

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

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-23426 Alphonso Scott and Avis Kemp Scott**

**Chapter 13**

**#1.00** Hrg re: Motion to Avoid lien under 11 U.S.C. section 522(f) with Sherman Acquisition LP and successor-in-interest The 704 Group, LLC  
[Date of entry of judgment: 11/8/20014]

Docket 156

**Tentative Ruling:**

Appearances required but telephonic appearances are encouraged, in view of the relatively small dollar amounts at issue, if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Exemption amount

This court is persuaded that for joint debtors over the age of 65, the current exemption amount under C.C.P. 704.730 is \$175,000, and that the debtors qualify for that exemption. Accordingly, the judgment creditor's objection to the motion on that basis is overruled.

(2) Valuation

This court is not persuaded that the junior lienholder's evidence of value (dkt. 160) must be excluded. The relationship between the declarant and the junior lienholder may bear on its weight, but not its admissibility.

The parties should be prepared to address how they propose to resolve their disputes regarding valuation - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

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**

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

**Thursday, November 10, 2016**

**Hearing Room 1545**

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8:30 AM

**CONT... Alphonso Scott and Avis Kemp Scott**

**Chapter 13**

**Debtor(s):**

Alphonso Scott

Represented By  
Jeffrey J Hagen

**Joint Debtor(s):**

Avis Kemp Scott

Represented By  
Jeffrey J Hagen

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-23426 Alphonso Scott and Avis Kemp Scott**

**Chapter 13**

**#2.00** Hrg re: Motion to Avoid lien under 11 U.S.C. section 522(F) with creditor: Sherman Acquisition II, LP and successor-in-interest The 704 Group, LLC [Date of entry of judgment: 12/2/2004]

Docket 157

**Tentative Ruling:**

Appearances required but telephonic appearances are encouraged, in view of the relatively small dollar amounts at issue, if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Exemption amount

This court is persuaded that for joint debtors over the age of 65, the current exemption amount under C.C.P. 704.730 is \$175,000, and that the debtors qualify for that exemption. Accordingly, the judgment creditor's objection to the motion on that basis is overruled.

(2) Valuation

This court is not persuaded that the junior lienholder's evidence of value (dkt. 162) must be excluded. The relationship between the declarant and the junior lienholder may bear on its weight, but not its admissibility.

The parties should be prepared to address how they propose to resolve their disputes regarding valuation - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

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**

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

**Thursday, November 10, 2016**

**Hearing Room 1545**

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8:30 AM

**CONT... Alphonso Scott and Avis Kemp Scott**

**Chapter 13**

**Debtor(s):**

Alphonso Scott

Represented By  
Jeffrey J Hagen

**Joint Debtor(s):**

Avis Kemp Scott

Represented By  
Jeffrey J Hagen

**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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Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-15440 Jackie S. Martinez

Chapter 13

#3.00 Hrg re: Motion to Avoid junior lien on principal residence with creditor: Real Time Resolutions, Inc., as agent for The Bank of New York Mellon

Docket 32

**Tentative Ruling:**

Continue to 1/5/16 at 8:30 a.m. to address the following issues. Appearances are not required on 11/10/16.

Reasons:

(1) Appraisal; date of valuation. The junior lienholder has requested (dkt. 34) additional time to obtain an appraisal. The debtor is directed to provide reasonable access for that purpose. The junior lienholder is directed to file and serve the appraisal at least two weeks before the continued hearing. Note: Judge Bason's tentative ruling is to require valuations *at or near the petition date*. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013).

At the continued hearing the parties should address how they propose to resolve their disputes - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

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):**

Jackie S. Martinez

Represented By  
S Renee Sawyer Blume

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, November 10, 2016**

**Hearing Room 1545**

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8:30 AM

**CONT... Jackie S. Martinez**

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-17286 Neris Adaluz Averlar and Darwin Adalberto Averlar

Chapter 13

#4.00 Hrg re: Motion to Avoid junior lien on principal residence with creditor: Household Finance Corporation of California

Docket 27

**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".

**Party Information**

**Debtor(s):**

Neris Adaluz Averlar

Represented By  
Robert T Chen

**Joint Debtor(s):**

Darwin Adalberto Averlar

Represented By  
Robert T Chen

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-22163 Raymond D Alfaro and Sandra F Alfaro

Chapter 13

#5.00 Hrg re: Motion to Avoid junior lien on principal residence with creditor: Deutsche Bank National Trust Company; Banamex USA

Docket 12

**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".

**Party Information**

**Debtor(s):**

Raymond D Alfaro

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Sandra F Alfaro

Represented By  
Andy C Warshaw

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:12-45311 Donald Eugene Ector and Essie Dean Nelson-Ector

Chapter 13

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

Docket 44

**Tentative Ruling:**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 48).

If you do not appear and the matter is not adequately resolved or continued 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):**

Donald Eugene Ector

Represented By  
David Lozano

**Joint Debtor(s):**

Essie Dean Nelson-Ector

Represented By  
David Lozano

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:11-59177 **Froilan Inocencio and Marianina J. Inocencio**

Chapter 13

#7.00 Hrg re: Motion for Authority to Sell or Refinance  
Real Property under LBR 3015-1 (Ch 13)

Docket 89

**Tentative Ruling:**

Deny the motion without prejudice so that the following problems can be addressed. Appearances required by counsel for the debtors only.

