

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

1:30 PM

8:16-10325 Aaron Lawrence Giacoletti and Rowena Giacoletti

Chapter 13

**#1.00 Confirmation of Plan
(cont'd from 10-19-16)**

Docket 43

Tentative Ruling:

This is Toyota Lease Trust's ("Toyota") Motion to Reconsider the Order Confirming Debtors' Chapter 13 Plan. The Giacoletti's ("Debtors") filed their petition and Chapter 13 plan ("Plan") on 1/28/16. Toyota is a creditor with its claim secured by a 2014 Toyota 4 Runner ("Vehicle"). Toyota objected to the Plan arguing that its claim consisted of a lease agreement that could not be modified by the Chapter 13 Plan to become a purchase agreement. In Debtors' reply, they point to paragraph 32 of the written lease agreement, which states: "You may purchase the Vehicle at any time during the Lease, or at the Scheduled Maturity Date." After oral argument at the confirmation hearing, the court confirmed the Plan and the Order confirming the Plan was entered on 5/5/16. Toyota argues on reconsideration that there was an error in law at the confirmation hearing because the Plan modifies the lease agreement in violation of 11 U.S.C. § 1322(b)(7) and § 365. In its objection, Debtors argue that the exercise of the purchase option was legally permitted under the Bankruptcy Code.

Although the Federal Rules of Civil Procedure do not recognize a "motion to reconsider," these motions are typically viewed as either a motion to alter or amend the judgment pursuant to FRCP 59(e) or a motion seeking relief from the judgment pursuant to FRCP 60(b). Movant argues that this motion should be reconsidered pursuant to FRCP 59(e). FRCP 59(e), made applicable to bankruptcy proceedings by FRBP 9023, allows a court to reconsider and amend a previous order. However, this rule is an "extraordinary remedy [that should only] be used sparingly in the interests of finality and conservation of judicial resources." *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (quoting 12 James Wm. Moore et al., Moore's Federal Practice § 59.30[4] (3d ed. 2000)). As such, the motion is usually denied absent highly unusual circumstances, unless the court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *Id.* Alternatively, reconsideration is granted upon four basic grounds: (1) if such motion is necessary to correct manifest errors of law or fact upon which the judgment

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rests; (2) if such motion is necessary to present newly discovered or previously unavailable evidence; (3) if such motion is necessary to prevent manifest injustice; or (4) if the amendment is justified by an intervening change in controlling law. *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011).

Additionally, LBR 9013–4(a) provides examples of sufficient grounds for a motion to amend a judgment, pursuant to FRBP 9023 and LBR 9013–4(a). These examples include: (1) irregularity in the proceedings; (2) an abuse of discretion preventing a fair trial; (3) jury misconduct; (4) unavoidable accident or surprise; (5) material newly discovered evidence that could not have reasonably been discovered at the time of the hearing; (6) excessive or inadequate damages determined under the influence of prejudice or passion; (7) insufficiency of the evidence to justify the decision; or (8) errors of law. Additionally, pursuant to LBR 9013–4(b)(1), if the grounds for the motion is error of law, the error relied upon must be stated specifically in the motion.

Movant does not present any newly discovered evidence or any intervening changes in the controlling law. Thus, the motion must be based either on a manifest injustice or a manifest error of law or fact. A manifest injustice is defined as "an error in the trial court that is direct, obvious, and observable." *In re Oak Park Calabasas Condominium Assoc.*, 302 B.R. 682, 683 (Bankr. C.D. Cal. 2003) (quoting Black's Law Dictionary, at 563 (7th ed. 1999)). A manifest error is defined as "an error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record." *Id.* Moreover, a manifest error is not a party's disagreement or dissatisfaction with how the court applied the law. *In re Wahlin*, 2011 WL 1063196, *2 (Bankr. D. Idaho, March 21, 2011). However, this case may be an example of plain error of law.

