

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:11-43036 Michael Contreras and Jeanne H. Contreras

Chapter 13

#1.00 Hrg re: Motion avoid junior lien on principal residence with Chase Bank USA, N.A.

Docket 68

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.

Key documents reviewed (in addition to motion papers): the debtors' supplemental declaration (dkt. 88).

Reasons for denial: The debtors' updated appraisal (dkt. 88) provides a fair market value ("FMV") of \$475,000 for the subject property as of 8/12/11. With an FMV of \$475,000, the equity calculation is as follows:

\$475,000 FMV - \$354,205 total consensual liens (1st and 2nd) = \$120,795
\$120,795 - \$100,000 homestead exemption = **\$20,795 equity**

The \$20,795 in equity is sufficient to pay the debtors' \$18,193 judgment lien without impairing their homestead exemption.

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

Party Information

Debtor(s):

Michael Contreras

Represented By
William R Schuchman

Joint Debtor(s):

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Michael Contreras and Jeanne H. Contreras

Chapter 13

Jeanne H. Contreras

Represented By
William R Schuchman

Movant(s):

Jeanne H. Contreras

Represented By
William R Schuchman
William R Schuchman
William R Schuchman

Michael Contreras

Represented By
William R Schuchman

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-16898 Elizabeth Keeseey

Chapter 13

#2.00 Hrg re: Motion avoid junior lien on principal residence with JP Morgan Chase Bank, N.A.

Docket 28

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) then search for "tentative rulings".

Party Information

Debtor(s):

Elizabeth Keeseey

Represented By
Kevin T Simon

Movant(s):

Elizabeth Keeseey

Represented By
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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-16898 Elizabeth Keeseey

Chapter 13

#3.00 Hrg re: Motion avoid junior lien on principal residence with California United Bank

Docket 26

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) then search for "tentative rulings".

Party Information

Debtor(s):

Elizabeth Keeseey

Represented By
Kevin T Simon

Movant(s):

Elizabeth Keeseey

Represented By
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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-20279 Jeffrey D Dela Cruz

Chapter 13

#4.00 Hrg re: Motion avoid junior lien on principal residence with JP Morgan Chase Bank

Docket 21

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) then search for "tentative rulings".

Party Information

Debtor(s):

Jeffrey D Dela Cruz

Represented By
Todd B Becker

Movant(s):

Jeffrey D Dela Cruz

Represented By
Todd B Becker

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-21202 Margarita L Martinez

Chapter 13

#5.00 Hrg re: Motion avoid junior lien on principal residence with Real Time Resolutions

Docket 19

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) then search for "tentative rulings".

Party Information

Debtor(s):

Margarita L Martinez

Represented By
Michael A Rivera

Movant(s):

Margarita L Martinez

Represented By
Michael A Rivera
Michael A Rivera
Michael A Rivera

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-22200 Kevin David Brown

Chapter 13

#6.00 Hrg re: Motion for order determining
value of collateral

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) then search for "tentative rulings".

Party Information

Debtor(s):

Kevin David Brown

Represented By
R. Chris Lim

Movant(s):

Kevin David Brown

Represented By
R. Chris Lim

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-22604 Seleve Lafi Tuisaloo and Lolina Molia Tuisaloo

Chapter 13

#7.00 Hrg re: Debtor's motion to value collateral held by Wheels Financial Group, LLC dba 1-800 LoanMart

Docket 23

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) then search for "tentative rulings".

Party Information

Debtor(s):

Seleve Lafi Tuisaloo

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Lolina Molia Tuisaloo

Represented By
Rabin J Pournazarian

Movant(s):

Lolina Molia Tuisaloo

Represented By
Rabin J Pournazarian

Seleve Lafi Tuisaloo

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:12-41534 Ronnie Ray Brice and Sheila Brice

Chapter 13

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

Docket 69

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 trustee. There is no tentative ruling, but the parties should be prepared to address the issues raised by the debtors (dkt. 71).

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):

Ronnie Ray Brice

Represented By

Anthony Obehi Egbase
Onyinye N Anyama
Crystle J Lindsey

Joint Debtor(s):

Sheila Brice

Represented By

Anthony Obehi Egbase
Onyinye N Anyama
Crystle J Lindsey

Movant(s):

Kathy A Dockery (TR)

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:12-42594 Jean Marie Lee

Chapter 13

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

Docket 76

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. 81).