*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.

Counsel should be prepared to address the following issues:

(1) Notice

First, this court has reviewed the case docket, and it does not appear that the debtors provided notice of the amended sale motion (dkt. 89) and the deadline for oppositions thereto as required by LBR 9013-1(o) (made applicable by LBR 3015-1(p) and (w)(1)(C)). Notice is not required under those provisions if the sale or refinance will pay off the plan and the plan allows 100% to the unsecured claims. The amended motion does not assert that the sale proceeds will pay off the plan, nor does the debtors' confirmed chapter 13 plan provide for 100% distribution to unsecured claimants (see dkt. 51). Accordingly, notice was required.

Additionally, LBR 9013-1(o) requires that, where a timely response and request for hearing is filed to a motion filed on notice of opportunity to request a hearing, the movant must, within 14 days from the date of service of the response and request for hearing, schedule and give not less than 14 days notice of a hearing to those responding and to the United States trustee. Although the chapter 13 trustee's request for hearing on the amended motion was filed on 10/25/16 (dkt. 93), the debtors did not file their notice of hearing on the amended sale motion until 10/28/16 (dkt. 95), which was less than 14 days from this hearing date.

(2) Service

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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8:30 AM

CONT...

**Froilan Inocencio and Marianina J. Inocencio**

**Chapter 13**

This court has reviewed the proof of service attached to the notice of hearing on the motion (dkt. 95), and it appears that not all creditors were served with the notice as required by LBR 3015-1(w)(1)(C) (incorporating LBR 9013-1(o)). As stated above, the debtors have not satisfied the necessary requirements to excuse them from the service and notice requirements set forth in LBR 3015-1(w)(1)(C) and 9013-1(o).

(3) Trustee's opposition

What is the debtors' response to the trustee's opposition (dkt. 93), *i.e.*, that the debtors have omitted a junior consensual lien in their calculations set forth in the amended motion?

(4) Attorney fees

This court presumes that counsel will not charge the debtors or this bankruptcy estate for this motion, in view of the deficiencies noted above. If that is incorrect then counsel must address at the hearing why any fees or expenses are appropriate.

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):**

Froilan Inocencio

Represented By  
Nancy Korompis

**Joint Debtor(s):**

Marianina J. Inocencio

Represented By  
Myava R Escamilla - DISBARRED -  
Nancy Korompis

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-17639 Richard M Garcia**

**Chapter 13**

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

Docket 41

**Tentative Ruling:**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 44); whether those issues have been cured by the amended motion (dkt. 48); and whether this matter should be considered moot, or alternatively continued, in view of that amended motion.

If you do not appear and the matter is not adequately resolved or continued 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):**

Richard M Garcia

Represented By  
Julie J Villalobos

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-17512 Blanca Medina**

**Chapter 13**

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

Docket 55

**Tentative Ruling:**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 61).

If you do not appear and the matter is not adequately resolved or continued 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):**

Blanca Medina

Represented By  
Matthew D Resnik  
Kevin T Simon

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-28985 Willie Bryce Crump**

**Chapter 13**

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

Docket 23

**Tentative Ruling:**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 26).

If you do not appear and the matter is not adequately resolved or continued 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):**

Willie Bryce Crump

Represented By  
Rabin J Pournazarian

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:10-58069 Marta A Larregui**

**Chapter 13**

**#11.00** Hrg re: Motion to Reopen Chapter 13 Case

Docket 76

**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):**

Marta A Larregui

Represented By  
Sunita N Sood

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-18971 CHERYL DENISE WEST

Chapter 13

#12.00 Hrg re: Debtor's request for voluntary dismissal of chapter 13 case

Docket 41

**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.

*Key documents reviewed (in addition to motion papers):* dkt. 34 & 43 (orders) and dkt. 45 (proof of service).

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):**

CHERYL DENISE WEST

Represented By  
Ivan M Lopez Ventura

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-22750 Beverly Tanese Kelly

Chapter 13

#13.00 Hrg re: Motion to vacate dismissal  
and request permission to file bankruptcy  
case

Docket 14

**Tentative Ruling:**

Deny. 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.