It is helpful to state the problem somewhat differently than is characterized in the briefs so as to understand the real issue. There is no question that ¶32 of the Lease Agreement provides for a right to purchase the vehicle. Nobody disputes this. The right to purchase must therefore remain as part of the assumed agreement. There really is not much question that the Lease Agreement provides for calculation of a price for the purchase. Toyota does not apparently dispute that the amount appearing in the Plan is the right price (the court has not calculated it but assumes the arithmetic is correct). It is not really a question of rewriting the Lease Agreement under the Plan impermissibly, as Toyota argues. The real issue is *whether Toyota is obligated to be the financier*. This in turn rests upon whether the obligation for the price is a pre-petition or a post-petition obligation. Debtor is

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CONT... Aaron Lawrence Giacoletti and Rowena Giacoletti

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correct that all plans to some degree require creditors to accept installments on their obligations, usually involuntarily. But it is quite another thing to argue that a debtor can exercise an option post-petition to purchase a leased vehicle *and* then pay the price in installments under a plan. This engrafts upon the Lease Agreement provisions which are not really there. i.e. the obligation to finance something. The Lease Agreement is silent on how the price is to be paid, but it appears to the court that the obvious implication was that third party financing would be obtained so that Toyota would be bought out for lump sum. If it were otherwise one would have expected clear terms including term of loan, interest rates, installment amounts, etc. Moreover, debtor's interpretation would seem at odds with §365(c) (2) which provides that a debtor may not assume a contract "to make a loan, or extend other debt financing of financial accommodations, to or for the benefit of the debtor..."

Viewed this way the court sees that it made an error in confirming the plan with this forced-financing provision in it. In effect, the plan should have provided that the lease is assumed with the lease payments to continue qua lease payments, perhaps subject to the debtor's right to exercise the option through third-party financing at a future time. Accordingly, the court takes this opportunity to correct the error and will grant the motion. The parties may want to avail of mediation so that any practical problems presented can be minimized and/or so that Toyota receives, in the end, the financial equivalent of its full claim with minimal addition of attorneys fees.

Grant

Party Information

Debtor(s):

Aaron Lawrence Giacoletti

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Rowena Giacoletti

Represented By
Michael Jones
Sara Tidd

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CONT... Aaron Lawrence Giacoletti and Rowena Giacoletti

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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8:16-12742 David Wayne Horstman and Judy Rosemary Horstman

Chapter 13

#2.00 Confirmation of Chapter 13 Plan
(Cont'd from 9-21-16)

Docket 2

Tentative Ruling:

Tentative for 9/21/16:
Ascentium raises several fundamental questions about whether this case is viable or in good faith.

Party Information

Debtor(s):

David Wayne Horstman

Represented By
Michael Jones

Joint Debtor(s):

Judy Rosemary Horstman

Represented By
Michael Jones

Movant(s):

Judy Rosemary Horstman

Represented By
Michael Jones

David Wayne Horstman

Represented By
Michael Jones

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13043 Marco Tulio Argueta

Chapter 13

#3.00 Confirmation of Amended Chapter 13 Plan
(Cont'd from 10-19-16)

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Argueta

Represented By
George C Panagiotou

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5B

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8:16-13088 Victor Ledesma

Chapter 13

#4.00 Confirmation of Chapter 13 Plan
(Cont'd from 9-21-16)

Docket 17

Tentative Ruling:

Tentative for 11/16/16:

Obviously the parties have a large dispute over the proper amount of arrearages which has to be resolved before the plan as written could be confirmed. Such a dispute is better resolved in a claims objection hearing, not a confirmation. Continue for this purpose?

Party Information

Debtor(s):

Victor Ledesma

Represented By
Christopher J Langley

Movant(s):

Victor Ledesma

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13186 Sung Hun JEONG

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sung Hun JEONG	Pro Se
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Movant(s):

Sung Hun JEONG	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
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8:16-13345 David J Zuniga

Chapter 13

**#6.00 Confirmation Of Chapter 13 Plan
(Cont'd from 10-19-16)**

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David J Zuniga

Represented By
Edmond Richard McGuire

Movant(s):

David J Zuniga

Represented By
Edmond Richard McGuire

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:16-13509 Nancy Rodriguez

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Rodriguez

Represented By
David R Chase
David R Chase

Movant(s):

Nancy Rodriguez

Represented By
David R Chase
David R Chase

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:16-13541 Cheryl Lynne Jefferson Page

Chapter 13

#8.00 Confirmation of 2nd Amended Chapter 13 Plan

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cheryl Lynne Jefferson Page

Represented By
Christine A Kingston

Movant(s):

Cheryl Lynne Jefferson Page

Represented By
Christine A Kingston
Christine A Kingston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13552 Tara Dickey

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-13-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tara Dickey

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13554 Valerie Carrillo

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
ARISING FROM DEBTOR'S REQUEST FOR VOLUNTARY DISMISSAL
OF CHAPTER 13 ENTERED 9-27-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Valerie Carrillo

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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8:16-13572 Trevor Allen Dick

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-12-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trevor Allen Dick

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Wednesday, November 16, 2016

Hearing Room 5B

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8:16-13584 Roy Oliver

Chapter 13

#12.00 Confirmation of Chapter 13 Plan.

