeal this Court's dismissal order (see 2:16-ap-01226-NB, dkt. 3, p. 2). Accordingly, it appears to dismiss this action for the same reasons set forth in this Court's memorandum decision in the section 1144 adversary proceeding (2:16-ap-01046-NB, dkt. 37). This Court anticipates issuing a dismissal order contemporaneous with the dismissal order in the section 1144 adversary proceeding.

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(b) Calendar no. 3: Fraudulent transfer action against Ms. Cohen (2:15-ap-01330-NB). Continue to trail this status conference.

(c) Calendar nos. 4 & 5: Motion for sanctions (dkt. 17)/status conference (2:16-ap-01046-NB).

(i) Memorandum decision on sanctions motion. For the reasons set forth in this Court's issued memorandum of decision, the motion for sanctions is granted in part and denied in part.

(ii) Additional sanctions to coerce Ms. Cohen to sign the Plan documents. Pursuant to its schedule set forth in the tentative ruling from 5/16/16, Ms. Cohen must comply with its order to sign plan documents by 6/13/16. The debtor suggests that an appropriate coercive sanction is \$500 per day (seedkt. 47, p. 2:6-28). In the event that Ms. Cohen does not comply with the order to sign the plan documents by this deadline, this Court's tentative ruling is to impose the following coercive sanctions:

(1) From 6/13/16 to 7/5/16: No monetary sanction. Although not encouraged, this time period is intended to allow Ms. Cohen to seek emergency appellate review if she chooses.

(2) From 7/6/16 to 7/13/16: \$100 per day for Ms. Cohen's non-compliance.

(3) From 7/14/16 to 7/20/16: \$200 per day for Ms. Cohen's non-compliance.

(4) From 7/21/16 to 7/27/16: \$350 per day for Ms. Cohen's non-compliance.

(5) From 7/28/16 until compliance: \$500 per day for Ms. Cohen's non-compliance.

As previously outlined, such sanctions would be deducted from the distributions that the debtor otherwise would make to Ms. Cohen. All of the foregoing may be subject to adjustment by this Court (either on its own motion or on an appropriate motion of any party in interest), but this Court is strongly disinclined to make any adjustments. The parties have had ample opportunity for briefing, and this Court is not inclined to revisit these dollar amounts. Of course, Ms. Cohen can avoid any of these sanctions by timely compliance with this Court's order.

(2) Deadlines/dates. Continued status conference: 6/21/16 at 2:00 p.m. No written status report is required.

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If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 6/7/16:**

This court anticipates posting a tentative ruling at a later time.

**Tentative Ruling for 5/16/16:**

Appearances required.

(1) Calendar no.2: Motion to dismiss action to revoke confirmation (*Cohen v. Cohen*, 2:16-ap-01046-NB, adv. dkt. 11). Grant, for the reasons set forth in this Court's memorandum decision being issued forthwith.

(2) Calendar no. 1: Motion for sanctions against Ms. Fariba Cohen (*Cohen v. Cohen*, 2:16-ap-01046-NB, adv. dkt. 17). It appears that there may be cause to impose sanctions, for the same reasons set forth in this Court's memorandum decision dismissing with prejudice Ms. Cohen's motion to revoke confirmation (*Cohen v. Cohen*, 2:16-ap-01046-NB), and because there appears to be sufficient facts for an explicit finding, based on clear and convincing evidence, that Ms. Cohen's arguments have been made in bad faith, vexatiously, wantonly, and for oppressive reasons including attempting without any valid basis to coerce, through actual and threatened litigation costs and delays, a more favorable treatment than what she previously agreed to as embodied in the confirmed chapter 11 plan. See *In re Dyer*, 322 F.3d 1178, 1196 (9th Cir. 2003) ("[B]ankruptcy courts, like district courts, also possess [the] inherent power" to sanction "bad faith" or "willful misconduct" because "the very creation of the court" establishes such inherent power "unless Congress intentionally restricts those powers," and Congress' intent is confirmed by § 105(a)) (citations omitted); *In re Lehtinen*, 564 F.3d 1052, 1058 (9th Cir. 2009) ("Before imposing sanctions under its inherent sanctioning authority, a court must make an explicit finding of bad faith or willful misconduct.") (quoting *In re Dyer*, 322 F.3d 1178, 1196 (9th Cir. 2003)); *In re Deville*, 361 F.3d 539 (9th Cir. 2004) (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 51, 111 S.Ct. 2123 (1991)) ("To impose inherent power sanctions, a court must find that a party acted 'in bad faith, vexatiously,

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wantonly, or for oppressive reasons."").