*Reasons for denial:* The motion seeks relief from an order entered in the debtor's prior bankruptcy case, 2:12-bk-37077-VZ. Relief is most appropriately sought in that case, upon proper notice to creditors in that case, and before the Bankruptcy Judge who is already familiar with the facts and circumstances giving rise to that order.

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):**

Beverly Tanese Kelly

Represented By  
Nicholas M Wajda

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:13-20554 Curtis Lee Dunmore, Sr.**

**Chapter 13**

**#14.00** Hrg re: Motion to Dismiss Debtor United States of America's Motion to Dismiss or Convert Pursuant to 11 U.S.C. § 1307(c)

Docket 39

**Tentative Ruling:**

Continue to 12/8/16 at 8:30 a.m. to address the following issues.  
Appearances are not required on 11/10/16.

Reasons:

(1) Service. LBR 3015-1(q)(3) requires that a motion to dismiss or convert a chapter 13 case filed by an interested party must be served on both the debtor and the debtor's attorney. This court has reviewed the proof of service attached to the motion to dismiss (dkt. 39), and it appears that the debtor was not served with the motion. No later than November 17, 2016, the movant must file and serve on the chapter 13 trustee a supplemental proof of service demonstrating that the motion and supporting documents were served on the debtor in accordance with LBR 3015-1(q)(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):**

Curtis Lee Dunmore Sr.

Represented By  
Devin Sawdayi

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:16-21122 George Ramirez and Michella Patricia Ramirez**

**Chapter 13**

**#15.00** Hrg re: Debtor's motion to cram down debtors' vehicle 2013 Hyundai Sonata under 11 U.S.C. section 1325 (a)(5)(B) and 506(a)

Docket 18

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving the parties' stipulation resolving this matter (dkt. 23).**

**Tentative Ruling:**

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

George Ramirez

Represented By  
Ramiro Flores Munoz

**Joint Debtor(s):**

Michella Patricia Ramirez

Represented By  
Ramiro Flores Munoz

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-22693 Francisco Calderon

Chapter 13

#16.00 Hrg re: U.S. Trustee motion to dismiss Chapter 13  
Case for Use of a False Credit Counseling Certificate  
Pursuant to 11 U.S.C. Sections 109(h)(1) and 1307(c)  
With a One-Year Bar to Refiling Pursuant to 11 U.S.C.  
Section 349(a)

Docket 10

**Tentative Ruling:**

Grant. Although service arguably is required on all creditors under the local rules (LBR 3015-1(q)(3)), the tentative ruling is to excuse any such noncompliance because the national rules provide an exception in these circumstances and local rules may not be inconsistent with national rules (see Rules 1017(c), 2002(a)(4) & 9029(a)(1), Fed. R. Bankr. P.). 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.

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):**

Francisco Calderon

Pro Se

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:10-58104 Francisco Valencia-Nunez**

**Chapter 13**

**#17.00** Hrg re: Objection to Claim Number 2  
by Claimant Bank of America, N.A. et al.  
c/o Ocwen Loan Servicing, LLC.

Docket 57

**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):**

Francisco Valencia-Nunez

Represented By

Matthew D Resnik

S Renee Sawyer Blume

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**2:15-21592 Julio Cornejo**

**Chapter 13**

**#18.00** Hrg re: Application for Supplemental fees

Docket 41

**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.

*Key documents reviewed (in addition to motion papers):* the applicant's supplemental declaration, including time records providing sufficient detail regarding services provided to enable this court to determine the reasonableness thereof (dkt. 48).

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):**

Julio Cornejo

Represented By  
Michael D Luppi

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-16267 Robert Taylor, II

Chapter 13

#19.00 [Case dismissed on 10/26/16]

Hrg re: Application for Payment of Final Fees  
and Expenses

Docket 49

**Tentative Ruling:**

Grant in part, with a reduction of \$209.00 for the reasons set forth below, resulting in total allowed fees and expenses of \$6,754.45 (\$6,963.45 - \$209.00 = \$6,754.45), and with a caution to counsel that future failure to provide adequate time records may result in far greater disallowance of fees. 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.

*Reasons:* Although not cited in the application, it appears the debtor's counsel is seeking payment of fees and expenses pursuant to LBR 3015-1(q)(6).

This court has reviewed the time records submitted in support of the application, and it appears that counsel seeks compensation for noncompensable clerical/secretarial work (*i.e.*, filing and serving documents). See 28 C.F.R. pt. 58, app. A(b)(5)(vii) (1996) (providing that expenses in the nature of "secretarial and other clerical services" are nonreimbursable), *available at* [www.justice.gov/sites/default/files/ust/legacy/2013/06/28/1996\\_Fee\\_Guidelines.pdf](http://www.justice.gov/sites/default/files/ust/legacy/2013/06/28/1996_Fee_Guidelines.pdf). It also appears that counsel has impermissibly lumped compensable and noncompensable work under single time entries, making it impossible for this court to determine how much time was spent on compensable work and how much was spent on noncompensable work. See LBR 2016-1(a)(1)(E)(iii) (made applicable by Court Manual section 2.9(c)).