Docket 0

***** VACATED *** REASON: OFF CALENDAR - ORDER
DISMISSING DEBTOR'S REQUEST FOR VOLUNTARY DISMISSAL OF
CHAPTER 13 CASE ENTERED 9-9-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Oliver

Represented By
Andrew Moher

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13589 Savan Kong and Pamela Jean Hayes

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-13-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Savan Kong	Pro Se
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Joint Debtor(s):

Pamela Jean Hayes	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
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8:16-13593 Manuel Robert Lopez

Chapter 13

#14.00 Confirmation Of Chapter 13 Plan

Docket 0

Tentative Ruling:

Tentative for 11/16/16:

Will an amended plan be filed per creditor's comment?

Party Information

Debtor(s):

Manuel Robert Lopez

Represented By
Raymond J Seo

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5B

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8:16-13612 Monique Miller Fang

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monique Miller Fang

Represented By
Anerio V Altman

Movant(s):

Monique Miller Fang

Represented By
Anerio V Altman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13614 Karen West

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS, AND/OR PLAN
ENTERED 10-5-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen West

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13615 Graciela Rodriguez

Chapter 13

#17.00 Confirmation of Chapter13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-16-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graciela Rodriguez

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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8:16-13639 Aura McClain

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE CONVERTED
TO CHAPTER 7 ON 9-26-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aura McClain

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Wednesday, November 16, 2016

Hearing Room 5B

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8:16-13657 Ryan Sherard and Jenny Sherard

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
ARISING FROM DEBTOR'S REQUEST FOR VOLUNTARY DISMISSAL
ENTERED 9-27-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Sherard

Represented By
Anthony G Lagomarsino

Joint Debtor(s):

Jenny Sherard

Represented By
Anthony G Lagomarsino

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13660 Sean Patrick Lohr and Veronica Lohr

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Patrick Lohr

Represented By
Christopher J Langley

Joint Debtor(s):

Veronica Lohr

Represented By
Christopher J Langley

Movant(s):

Veronica Lohr

Represented By
Christopher J Langley

Sean Patrick Lohr

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13679 Timothy Dale Cox and Diane Gloria Cox

Chapter 13

#21.00 Confirmation of Amended Chapter 13 Plan

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Dale Cox

Represented By
Thomas E Brownfield

Joint Debtor(s):

Diane Gloria Cox

Represented By
Thomas E Brownfield

Movant(s):

Diane Gloria Cox

Represented By
Thomas E Brownfield

Timothy Dale Cox

Represented By
Thomas E Brownfield

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13692 Zahra Shirin Naserfarhadi

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zahra Shirin Naserfarhadi

Represented By
Claudia L Phillips

Movant(s):

Zahra Shirin Naserfarhadi

Represented By
Claudia L Phillips
Claudia L Phillips

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13703 Davianna Rebecca Brand

Chapter 13

#23.00 Confirmation of Amended Chapter 13 Plan

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Davianna Rebecca Brand

Represented By
Christopher J Langley

Movant(s):

Davianna Rebecca Brand

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13705 Bertha A Barajas

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-20-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bertha A Barajas

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13737 William Mejia

Chapter 7

#25.00 Confirmation of Chapter 13 Plan

Docket 12

***** VACATED *** REASON: OFF CALENDAR - CASE CONVERTED
TO CHAPTER 7 ON 10-18-16**

Tentative Ruling:

Confirmation of Chapter 13 Plan

Party Information

Debtor(s):

William Mejia

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 5B

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8:16-13746 Denise Ann Peoples

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-26-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Ann Peoples

Represented By
Bruce A Boice

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13791 Thomas E Field

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas E Field

Represented By
Julie J Villalobos

Movant(s):

Thomas E Field

Represented By
Julie J Villalobos
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:16-13799 Nicholas Maalouli

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

Docket 21

Tentative Ruling:

Tentative for 11/16/16:

A better explanation is needed from debtor, per the creditor's comment. The creditor is correct that modification forbidden under Section 1322(b)(2) cannot be accomplished through an artifice such as transfer to a family member. The amount of reported arrearage (\$287,000+) is daunting.