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):

Jean Marie Lee

Represented By
Matthew D Resnik
S Renee Sawyer Blume

Movant(s):

Jean Marie Lee

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:12-51630 Kevin Corcoran and Adrienne Lerma-Corcoran

Chapter 13

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

Docket 73

***** VACATED *** REASON: Order issued 11/21/16 (dkt. 87)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Corcoran

Represented By
Charles J Brash

Joint Debtor(s):

Adrienne Lerma-Corcoran

Represented By
Charles J Brash

Movant(s):

Adrienne Lerma-Corcoran

Represented By
Charles J Brash
Charles J Brash
Charles J Brash

Kevin Corcoran

Represented By
Charles J Brash
Charles J Brash
Charles J Brash

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-24050 Ignacio Reynoso

Chapter 13

#11.00 Hrg re: Motion to Dismiss Chapter 13 Case for Failure to File a 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 18

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) then search for "tentative rulings".

Party Information

Debtor(s):

Ignacio Reynoso Pro Se

Movant(s):

United States Trustee (LA) Represented By
Melanie Scott

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:09-45022 Michelle Margret Francis

Chapter 13

#12.00 Hrg re: Motion For Contempt For
Violation of Discharge Injunction

Docket 150

***** VACATED *** REASON: Order issued without a hearing (dkt. 166).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Margret Francis

Represented By
Tamar Terzian
Julie Lim

Movant(s):

Michelle Margret Francis

Represented By
Tamar Terzian
Julie Lim

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:11-55766 Barbara Jean Morgan

Chapter 13

#13.00 Hrg re: Motion for Discharge Without Discharge
or Prejudice to Priority Claim of the Department
of The Treasury, Internal Revenue Service

Docket 143

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address whether the Chapter 13 Trustee has any objection to granting this motion in conjunction with the debtor's motion to modify the plan (dkt. 137), as supplemented by this motion and other papers (dkt. 143, 144).

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):

Barbara Jean Morgan

Represented By
Devin Sawdayi

Movant(s):

Barbara Jean Morgan

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:14-10832 Norman Jon Berg

Chapter 13

#14.00 Hrg re: Motion for Allowance and Payment
of Administrative Expense

Docket 51

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) then search for "tentative rulings".

Party Information

Debtor(s):

Norman Jon Berg

Represented By
Alla Tenina

Movant(s):

Cab West, LLC

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**

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-24151 Angelica Nario

Chapter 13

#15.00 Hrg re: Motion to Convert Case From Chapter 13 to 11

Docket 18

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) then search for "tentative rulings".

Party Information

Debtor(s):

Angelica Nario

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Movant(s):

Angelica Nario

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:14-12126 Kimberley Carlson Byerrum

Chapter 13

#16.00 Hrg re: Objection to Claim Number 1
by Claimant Altair Oh Xiii, LLC

Docket 31

Tentative Ruling:

Deny for the reasons 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.

Key documents reviewed (in addition to motion papers): claimant's response (dkt. 35).

Reasons for denial: There are two issues: (1) allowance or disallowance of the claim, and (2) attorney fees.

(1) Allowance of disallowance of the claim. The debtor's objection is based on a lack of sufficient information about the assignment of this debt to the movant. A reasonable interpretation of Rule 3001(c)(1) (Fed. R. Bankr.P.) is that the claimant should have provided this information as part of the "writing" on which the claim is based. Instead, the claimant failed to do so; but it has now filed an amended proof of claim (claim no. 1-2) that cures that defect. Therefore, the tentative ruling is to deny the motion insofar as it requests that the claim be disallowed.

(2) Attorney fees. The debtor is correct that under Rule 3001(c)(2)(D) (ii) this court "may" grant "appropriate relief" that can include an award of attorney fees for failure to provide any information "required by this subdivision (c)" of that rule. But a special rule applies to "open-end or revolving consumer credit" agreements, which strongly suggests that this court should not use its discretion to award attorney fees in this instance.

Subdivision (c)(3)(B) provides that if the open-end consumer credit claimant fails to provide the relevant information (*e.g.*, "the name of the entity from whom the creditor purchased the account" (Rule 3001(c)(3)(A)(i)), then, "[o]n written request by a party in interest, the holder of [such] a claim ... shall,

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

Thursday, December 08, 2016

Hearing Room 1545

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CONT... **Kimberley Carlson Byerrum**

Chapter 13

within 30 days after the request is sent, provide the requesting party with a copy of the writing specified in paragraph (1) of this subdivision." (Emphasis added.) In other words, the rule appears to contemplate a 30 day grace period to cure any lack of sufficient writing for open-end consumer credit agreements.