The following time entries are disallowed in their entirety as noncompensable clerical work:

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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8:30 AM

**CONT... Robert Taylor, II**

**Chapter 13**

<u>Date</u>	<u>Initial</u>	<u>Time</u>	<u>Description</u>
5/26/16	LA	0.4	Filed schedules, plan
6/29/16	LA	0.3	Filed response to relief from stay
7/1/16	LA	0.4	Filed/served plan and notice, drafted proof of service
7/26/16	LA	0.2	Filed/served notice and declarations
10/11/16	LA	0.2	Filed/served amended plan and declaration

Total: 1.5 hours x \$95/hr. = \$142.50

The following time entries contain both compensable and noncompensable work. Because this court cannot determine how much time was spent on noncompensable work, this court will apply a 50% reduction to the following time entries:

<u>Date</u>	<u>Initial</u>	<u>Time</u>	<u>Description</u>
6/29/16	LA	0.6	Complete schedules, file/serve schedules and plan
9/7/16	LA	0.2	Complete schedules, file/serve schedules and plan
9/8/16	LA	0.4	Complete/file/serve schedules
9/14/16	LA	0.2	Complete schedules, file/serve schedules and plan

Total: 1.4 hours x \$95/hr. = \$133, 50% = \$66.50 disallowed.

**TOTAL DISALLOWANCE: \$142.50 + \$66.50 = \$209**

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):**

Robert Taylor II

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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**CONT... Robert Taylor, II**

**Chapter 13**

**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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8:30 AM

**2:16-18171 Luis M Rodriguez**

**Chapter 13**

**#20.00** Hrg re: Motion objecting to the proof of claim filed by Department of the Treasury Internal Revenue Service

Docket 0

**\*\*\* VACATED \*\*\* REASON: Notice of Withdrawal filed on 10/26/2016 (dkt. 24)**

**Tentative Ruling:**

- NONE LISTED -

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

Luis M Rodriguez

Represented By  
Ghada Helena Philips

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-17879 Lisa Perez

Chapter 13

#21.00 Cont'd hrg re: Motion to avoid junior lien on principal residence with creditor Trojan Capital Investments, LLC fr. 09/15/16

Docket 26

**Tentative Ruling:**

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

Deny. 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.

*Key documents reviewed (in addition to motion papers):* Creditor Trojan Capital Investments, LLC's supplemental opposition to debtor's motion to avoid lien, filed 10/27/16 (dkt. 71); Proof of claim 7-1, filed 10/13/16 by creditor Deutsche Bank.

*Reasons for denial:* The proof of claim filed by creditor Deutsche Bank (POC 7-1), shows that the amount of the senior loan on the subject property is \$260,733.12. Both the appraisals of the debtor and Trojan demonstrate a higher property value than the amount of the senior loan.

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 9/15/16:**

Continue to 11/10/16 at 8:30 a.m. to address the following issues.  
Appearances are not required on 9/15/16.

Reasons:

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CONT...

Lisa Perez

Chapter 13

(1) Appraisal; date of valuation. The junior lienholder has requested (dkt. 51) additional time to obtain an appraisal. The debtor is directed to provide reasonable access for that purpose. The junior lienholder is directed to file and serve the appraisal at least two weeks before the continued hearing.

Note: Judge Bason's tentative ruling is to require valuations *at or near the petition date*. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013).

At the continued hearing the parties should address how they propose to resolve their disputes - *e.g.*, (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

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):**

Lisa Perez

Represented By  
Mark S Martinez

**Movant(s):**

Lisa Perez

Represented By  
Mark S Martinez

**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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8:30 AM

2:13-25437 Georgina B Banez

Chapter 13

#22.00 Cont'd hrg re: Motion under Local Bankruptcy Rule 3015-1  
(n) and (w) to modify plan or suspend plan payments  
fr. 10/13/16

Docket 123

**Tentative Ruling:**

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

Grant, because the debtor provided the notice directed by this court (dkt. 132) and no response has been filed. 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.

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 10/13/16:**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 124).

If you do not appear and the matter is not adequately resolved or continued 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):**

Georgina B Banez

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
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8:30 AM

**CONT... Georgina B Banez**

**Chapter 13**

**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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8:30 AM

2:13-38567 Monica Jo Meeks

Chapter 13

#23.00 Cont'd hrg re: Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments fr. 09/15/16, 10/13/16

Docket 32

**Tentative Ruling:**

**Tentative Ruling for 11/10/16 (same as for 10/13/16 and 9/15/16):**

Appearances required absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by the debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 34).