Party Information

Debtor(s):

Nicholas Maalouli

Represented By
Ahren A Tiller

Movant(s):

Nicholas Maalouli

Represented By
Ahren A Tiller

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13803 John Mark Lisenby

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 9-27-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Mark Lisenby

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:16-13810 Robert Lloyd Huotari

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lloyd Huotari

Represented By
Michael Jones

Movant(s):

Robert Lloyd Huotari

Represented By
Michael Jones

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:16-13829 Diana Solis

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana Solis

Represented By
Bryn C Deb

Movant(s):

Diana Solis

Represented By
Bryn C Deb
Bryn C Deb

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:16-13837 Patricia Vasquez Lavini

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Vasquez Lavini

Represented By
Claudia L Phillips

Movant(s):

Patricia Vasquez Lavini

Represented By
Claudia L Phillips

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13846 Dervonda Quinette Moore

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 10-03-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dervonda Quinette Moore

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13858 Anneliese Grassi Knigge and Bryan Arthur Knigge

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anneliese Grassi Knigge

Represented By
Julie J Villalobos
Julie J Villalobos

Joint Debtor(s):

Bryan Arthur Knigge

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13869 Alexis Le

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 10-3-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis Le

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13876 Kenneth E Strother

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth E Strother

Represented By
Bruce D White

Movant(s):

Kenneth E Strother

Represented By
Bruce D White
Bruce D White

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13889 Homero Cano

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 10-03-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Homero Cano

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13895 Haiede Ghorishi

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

Docket 15

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN
ENTERED 10-03-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Haiede Ghorishi	Pro Se
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Movant(s):

Haiede Ghorishi	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13905 Steven Mark Petersen

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Mark Petersen

Represented By
Michael Jones
Sara Tidd

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

1:30 PM

8:16-13914 Roxana L Castellanos

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roxana L Castellanos

Represented By
Caroline S Kim

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-13186 Sung Hun JEONG

Chapter 13

#41.00 Motion To Be Relieved As Attorney Of Record

Docket 24

***** VACATED *** REASON: OFF CALENDAR - VOLUNTARY OF
DISMISSAL OF MOTION TO BE RELIEVED AS ATTORNEY OF
RECORD FILED 11-08-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sung Hun JEONG

Represented By
William J Smyth

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:10-10738 Gustavo Rodriguez

Chapter 13

#42.00 Trustee's Motion to Dismiss Case for Failure to Obtain an Order on Motion to Avoid Junior Lien
(cont'd from 9-21-16)

Docket 46

Tentative Ruling:

Tentative for 11/16/16:
Grant unless an order on motion to avoid lien is lodged.

Tentative for 9/21/16:
See #51 - Motion for Hardship Discharge.

Tentative for 7/27/16:
Status? Dismiss?

Tentative for 4/13/16:
See #58.1.

Tentative for 2/17/16:
What is status of lien strip?

Tentative for 12/16/15:
This has been continued several times. What is the status of the lien avoidance motion?

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

CONT... Gustavo Rodriguez

Chapter 13

Tentative for 11/18/15:
Status?

Tentative for 10/21/15:
See #58.

Tentative for 9/16/15:
See #47.

Tentative for 8/19/15:
A motion to value under section 506 was finally filed August 11 but sets the hearing on a non-Chapter 13 date. Dismiss? Continue one more time?

Tentative for 7/8/15:
The section 506 motion needs to be set.

Tentative for 5/20/15:
Debtor should set the section 506 motion for hearing and update information, as necessary. Continue dismissal motion.

Party Information

Debtor(s):

Gustavo Rodriguez

Represented By
John L Ogletree

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:10-10738 Gustavo Rodriguez

Chapter 13

**#43.00 Debtor's Motion To Determine Hardship Discharge
(Cont'd from 9-21-16)**

Docket 100

Tentative Ruling:

Tentative for 11/16/16:

Deny because nothing new for November 16, 2016 (as of November 7, 2016).

— The Trustee opposes the requested relief, raising a series of questions. Debtor's counsel has resolved one of the Trustee's issues by filing a substitution of attorney on August 23, 2016. As far as the court can tell an order has not been lodged on the motion to value.