Nevertheless, the tentative ruling is to continue this matter to the date of the continued status conference, to provide the parties with an opportunity to meet and confer on these issues, and for further analysis by this Court.

(3) Calendar no. 3: Status conference in adversary proceeding to revoke confirmation (*Cohen v. Cohen*, 2:16-ap-01046-NB). The tentative ruling is to defer issuing any written orders on the foregoing matters until the continued status conference, and then issue them with a stay of an additional three weeks, to provide an opportunity for Ms. Fariba Cohen to seek appellate review if she so chooses. The parties should be prepared to address whether there are any other procedural or substantive matters that this Court should address in connection with this adversary proceeding.

(4) Calendar no. 10 (main case status conference). The parties should be prepared to address whether this Court should dismiss *sua sponte* Ms. Fariba Cohen's new action for rescission (2:16-ap-01226-NB, filed 5/12/16), for the same reasons set forth in this Court's memorandum decision dismissing with prejudice Ms. Cohen's motion to revoke confirmation (*Cohen v. Cohen*, 2:16-ap-01046-NB).

In addition the tentative ruling is to continue the main case status conference to 6/7/16 at 2:00 p.m.. No written status report is required, but such a report is invited if it would be helpful.

(5) Calendar no. 8: Motion to compel Ms. Fariba Cohen to sign documents (dkt. 1189). Grant, for the same reasons set forth in this Court's memorandum decision dismissing with prejudice Ms. Cohen's motion to revoke confirmation (*Cohen v. Cohen*, 2:16-ap-01046-NB), and for the additional reasons set forth in this Court's Amended Tentative Rulings on the motion (case dkt. 1219), and in the pleadings of the Committee and the Debtor.

Specifically, the tentative ruling is as follows. Direct Ms. Cohen to execute the requisite documents and otherwise fully perform her obligations under the confirmed plan no later than 6/13/16. Set a deadline of 6/15/16 for briefs and declarations from all parties detailing whether Ms. Cohen has in fact performed. Set a continued hearing for 6/21/16 at 2:00 p.m. to determine whether she has adequately demonstrated her performance and, if not,

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whether she is in civil contempt of court, and what would be an appropriate daily or weekly dollar amount of sanctions until she does comply, in fixed or increasing dollar amounts (subject to adjustment after any discovery regarding her finances), as well as what other sanctions or remedies might be appropriate and effective, such as an order appointing an elisor.

The tentative ruling is that the form of documents proposed by the Committee (case dkt. 1222) need only be revised to reflect the following:

(a) Family law counsel. In Recital M, Ms. Fariba Cohen's representation by family law counsel, and/or current pro se status, should be brought up to date (*id.* Ex. A, Recital M, at p.4:14-23). Likewise, the signature blocks should be brought up to date.

(b) Voluntariness. It appears appropriate to revise Recital O (*id.*, Ex. A, Recital O, at pp. 4:26-5:3) (if Ms. Fariba Cohen desires to do so) to reflect that, although she voluntarily agree to enter into a stipulated judgment on the terms set forth therein, she subsequently asserted that Mr. Cohen had hidden assets and engaged in other wrongdoing of which she asserts that she was not previously aware, but, in view of (i) Mr. Cohen's prior disclosures on the record in this Court and in other proceeding, and (ii) in view of the terms of Ms. Fariba Cohen's settlement embodied within the confirmed plan, which provide for recovery and use of any undisclosed assets, this Bankruptcy Court was persuaded that her claims to be entitled to revoke the plan were not plausible on their face.

(5) Calendar no. 4: Committee's action against Ms. Fariba Cohen to avoid alleged fraudulent transfers and for setoff (2:15-ap-01330-NB). Continue so as to be contemporaneous with the continued status conference in the main case.

(6) Calendar no. 9: Motion for continued use of estate property (case dkt. 473, 552). Grant, subject to the prior conditions on such use of property (see, e.g., case dkt. 1268 (referring to Orders at case dkt. 110, 266, 315, 363, 552, 799, 954, and 1069) and IRS stipulation case dkt. 1272) and further subject to the issues reserved by the parties for possible settlement as noted in the Committee's further statement regarding reimbursement to the estate of funds lent to the children's trust (case dkt. 1268) (see case dkt. 1278, n. 4 ("Further, the Committee has been in active settlement discussions with the Children's Trust, which the Committee hopes will result in settlement."))).