If you do not appear and the matter is not adequately resolved or continued 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):**

Monica Jo Meeks

Represented By  
Devin Sawdayi

**Movant(s):**

Monica Jo Meeks

Represented By  
Devin Sawdayi

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-10993 Michelle Emelle

Chapter 13

#24.00 Cont'd order to show cause re: Dismissal  
fr. 2/11/16, 4/7/16, 6/2/16, 07/28/16, 9/15/16,  
10/13/16

Docket 10

**Tentative Ruling:**

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

Discharge the order to show cause because the case that had been pending (Case No. 2:11-bk-44203-WB) has now been closed. 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".

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

Continue to 11/10/16 at 8:30 a.m. for the reasons stated in the debtor's supplemental response (dkt. 46) and to allow the Bankruptcy Court Clerk's office additional time to close the debtor's concurrent case (2:11-bk-44203-WB). Appearances are not required on 10/13/16.

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 9/15/16:**

Continue to 10/13/16 at 8:30 a.m. for the reasons stated in the debtor's supplemental response (dkt. 42) and to allow the Bankruptcy Court Clerk's office additional time to enter discharge and close the debtor's concurrent case (2:11-bk-44203-WB). Appearances are not required on 9/15/16.

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**CONT... Michelle Emelle**

**Chapter 13**

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 7/28/16:**

Continue to 9/15/16 at 8:30 a.m. based on the debtor's supplemental response (dkt. 35). Appearances are not required on 7/28/16.

The debtor is cautioned that this case has been pending since 1/27/16 and this Court has continued this matter several times in anticipation of the conclusion of the debtor's other case (2:11-bk-44203-WB) and will not be inclined to continue this matter again.

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 6/2/16:**

Appearances required. This Court previously was persuaded to continue this matter in anticipation of the conclusion of the debtor's other pending case (2:11-bk-44203-WB) but that has not happened. Why should this Court not dismiss this case?

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 4/7/16:**

Continue to 5/5/16 at 8:30 a.m. for the following reasons. Appearances are not required on 4/7/16.

On 2/11/16, this Court continued this matter in the hope that the debtor's first bankruptcy (2:11-bk-44203-WB) would be concluded and closed. It appears that that is close to occurring, because the debtor just filed an application for a discharge in that case (id., dkt. 121, filed 4/5/16).

If you wish to dispute the above tentative ruling, please see Judge Bason's

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CONT... Michelle Emelle

Chapter 13

Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Revised Tentative Ruling for 2/11/16:**

Dismiss this case, pursuant to this Court's order to show cause re dismissal (dkt. 10). 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.

*Key documents reviewed (in addition to motion papers):* Reply to order to show cause (dkt. 13).

*Reasons for denial:*

(1) Law. There is no *per se* rule prohibiting a debtor from having two bankruptcy cases pending at the same time, but property cannot be part of two estates, with two automatic stays competing against one another simultaneously. See *In re Grimes*, 117 B.R. 531, 535-37 (9th Cir. BAP 1990). Sometimes that is not an issue, even in simultaneous cases, because property has already reverted in the debtor before the first case has closed - e.g., in a chapter 7 case after the discharge - so the debtor can file a chapter 13 case while the chapter 7 case is still open. See *id.* But in the present situation the debtor is attempting to maintain two chapter 13 cases simultaneously, which means that the property would exclusively belong to the first estate, but also exclusively belong to the second estate, which is both illogical and impermissible. See *id.*

(2) Good faith. Alternatively, if it were logically possible to have two estates pending at the same time, this Court would have to determine whether this second filing is in good faith. For the following reasons the tentative ruling is that it is not. See *In re McMahan*, 481 B.R. 901, 921 (Bankr. S.D. Tex. 2012) (dismissing chapter 13 case while chapter 11 case was still pending both because of the "single estate rule" and alternatively for lack of good faith).

(a) Curing violation of adequate protection order with payments of 60 months. According to the debtor's response (dkt.13) to the OSC, she

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CONT...

Michelle Emelle

Chapter 13

and her non-debtor husband have 7 months left in their 1st chapter 13 bankruptcy case (2:11-bk-44203-WB), and they want to pay off their first case (in a lump sum) so that they can discharge their general unsecured claims including the "stripped off" 2d deed of trust on their home. They could not do that in this new bankruptcy case because their home property has appreciated in value: it is now worth approximately \$625,000, minus roughly \$481,000 owed on their 1st deed of trust, leaving roughly \$44,000 in equity, according to their bankruptcy Schedule D (dkt.18 PDF p.11).