The debtor has not shown that any such request was sent. True, the motion itself could serve as such a request, but the claimant filed a response consistent with the date that the debtor chose to self-calendar the hearing, so the debtor appears to have obtained everything that the rule contemplates: a timely response to a request for more information. Therefore, in this instance it does not appear appropriate to order the claimant to pay the debtor's attorney fees.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 11) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably would produce a net benefit to the bankruptcy estate if the motion were granted.

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

Party Information

Debtor(s):

Kimberley Carlson Byerrum

Represented By
Thomas B Ure

Movant(s):

Kimberley Carlson Byerrum

Represented By
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
Courtroom 1545 Calendar**

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:14-12126 Kimberley Carlson Byerrum

Chapter 13

#17.00 Hrg re: Objection to Claim Number 2
by Claimant Altair Oh Xiii, LLC

Docket 30

Tentative Ruling:

Deny for the reasons 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.

Key documents reviewed (in addition to motion papers): claimant's response (dkt. 36).

Reasons for denial: There are two issues: (1) allowance or disallowance of the claim, and (2) attorney fees.

(1) Allowance of disallowance of the claim. The debtor's objection is based on a lack of sufficient information about the assignment of this debt to the movant. A reasonable interpretation of Rule 3001(c)(1) (Fed. R. Bankr.P.) is that the claimant should have provided this information as part of the "writing" on which the claim is based. Instead, the claimant failed to do so; but it has now filed an amended proof of claim (claim no. 1-2) that cures that defect. Therefore, the tentative ruling is to deny the motion insofar as it requests that the claim be disallowed.

(2) Attorney fees. The debtor is correct that under Rule 3001(c)(2)(D) (ii) this court "may" grant "appropriate relief" that can include an award of attorney fees for failure to provide any information "required by this subdivision (c)" of that rule. But a special rule applies to "open-end or revolving consumer credit" agreements, which strongly suggests that this court should not use its discretion to award attorney fees in this instance.

Subdivision (c)(3)(B) provides that if the open-end consumer credit claimant fails to provide the relevant information (*e.g.*, "the name of the entity from whom the creditor purchased the account" (Rule 3001(c)(3)(A)(i)), then, "[o]n written request by a party in interest, the holder of [such] a claim ... shall,

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... **Kimberley Carlson Byerrum**

Chapter 13

within 30 days after the request is sent, provide the requesting party with a copy of the writing specified in paragraph (1) of this subdivision." (Emphasis added.) In other words, the rule appears to contemplate a 30 day grace period to cure any lack of sufficient writing for open-end consumer credit agreements.

The debtor has not shown that any such request was sent. True, the motion itself could serve as such a request, but the claimant filed a response consistent with the date that the debtor chose to self-calendar the hearing, so the debtor appears to have obtained everything that the rule contemplates: a timely response to a request for more information. Therefore, in this instance it does not appear appropriate to order the claimant to pay the debtor's attorney fees.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 11) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably would produce a net benefit to the bankruptcy estate if the motion were granted.

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

Party Information

Debtor(s):

Kimberley Carlson Byerrum

Represented By
Thomas B Ure

Movant(s):

Kimberley Carlson Byerrum

Represented By
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
Courtroom 1545 Calendar**

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:14-12126 Kimberley Carlson Byerrum

Chapter 13

#18.00 Hrg re: Objection to Claim Number 6
by Claimant Altair Oh Xiii, LLC

Docket 29

Tentative Ruling:

Deny for the reasons 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.

Key documents reviewed (in addition to motion papers): claimant's response (dkt. 37).

Reasons for denial: There are two issues: (1) allowance or disallowance of the claim, and (2) attorney fees.

(1) Allowance of disallowance of the claim. The debtor's objection is based on a lack of sufficient information about the assignment of this debt to the movant. A reasonable interpretation of Rule 3001(c)(1) (Fed. R. Bankr.P.) is that the claimant should have provided this information as part of the "writing" on which the claim is based. Instead, the claimant failed to do so; but it has now filed an amended proof of claim (claim no. 1-2) that cures that defect. Therefore, the tentative ruling is to deny the motion insofar as it requests that the claim be disallowed.

(2) Attorney fees. The debtor is correct that under Rule 3001(c)(2)(D) (ii) this court "may" grant "appropriate relief" that can include an award of attorney fees for failure to provide any information "required by this subdivision (c)" of that rule. But a special rule applies to "open-end or revolving consumer credit" agreements, which strongly suggests that this court should not use its discretion to award attorney fees in this instance.