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(7) Calendar no. 11: Motion to approve stipulation re appointment of Ms. Sharon Weiss as Committee Representative (case dkt. 1277). Subject to any opposition and reply at the hearing (pursuant to this Court's order shortening time, case dkt. 1280, 1282, 1283), the tentative ruling is to grant the motion and overrule the limited objections of Ms. Fariba Cohen (case dkt. 1288).

(8) Calendar no. 7: Reimbursement dispute (see case dkt. 1122, 1268). Continue so as to be contemporaneous with the continued status conference in the main case. See case dkt. 1237, 1267.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/2/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Status report and effective date of the plan. The parties should be prepared to address the outstanding issues raised in the status report of the debtor and the committee, including the unsigned divorce documents (dkt. 1237, 1237). The debtor and the committee have stated (dkt. 1237, pp.5:21-6:2) that if Ms. Cohen seeks to revoke the confirmation order then they will make further suggestions how to proceed. What do they suggest, and what is Ms. Cohen's position on that issue?

(2) Adversary proceeding. This court notes that Fariba has filed an adversary complaint seeking revocation of the debtor's confirmed chapter 11 plan (dkt. 2:16-ap-01046-NB, adv. dkt. 1). This court does not view the mere filing of this adversary proceeding as staying the confirmed chapter 11 plan. What proceedings to the parties contemplate in connection with this adversary proceeding?

(3) Continued status conference: 2/23/16 at 2:00 p.m. No written status report is required.

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If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/19/16:**

Continue to 2/2/16 at 2:00 p.m. pursuant to the request of the debtor and the Committee (dkt. 1237, p.5). Appearances are not required on 1/19/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 12/28/15:**

Continue to 1/19/16 at 2:00 p.m. Appearances are not required on 12/28/15.

On 12/22/15, this court received calls from counsel for the debtor and counsel for the Committee informing it that the parties had agreed to continue this matter to allow themselves additional time to finalize their working settlement. Accordingly, this court continues this matter as set forth above.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 12/8/15:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) The parties should be prepared to address the issues raised in this court's tentative ruling issued on 12/4/15 (dkt. 1215).

(2) Continued status conference: 1/19/16 at 2:00 p.m. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent,

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**Saeed Cohen**

**Chapter 11**

then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/17/15:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Family law counsel. At the hearing on 10/13/15, Fariba requested a further continuance to permit her to retain family law counsel. This court understands, though an ex parte communication to chambers, that she may now have done so, and that one or more parties may be seeking a continuance of the Joint Motion of the debtor and Official Committee of Creditors ("Committee") to compel her signature, or for other relief (dkt. 1190), Fariba Cohen's opposition (dkt. 1192), and the debtor and Committee's replies (dkt. 1193 and 1194). The parties should be prepared to address whether those matters should be continued and, if so, for how long.

(b) Health insurance. Have the parties resolved the issues related to health insurance? Is the debtor covered?

(2) Continued status conference: 12/15/15 at 2:00 p.m. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/13/15:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues. This court has reviewed the debtor's second supplement to his second status report ("Second Supplement") (dkt. 1184).

(a) Tax stipulation. At the hearing on 9/28/15, the parties informed this court that each would sign the tax stipulation. Has this been resolved?

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(b) Secondary Leighton Property. Also at the hearing on 9/28/15, this court heard a number of proposals regarding how to proceed with the Secondary Leighton Property. Based on the debtor's representations in the Second Supplement, the parties have agreed to a consensual resolution of the issues surrounding the Leighton properties. What delays, if any, do the parties anticipate in completing this arrangement?

(c) Family law counsel. The agreement resolving the issues related to the Secondary Leighton Property is apparently contingent on Ms. Cohen completing the divorce papers to the satisfaction of the debtor's family law counsel. In continuing this matter out some time, this court intended for Ms. Cohen to have the opportunity to retain family law counsel. Has this been accomplished? Are there any other updates regarding the status of the divorce.

(d) Health insurance. Has Ms. Cohen arranged for reinstatement of the health insurance of Mr. Cohen?

(2) Other matters.

(a) Notice. This court directed the debtor to provide notice, either formal or informal, to the IRS and the FTB of this continued hearing. Did this happen? Nothing on the docket reflects this notice.