These are understandable goals. Unfortunately for the debtors, however, they are seriously behind in payments under the order in their first bankruptcy case providing adequate protection to the holder of the 1st deed of trust (2:11-bk-44203-WB, dkt. 97) and as a result that creditor has been granted relief from the automatic stay to foreclose (*id.*, dkt. 99, 101). That creditor denied their application for a further loan modification, so now they are at risk of losing their home because of their failure to abide by the adequate protection order in their first bankruptcy case.

This, they explain, is why the debtor has filed this second bankruptcy case (without her husband, who allegedly would have trouble devoting the time required for this case). The debtor proposes to cure the arrears, allegedly \$39,000, on that 1st deed of trust over 60 months with 0% interest (dkt. 15, p.5). The debtor also proposes to pay some recent general unsecured medical bills (and possibly some student loans that will not be discharged in her first bankruptcy case) over 60 months.

This attempt to evade the adequate protection order in the first bankruptcy case appears inconsistent with the good faith required to have two bankruptcy cases pending simultaneously. To provide some context, it is typical to permit a debtor who falls behind in postpetition payments, but who can show sufficiently reliable evidence of any ability to cure those arrears (*e.g.*, though regaining stable employment), to cure the postpetition arrears over a period of up to 6 months, but that is conditioned on relief from the automatic stay if defaults are not cured within a 14 day period. That is what the adequate protection order in the first bankruptcy case required (2:11-bk-44203-WB, dkt.97, pp.4-5).

This second bankruptcy case would disregard the terms of that order, which by itself is strong evidence of a lack of good faith. In addition, this second bankruptcy case would provide the debtor with a new period of 60 months to cure the postpetition arrears. In addition, although the property

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CONT... Michelle Emelle

Chapter 13

allegedly has experience a dramatic appreciation in value, any reliance on that appreciation to protect the creditor, and excuse the debtors' default, would place on the secured creditor all of the risk of any future decline in home values, and disregard the debtor's failure to abide by the terms of the adequate protection order.

For all of these reasons, this court is not persuaded that the debtor can show a good faith basis for having filed this second bankruptcy case while her first bankruptcy case is pending. Therefore, even if it were permissible to have two competing bankruptcy estates each holding an exclusive interest in the estate property (which is not permissible) it appears that this second bankruptcy case would have to be dismissed for lack of good faith.

(b) Other indicia of lack of good faith: student loans, missing income taxes, reliance on unsupported family contributions. The debtor asserts (dkt.13, p.3:11) that she needs to pay student loans (roughly \$46,000 per dkt.18, at PDF p.16, line 6f) but such payments are not included in her plan (dkt.15) (nor are they on her bankruptcy Schedules I&J (dkt.18, at PDF pp.19-22) - which they should not be, but sometimes are, in this court's experience). Therefore, the debtor's plan appears on its face to be infeasible.

The debtor's bankruptcy Schedule I (dkt.18 at PDF p.20) lists no deduction for income tax (perhaps her non-debtor husband's taxes are supposed to cover both of them, but that is not stated anywhere). That same document also lists an alleged family contribution of \$250 per month but there is no evidence that they are willing and able to do so.

For all of these reasons, the tentative ruling is to dismiss this bankruptcy case.

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 2/11/16:**

This court anticipates posting a tentative ruling at a later time.

**Party Information**

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**CONT... Michelle Emelle**

**Chapter 13**

**Debtor(s):**

Michelle Emelle

Represented By  
Thomas B Ure  
Thomas B Ure

**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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**2:16-12678 Ceola Vivian Morgan**

**Chapter 13**

**#25.00** Cont'd hrg re: Motion to Consolidate Her Sole Proprietorship  
with the Nonprofit Corporation, Morgan's Heavenly Home  
fr. 10/13/16

Docket 48

**\*\*\* VACATED \*\*\* REASON: Debtor's voluntary withdrawal of motion  
filed on 10/20/16 [dkt 55]**

**Tentative Ruling:**

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

**Debtor(s):**

Ceola Vivian Morgan

Represented By

Michael Avanesian  
Michael Avanesian  
Michael Avanesian  
William S Youkstetter  
William S Youkstetter  
William S Youkstetter

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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8:30 AM

2:16-16672 John Hong

Chapter 13

#26.00 Cont'd hrg re: Motion for order partially disallowing claim of Grace Ra [Proof of Claim no. 3] fr. 07/28/16, 09/15/16

Docket 21

**Tentative Ruling:**

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

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 7/28/16 hearing on the claim objection, this court set a 8/17/16 deadline for the parties lodge their mediation order(s). Although no mediation orders were lodged, on 9/14/16 this court entered its order (dkt. 39) approving the parties' stipulation to continue the hearing on the objection to allow them additional time to complete their mediation (dkt. 38). There is no tentative ruling, but the parties should be prepared to discuss the status of their mediation efforts.