Subdivision (c)(3)(B) provides that if the open-end consumer credit claimant fails to provide the relevant information (*e.g.*, "the name of the entity from whom the creditor purchased the account" (Rule 3001(c)(3)(A)(i)), then, "[o]n written request by a party in interest, the holder of [such] a claim ... shall,

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Central District of California
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Hearing Room 1545

8:30 AM

CONT... **Kimberley Carlson Byerrum**

Chapter 13

within 30 days after the request is sent, provide the requesting party with a copy of the writing specified in paragraph (1) of this subdivision." (Emphasis added.) In other words, the rule appears to contemplate a 30 day grace period to cure any lack of sufficient writing for open-end consumer credit agreements.

The debtor has not shown that any such request was sent. True, the motion itself could serve as such a request, but the claimant filed a response consistent with the date that the debtor chose to self-calendar the hearing, so the debtor appears to have obtained everything that the rule contemplates: a timely response to a request for more information. Therefore, in this instance it does not appear appropriate to order the claimant to pay the debtor's attorney fees.

Note: Movant is cautioned that, in general, Judge Bason requires a "cost/benefit" analysis for any claim objections. In this instance, it appears that the confirmed plan (dkt. 11) provides for a 100% dividend, so Judge Bason is satisfied that any reasonable attorney fees incurred in this matter presumably would produce a net benefit to the bankruptcy estate if the motion were granted.

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

Party Information

Debtor(s):

Kimberley Carlson Byerrum

Represented By
Thomas B Ure

Movant(s):

Kimberley Carlson Byerrum

Represented By
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
Courtroom 1545 Calendar**

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-18028 Enrique Peralta and Rosa Estrada

Chapter 13

#19.00 Hrg re: Objecting to Claim Number 18
by Claimant Check 'N Go

Docket 37

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) then search for "tentative rulings".

Party Information

Debtor(s):

Enrique Peralta

Represented By
Thomas B Ure

Joint Debtor(s):

Rosa Estrada

Represented By
Thomas B Ure

Movant(s):

Rosa Estrada

Represented By
Thomas B Ure

Enrique Peralta

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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Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:16-20524 Renato Soriano Acedillo and Evangeline Placido Acedillo

Chapter 13

#20.00 Hrg re: Objection to proof of claim
filed by the Internal Revenue Service
claim #1

Docket 30

***** VACATED *** REASON: Order approving the parties' stipulation to
continue hearing to 2/2/17 entered 11/21/16 (dkt. 36).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renato Soriano Acedillo

Represented By
Roland H Kedikian

Joint Debtor(s):

Evangeline Placido Acedillo

Represented By
Roland H Kedikian

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, December 08, 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, 11/10/16

Docket 26

Tentative Ruling:

Tentative Ruling for 12/8/16:

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, 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): 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; Proof of claim 7-2 filed on 11/16/16 by creditor Deutsche Bank; the debtor's supplemental argument to debtor's motion to avoid lien, filed 11/28/16 (dkt. 74).

Reasons: On 11/16/16, creditor Deutsche Bank amended its proof of claim (POC 7-2) to reflect the total amount of the first lien on the subject property of \$269,269.08. The amended amount of Deutsche Bank's claim is higher than the property values in both the appraisals obtained by the debtor and by creditor Trojan Capital.

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

Tentative Ruling for 11/10/16:

Deny. Appearances are not required.

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Lisa Perez

Chapter 13

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) 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:

(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.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Lisa Perez

Chapter 13

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

Party Information

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
Courtroom 1545 Calendar**

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

2:15-17639 Richard M Garcia

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. 11/10/16

Docket 41

Tentative Ruling:

Tentative Ruling for 12/8/16:

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 whether there are any issues outstanding in light of the amended motion (dkt. 48) and the trustee's comments on the amended motion (dkt. 54); and whether this matter should be considered moot, or alternatively continued, in view of the amended motion and the trustee's comments.

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.

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. 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.

Party Information

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Richard M Garcia

Chapter 13

Debtor(s):

Richard M Garcia

Represented By
Julie J Villalobos

Movant(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, December 08, 2016

Hearing Room 1545

8:30 AM

2:11-50405 John Allen Howard, Jr.

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. 10/13/16

Docket 100

Tentative Ruling:

Tentative Ruling for 12/8/16 (same as 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. 101), and how the declarations by the debtor (dkt. 105) and the debtor's attorney (dkt. 107) can adequately address those issues when the debtor wrongfully appropriated over \$27,000 and proposes to repay only \$15,000 (over time).

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):

John Allen Howard Jr.