(b) Merits. Being heard concurrently are status conferences in two related matters: Issues 3 and 4 (related to claims between Mr. and Mrs. Cohen) as set forth in the so-called Scheduling Order (dkt. 394) and the adversary proceeding *Cohen v. United States* (against the IRS), 2:14-ap-01609-NB. In addition, this Bankruptcy Court is in receipt of a minute order of District Court Judge S. James Otero dated October 5, 2015 vacating this court's order for a preliminary injunction and remanding, in another adversary proceeding (Adv. No. 2:14-ap-01484-NB) relating to adjustments of spousal support payments by the State courts.

All of these matters, including the support payment issues, appear to have been superseded by the parties' settlement, which was incorporated into the debtor's confirmed plan and the confirmation order, including stipulated support payment amounts and procedures. If the parties disagree, then they are directed to address that mootness issue at this status conference.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for

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disposition at this hearing.

**Tentative Ruling for 9/28/15:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues. At the 9/22/15 status conference, this court continued this matter and directed the parties to meet and confer as to the issues raised in the debtor's status report (dkt. 1156) and Ms. Cohen's reply (dkt. 1157, 1159), including, but not limited to, issues related the transfer of the so-called Secondary Leighton property, due on sale clauses, Fariba's ability and/or need to refinance, and other matters related to divorce documentation. The parties should be prepared to update this court on the status of these issues.

(2) Deadlines/dates. This case was filed on 6/25/13 and an order confirming the Fourth Amended Joint Plan of Reorganization Proposed by the Debtor and the Official Committee of Creditors Holding Unsecured Claims (dkt. 1110) was entered on 7/31/15.

(3) Continued status conference: 10/6/15 at 2:00 p.m. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/22/15:**

[No tentative ruling was posted for this status conference.]

**Tentative Ruling for 8/27/15:**

Continue to 9/22/15 at 1:00 p.m. as suggested in the debtor's first post-confirmation status report (dkt. 1120) unless any party in interest wishes to be heard on 8/27/15 and follows the usual procedures to contest this tentative ruling (notifying other parties and the court). Appearances are not required on 8/27/15.

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If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**Debtor(s):**

Saeed Cohen

Represented By  
Ron Bender  
Krikor J Meshefejian  
Kurt Ramlo  
Beth Ann R Young

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2:14-29929 Hourig Tartarian

Chapter 13

#10.00 Hrg re: Debtor's motion to be relieved from 180-day bar

Docket 0

**Tentative Ruling:**

Grant, subject to (1) the filing of a proof of service (the motion, dkt. 115, has a service list but no proof of service as required by the order setting this hearing, dkt. 112 & 113, p.2:15-17); (2) proof in particular of adequate service on creditor PNC Mortgage (*see id. and* Rules 2002(g), 7004 and 9014(b), Fed. R. Bankr. P.); and (3) any opposition at the hearing. Appearances required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

*Reasons:*

(1) Background. On 8/25/2016 this case was dismissed (dkt. 102) with a 180 day bar against being a debtor in another bankruptcy case pursuant to 11 U.S.C. 109(g)(2), which provides: "no individual... may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if... the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title." On 10/20/2016 the debtor filed a motion to reopen this case which also requested relief from the 180 day bar (dkt. 110). This Court issued an order re-opening this case and directing the debtor to file a separate motion for the relief requested (dkt. 113). The debtor has now filed a motion to be relieved from the 180 day bar (the "Motion" dkt. 115).

(2) The Motion. The debtor's Motion cites no authority for vacating the 180 day bar provided by 11 U.S.C. 109(g)(2). Nevertheless, there is authority that the bar in that statute is waivable. *In re Leafly*, 479 B.R. 545 (9th Cir. BAP 2012).

In the absence of any objection, this Court is prepared to grant the debtor's Motion. However, if any party in interest does oppose the Motion,

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**Hourig Tartarian**

**Chapter 13**

then the parties should be prepared to address *In re Payton*, 481 B.R. 460 (Bankr. N.D. Ill. 2012) (interpreting the statute to apply only when dismissal "follow[s]," in the sense of being caused by, the motion for relief from the automatic stay). In that event, the parties also should be prepared to address (a) the debtor's allegations about current changed circumstances, and (b) whether the debtor has established sufficient cause to reconsider or lift the 180 day bar (assuming without deciding that this Court has any authority to do so).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

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

Hourig Tartarian

Represented By  
Tamar Terzian  
Stephen L Burton

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se