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 7/28/16:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address the following issues:

(1) The email exchange might create or reflect a binding agreement. There are at least three problems with relying on the parties' email exchange (dkt. 21, Ex.C) as a binding agreement. First, the general terms of any agreement appear to be ambiguous - although that problem may be surmountable. Second, the email chain appears to imply that the precise terms were yet to be worked out and reduced to writing - that problem appears to be insurmountable. Third, there are a host of other issues that the parties have not addressed.

(a) General terms. As Mr. Orantes argues, the email from Ms. Ra's

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CONT...

**John Hong**

**Chapter 13**

attorney may be a sufficient "signature" on her behalf to make the parties' communications binding, or alternatively it might reflect a binding oral agreement, if the ambiguities can be resolved. Ms. Ra's attorney (Dale Park) writes on 2/23/15 that she "will get the judgment of \$210,000" but "if and when \$118,200 is paid (from any source), it shall be deemed payment in full ...." (Dkt. 21, Ex.C, at PDF p.26, emphasis added.)

At first glance, the ambiguity about when the reduced dollar amount must be paid deprives the purported agreement of even general terms. If the payment is not expedited then what is the consideration (the quid pro quo) for reducing the dollar amount? (Typically the quid pro quo for any reduction in a judgment is that payment is either expedited or made more certain, thereby avoiding the expense and risks of collection.)

But the parties' intent on these issues may be resolved by the unsigned "side agreement" at the end of the exhibit, which appears to have been sent on 2/12/15 (prior to the email from Dale Park). That side agreement states that the \$118,200 will be paid "from the sale of the stores plus any earning that John Hong will make personally in future" (dkt. 21, Ex.C, at PDF p.29, para.4) apparently with the intent to dedicate those sources of income to paying Ms. Ra and thereby "give the priority of collection to Grace RA [sic] in case of [a] law suit from other creditors" (*id.*, para.3). In sum, there appears to be a basis for the reduction from the \$210,000 judgment to the \$118,200 agreed payoff amount: the basis was the parties' assumption that they could give a priority to Ms. Ra. In other words, on the general terms there might have been a meeting of the minds, and therefore a binding agreement.

(b) Specific terms apparently were to be in a writing that was never executed. In his 2/23/15 email responding to the above-referenced 2/23/15 email from Ms. Ra's attorney, the debtor requests that Ms. Ra's attorney draft a separate statement to be signed by Ms. Ra. Dkt. 21, PDF p. 27. The debtor's own statement thus contemplates that the agreement will not be final unless it is (1) memorialized in a separate writing and (2) signed by Ms. Ra herself. The debtor also said that the agreement "will be sufficient for me" [emphasis added], which further appears to demonstrate that the debtor did not consider the agreement to be final until it was separately memorialized and signed by Ms. Ra. Furthermore, in his March 1, 2016 email, the debtor asks Ms. Ra's attorney to review the attached "final draft" of the agreement, and to let Ms. Ra know her attorney's opinion of the agreement before she

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CONT...

**John Hong**

**Chapter 13**

signed it. The debtor adds, "I told her that is fine," *i.e.*, that Ms. Ra could talk to her attorney before she finalized the agreement.

There is authority that when email communications contemplate further writings, the emails themselves are not a final agreement for settlement purposes. See *J.B.B. Investment Partners, Ltd. v. Fair*, 232 Cal. App. 4th 974, 989-990 (2014).

(c) Other problems not addressed by the parties. The parties have not briefed whether the statute of frauds applies (*i.e.*, whether a written agreement was required), the possible effects of the parol evidence rule, the possibility of mutual or unilateral mistake, or anything else that might or might not make this a binding oral or written agreement. In addition, even if there was an agreement, it might not be enforceable - *e.g.*, perhaps the agreement is unenforceable for public policy reasons because parties could be found to have colluded to "give the priority of collection to Grace Ra" by creating an artificially inflated \$210,000 judgment, when the real debt was only \$118,200 after taking offsets or other things into consideration. For present purposes this Bankruptcy Court makes no findings of fact or conclusions of law as to any of those things. The point is only that there are unresolved factual and legal issues.

(2) The "balance sheet" might create or reflect a binding agreement. The "balance sheets" (dkt. 21, Ex.D; dkt. 34, Ex. E) appear on their face to be an acknowledgment by Ms. Ra not only of the payments received but also of the reduced principal balance. Ms. Ra declares (dkt. 24, pp.6-7, para.6) that she only intended her signature to acknowledge receipt of payments, not the balance due, but that is a disputed factual issue, and she has not established that this Bankruptcy Court can decide that issue without an evidentiary hearing at which the parties testify and their credibility can be considered.