Debtor needs to address the fact that Citibank has not received anything and the questions about the tax returns. The Trustee also questions whether Debtor would be eligible for a lien strip if a hardship discharge is entered because there has been no plan completion, as required by *Blendheim*.

Continue for additional evidence from Debtor and so that he can address the Trustee's concerns.

Party Information

Debtor(s):

Gustavo Rodriguez

Represented By
John L Ogletree
Michael A Taibi

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:10-28199 Lan Ngoc Tran and Hoang-Anh Thi Ninh

Chapter 13

**#44.00 Trustee's Motion to Dismiss Case
(cont'd from 9-21-16)**

Docket 82

Tentative Ruling:

Tentative for 11/16/16:
See # 45.

Tentative for 9/21/16:
This matter was continued once but nothing seems to have been done. Grant Dismissal.

Tentative for 8/17/16:
See #42.

Party Information

Debtor(s):

Lan Ngoc Tran

Represented By
Richard G. Heston

Joint Debtor(s):

Hoang-Anh Thi Ninh

Represented By
Richard G. Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

3:00 PM

8:10-28199 Lan Ngoc Tran and Hoang-Anh Thi Ninh

Chapter 13

#45.00 Motion Under Local Bankruptcy Rule 3015-1 (n) And (w) To Modify Plan Or Suspend Plan Payments
(cont'd from 9-16-16)

Docket 97

Tentative Ruling:

Tentative for 11/16/16:
Deny because nothing new for November 16, 2016 (as of November 8, 2016).

Tentative for 9/21/16:
Still nothing? Deny.

Tentative for 8/17/16:
The trustee's position as articulated in #41 and this motion are inconsistent on numbers. Who undertakes to retrieve alleged over-payment to Chase?

Party Information

Debtor(s):

Lan Ngoc Tran

Represented By
Richard G. Heston

Joint Debtor(s):

Hoang-Anh Thi Ninh

Represented By
Richard G. Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-14591 Asuncion de Villa Dino

Chapter 13

#46.00 Trustee's Motion to Dismiss Case Failure To Complete The Plan Within Its Terms.

Docket 73

Tentative Ruling:

Tentative for 11/16/16:
Grant unless delinquency is cured.

Party Information

Debtor(s):

Asuncion de Villa Dino

Represented By
Hasmik Jasmine Dzhanszryan
Emmanuel S Vargas

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-18983 Marc R. Allen and Carrie C. Allen

Chapter 13

#47.00 Trustee's Motion to Dismiss Case Failure To Complete The Plan Within Its Terms

Docket 88

Tentative Ruling:

Tentative for 11/16/16:

The court cannot tell if all of the reported delinquency is attributable to the GMAC arrears, which reportedly was cured by modification. Status?

Party Information

Debtor(s):

Marc R. Allen

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Carrie C. Allen

Represented By
Joseph A Weber
Joseph A Weber
Fritz J Firman
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-18983 Marc R. Allen and Carrie C. Allen

Chapter 13

#48.00 Objection To The Proof Of Claim Of U.S. Bank N.A.

Docket 93

Tentative Ruling:

The objection is sustained. Debtors also seek fees and costs for filing this motion. They do not offer any legal basis for this request, which should be denied.

Party Information

Debtor(s):

Marc R. Allen

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Carrie C. Allen

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-20850 Carey John Corr and Sandra Dawn Corr

Chapter 13

**#49.00 Verified Motion for Order Dismissing Chapter 13 Proceeding
(11 USC Section 1307(c)(6))**

Docket 77

***** VACATED *** REASON: CONTINUED TO DECEMBER 21, 2016
AT 3:00 PM PER REQUEST AND NOTICE OF HEARING FILED 10/6/16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carey John Corr

Represented By
Michael A Feldman

Joint Debtor(s):

Sandra Dawn Corr

Represented By
Michael A Feldman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-23093 Richard Leroy Cseak and Robin Lynn Cseak

Chapter 13

#50.00 Trustee's Motion to Dismiss Case Failure To Complete The Plan Within Its Terms.

Docket 65

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
WITHDRAWAL OF TRUSTEE'S MOTION FOR ORDER DISMISSING
CHAPTER 13 FILED 10-11-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Leroy Cseak

Represented By
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Robin Lynn Cseak

Represented By
Sundee M Teeple
Craig K Streed

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:11-26466 Hernando Isaza

Chapter 13

#51.00 Trustee's Motion to Dismiss Case For Failure To Provide Tax Returns And Net Tax Refunds.