Represented By
Devin Sawdayi

Movant(s):

John Allen Howard Jr.

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:11-49154 Lorenzo Garcia and Sandra M Garcia

Chapter 13

#24.00 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 74

Tentative Ruling:

Tentative Ruling for 12/8/16:

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. 74) and by the debtors in their supplemental declaration in support of the motion (dkt. 91).

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.

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. 74).

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):

Lorenzo Garcia

Represented By
Todd J Roberts

Joint Debtor(s):

Sandra M Garcia

Represented By

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Lorenzo Garcia and Sandra M Garcia

Chapter 13

Todd J Roberts

Movant(s):

Sandra M Garcia

Represented By
Todd J Roberts

Lorenzo Garcia

Represented By
Todd J Roberts

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:11-34162 Jeffrey Mark Freeman

Chapter 13

#25.00 Cont'd Order to Show Cause Re: Closing
Case for Failure to Prosecute
fr. 07/28/16, 10/13/16

Docket 0

Tentative Ruling:

Tentative Ruling for 12/8/16:

This court's tentative ruling is to issue an order directing the Clerk of the Bankruptcy Court to re-close this case for the debtor's failure to prosecute, for the reasons set forth below. Appearances are not required.

This court entered its order granting the debtor's motion to reopen on 4/27/16 (dkt. 186) to permit him to file a motion for an alleged violation of the discharge injunction. Over seven months have passed with no motion having been filed by the debtor.

On 10/12/16 counsel for the debtor filed a declaration (dkt. 193) asserting that there has not been a failure to prosecute. First, the declaration was filed extremely late: one day before the hearing on this court's order to show cause re: closing case for failure to prosecute (dkt. 188, the "OSC Re Closing"). Second, the PDF format of the declaration is not compatible with the court's software, so large portions of it are unreadable. Third, at the 10/13/16 hearing on the OSC Re Closing this court continued the hearing but directed the debtor to provide notice of the continued hearing no later than 10/17/16. This court has reviewed the case docket, and it appears that the debtor did not provide notice of the continued hearing as ordered.

For all of these reasons, the tentative ruling is to re-close this case, without prejudice to any future motion by the debtor to reopen the case.

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

Tentative Ruling for 10/13/16:

Appearances required. There is no tentative ruling, but the debtor's counsel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Jeffrey Mark Freeman

Chapter 13

should be prepared to address the status of the motion for violation of discharge injunction and why this court should not re-close 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.

Tentative Ruling for 7/28/16:

Continue this hearing on the order to show cause ("OSC" dkt. 188) to 10/1316 at 8:30 a.m. based on the debtor's response (dkt. 191). Appearances are not required on 7/28/16.

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

Party Information

Debtor(s):

Jeffrey Mark Freeman

Represented By
Shai S Oved
James D. Hornbuckle

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:14-18426 Tomas Espino and Lourdes Maria Espino

Chapter 13

#26.00 Hrg re: Motion for authority to
incur debt [personal property]

Docket 36

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the issues raised in this court's order setting this hearing (dkt. 38).

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):

Tomas Espino

Represented By
Barry E Borowitz

Joint Debtor(s):

Lourdes Maria Espino

Represented By
Barry E Borowitz

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, December 08, 2016

Hearing Room 1545

8:30 AM

2:13-20554 Curtis Lee Dunmore, Sr.

Chapter 13

#27.00 Cont'd hrg re: Motion to Dismiss Debtor United States of America's Motion to Dismiss or Convert Pursuant to 11 U.S.C. § 1307(c) fr. 11/10/16

Docket 39

Tentative Ruling:

Tentative Ruling for 12/8/16:

Grant. This case is dismissed for the reasons set forth in the motion.

Apearances 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 movant's declaration of service demonstrating service of the moving papers on the debtor (dkt. 42).

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

Tentative Ruling for 11/10/16:

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

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

Thursday, December 08, 2016

Hearing Room 1545

8:30 AM

CONT... Curtis Lee Dunmore, Sr. Chapter 13

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) 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, December 08, 2016

Hearing Room 1545

9:30 AM

2:00-00000

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) 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, December 08, 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 -

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

Thursday, December 08, 2016

Hearing Room 1545

12:00 PM

2:16-18437 Pamela Venzant

Chapter 7

#1.00 Cont'd hrg re: Reaffirmation Agreement
[AmeriCredit Financial Services, Inc.
dba GM Financial]
fr. 11/9/16

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela Venzant

Pro Se

Trustee(s):

Timothy Yoo (TR)

Pro Se