The parties should be prepared to address the foregoing issues, and whether this Bankruptcy Court should set a schedule for discovery, further briefs, and an evidentiary hearing/trial.

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**

**United States Bankruptcy Court  
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**CONT... John Hong**

**Chapter 13**

**Debtor(s):**

John Hong

Represented By  
Giovanni Orantes  
Giovanni Orantes

**Movant(s):**

John Hong

Represented By  
Giovanni Orantes  
Giovanni Orantes

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-24027 **Jacqueline Nacole Merriman**

Chapter 13

**#27.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 8

**Tentative Ruling:**

Grant, subject to the following conditions, and also subject to any timely opposition pursuant to this court's order (dkt. 9) setting this hearing. 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").

*Key documents reviewed (other than the motion papers):* This Court's order granting application and setting hearing on shortened notice (dkt. 9).

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,

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

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**CONT...**

**Jacqueline Nacole Merriman**

**Chapter 13**

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 rulings".

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

Jacqueline Nacole Merriman

Represented By  
Devin Sawdayi

**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**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-21167 Efren Eguren-Zaragoz

Chapter 13

#28.00 Cont'd OSC re: Why Debtor Should Not be Sanctioned  
fr. 10/13/16

Docket 12

**Tentative Ruling:**

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

Appearances required. There is no tentative ruling, but the parties should be prepared to address possible sanctions and any other proceedings related to the issues raised in the this court's order to show cause (the "OSC," dkt. 12), the response of the U.S. Trustee (dkt. 16), and the Chapter 13 Trustee's declaration regarding the debtor's failure to appear at the meeting of creditors or make any payments (dkt. 17).

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 10/13/16:**

Appearances are not required on 10/13/16.

(1) Dismissal with a bar: The tentative ruling is to dismiss this case with a 180 day bar against being a debtor in bankruptcy (11 U.S.C. 109(g)(1)) for the reasons set forth in the this court's order to show cause (the "OSC," dkt. 12), the response of the U.S. Trustee (dkt. 16), and the Chapter 13 Trustee's declaration regarding the debtor's failure to appear at the meeting of creditors or make any payments (dkt. 17), and because the debtor apparently has not complied with the obligation to update the debtor's current address.

(2) Further proceedings: In addition, the tentative ruling is to reserve jurisdiction regarding possible sanctions and any other proceedings relating to the foregoing, and to continue the hearing to 11/10/16 at 8:30 a.m. to address those issues in view of any further investigation by the U.S. Trustee's (dkt. 16).

(3) Further notice. No later than 10/14/16, the U.S. Trustee is requested and directed to serve a copy of the OSC (dkt. 12) on the debtor at the address discovered during its investigation (2700 Cypress Street,

**United States Bankruptcy Court  
Central District of California  
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**CONT...**      **Efren Eguren-Zaragoz**  
Compton, CA 90220).

**Chapter 13**

*This court will prepare an order* for dismissal with a bar (reserving jurisdiction as set forth above) 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):**

Efren Eguren-Zaragoz	Pro Se
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**Trustee(s):**

Kathy A Dockery (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

Thursday, November 10, 2016

Hearing Room 1545

8:30 AM

2:16-24010 Ricky Grayson

Chapter 13

#29.00 Hrg re: Motion in Individual Case for Order imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 14

**Tentative Ruling:**

Grant, subject to the following conditions, and also subject to any opposition at the hearing. Appearances 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 rulings".

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

**Thursday, November 10, 2016**

**Hearing Room 1545**

8:30 AM

**CONT... Ricky Grayson**

**Chapter 13**

**Party Information**

**Debtor(s):**

Ricky Grayson

Represented By  
Lauren Rode

**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**

**Thursday, November 10, 2016**

**Hearing Room 1545**

9:30 AM  
**2:00-0000**

**Chapter**

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 9:30 AM  
CONFIRMATION CALENDAR CAN BE VIEWED ON THE  
COURT'S WEBSITE ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) UNDER:  
JUDGES>BASON, N.>CHAPTER 13>CONFIRMATION HEARINGS CALENDAR**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

Thursday, November 10, 2016

Hearing Room 1545

11:00 AM  
2:00-00000

Chapter

#1.00 ***PLEASE BE ADVISED THAT THE CHAPTER 13 HEARINGS  
at 11:00 AM CAN BE VIEWED ON THE COURT'S WEBSITE  
(www.cacb.uscourts.gov) UNDER: JUDGES>BASON, N.>CHAPTER 13***

Docket 0

**Tentative Ruling:**

- NONE LISTED -