Docket 66

Tentative Ruling:

Tentative for 11/16/16:
Grant unless default is cured.

Party Information

Debtor(s):

Hernando Isaza

Represented By
Ramiro Flores Munoz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:13-10409 Raquel Pegenia Cortez

Chapter 13

#52.00 Verified Motion for Order Dismissing Chapter 13 Proceeding
(11 U.S.C. Section 1307(c))

Docket 65

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
WITHDRAWAL OF TRUSTEE'S MOTION FOR ORDER DISMISSING
CHAPTER 13 (11 U.S.C.-1307(C) FILED 11-09-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raquel Pegenia Cortez

Represented By
Sundee M Teeple
Craig K Streed

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:13-13519 Linda M. Bauer

Chapter 13

#53.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.
(Cont'd from 10-19-16)

Docket 38

Tentative Ruling:

Tentative for 11/16/16:
Motion to modify filed October 19, 2016, but not yet set for hearing. Why?
Dismiss unless adequate explanation.

Tentative for 10/19/16:
Grant unless motion to modify filed.

Party Information

Debtor(s):

Linda M. Bauer

Represented By
Tina H Trinh

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

3:00 PM

8:13-15895 Joseph George Taylor

Chapter 13

#54.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.
(cont'd from 10-19-16)

Docket 64

Tentative Ruling:

Tentative for 11/16/16:
Grant, but see motion to modify # 55.

Tentative for 10/19/16:
Continue to November 16, 2016 at 3:00 p.m. to coincide with hearing on
motion to modify.

Tentative for 9/21/16:
Has the modification order pursuant to motion filed July 20 mooted this
motion?

Tentative for 8/17/16:
Has the modification order been entered?

Tentative for 7/27/16:
Motion to modify filed on July 20, 2016. Continue to allow for processing.

Party Information

Debtor(s):

Joseph George Taylor

Represented By
Richard L. Sturdevant

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

CONT... Joseph George Taylor

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:13-15895 Joseph George Taylor

Chapter 13

#55.00 Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 75

Tentative Ruling:

Tentative for 11/16/16:

Deny. Per the Trustee's comments it appears to be less than best efforts. No adequate explanation.

Party Information

Debtor(s):

Joseph George Taylor

Represented By

Richard L. Sturdevant

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:13-18848 Helen C. Ojeda

Chapter 13

#56.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments
(Cont'd from 10-19-16)

Docket 87

Tentative Ruling:

Tentative for 11/16/16:
See # 57.

Tentative for 10/19/16:
Continue to coincide with hearing on motion to modify filed September 29,
2016.

Tentative for 9/21/16:
Continue to allow for consideration of motion to modify filed September 2,
2016.

Party Information

Debtor(s):

Helen C. Ojeda

Represented By
Anerio V Altman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:13-18848 Helen C. Ojeda

Chapter 13

#57.00 Motion Under Local Bankruptcy Rule 3015-1 (n) And (w) To Modify Plan Or Suspend Plan Payments

Docket 100

Tentative Ruling:

Tentative for 11/16/16:

Absent a better explanation or response to Trustee's comments, deny.

Party Information

Debtor(s):

Helen C. Ojeda

Represented By
Anerio V Altman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:14-13217 Christopher Francis Martin and Elaine Martin

Chapter 13

#58.00 Trustee's Motion to Dismiss Case failure to make plan payments

Docket 36

Tentative Ruling:

Tentative for 11/16/16:

Grant unless delinquency is cured or motion to modify is filed.

Party Information

Debtor(s):

Christopher Francis Martin

Represented By
James P Doan

Joint Debtor(s):

Elaine Martin

Represented By
James P Doan

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:14-14196 Terry Lee

Chapter 13

#59.00 Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding
(11 U.S.C. - 1307(c))
(Cont'd from 10-19-16)

Docket 67

Tentative Ruling:

Tentative for 11/16/16:
Motion to modify filed, see # 60.

Tentative for 10/19/16:
Continue to November 16, 2016 to coincide with hearing on motion to modify.

Tentative for 9/21/16:
Continue to allow for consideration of motion to modify filed September 13,
2016.

Party Information

Debtor(s):

Terry Lee

Represented By
Gary Leibowitz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:14-14196 Terry Lee

Chapter 13

#60.00 Motion under Local Bankruptcy Rule 3015-1 (n) And (w) To Modify Plan Or Suspend Plan Payments

Docket 71

Tentative Ruling:

Tentative for 11/16/16:

Deny absent an explanation answering Trustee's recommended disapproval.

Party Information

Debtor(s):

Terry Lee

Represented By
Gary Leibowitz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-10554 Michael F. Klaus and Nicole Klaus

Chapter 13

#61.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.

Docket 54

Tentative Ruling:

Tentative for 11/16/16:
Grant unless motion to modify or motion to convert is filed.

Party Information

Debtor(s):

Michael F. Klaus

Represented By
Gary Leibowitz

Joint Debtor(s):

Nicole Klaus

Represented By
Gary Leibowitz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-11659 Tamara Yvette Dixon

Chapter 13

#62.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.
(Cont'd from 10-19-16)

Docket 33

Tentative Ruling:

Tentative for 11/16/16:
See #63.

Tentative for 10/19/16:
See #55.

Tentative for 9/21/16:
Continue to allow for processing of motion to modify filed August 23, 2016.

Party Information

Debtor(s):

Tamara Yvette Dixon

Represented By
Samer A Nahas

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

3:00 PM

8:15-11659 Tamara Yvette Dixon

Chapter 13

#63.00 Motion Under Local Bankruptcy Rule 3015-1 (n) And (w) To Modify Plan Or Suspend Plan Payments
(Cont'd from 10-19-16)

Docket 34

Tentative Ruling:

Tentative for 11/16/16:
The court had expected some kind of update.

Tentative for 10/19/16:
The court needs more information. Is Peritus effectively an unsecured creditor at this point? Does any such claim even exist given prior discharge? Correcting for deduction of ongoing payments to Peritus on a vehicle no longer held by debtor, can the debtor achieve the originally promised percentage?

Party Information

Debtor(s):

Tamara Yvette Dixon

Represented By
Samer A Nahas

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-11697 Debra Lynn Dennison

Chapter 13

#64.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.
(cont'd from 10-19-16)

Docket 45

Tentative Ruling:

Tentative for 11/16/16:
Grant unless the 4 months delinquency is accounted for.

Tentative for 10/19/16:
Grant unless current or motion on file.

Tentative for 9/21/16:
Grant unless current or motion on file.

Tentative for 7/27/16:
Grant unless current or motion on file.

Party Information

Debtor(s):

Debra Lynn Dennison

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-13641 Lincoln Cabus

Chapter 13

#65.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.

Docket 72

Tentative Ruling:

Tentative for 11/16/16:

Grant unless delinquency is cured or motion to modify is filed.

Party Information

Debtor(s):

Lincoln Cabus

Represented By
Luis G Torres

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-13752 Laura Diaz

Chapter 13

#66.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.
(Cont'd from 10-19-16)

Docket 21

Tentative Ruling:

Tentative for 11/16/16:

Is this moot in view of order granting motion to modify entered 10/24/16?

Tentative for 10/19/16:

How does motion to modify filed August 21 affect this dismissal motion?

Tentative for 9/21/16:

Continue to allow for processing of pending motion to modify.

Party Information

Debtor(s):

Laura Diaz

Represented By

Rebecca Tomilowitz

Rebecca Tomilowitz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-14149 Parvin Salem

Chapter 13

#67.00 Verified Motion for Order Dismissing Chapter 13 Proceeding
(11 U.S.C. - 1307(c))
(Cont'd from 1-19-16)

Docket 38

Tentative Ruling:

Tentative for 11/16/16:
Grant unless 100% current.

Tentative for 10/19/16:
Grant unless current.

Party Information

Debtor(s):

Parvin Salem

Represented By
Matthew D Resnik
S Renee Sawyer Blume

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-14514 Andrew John Kelley

Chapter 13

#68.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.

Docket 28

Tentative Ruling:

Tentative for 11/16/16:

Grant unless delinquency is cured or a motion to modify is filed.

Party Information

Debtor(s):

Andrew John Kelley

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-14993 Sally R. Espino

Chapter 13

#69.00 Trustee's Motion to Dismiss Case Failure To Make Plan Payments

Docket 27

Tentative Ruling:

Tentative for 11/16/16:
Grant unless delinquency is cured.

Party Information

Debtor(s):

Sally R. Espino

Represented By
Bruce D White

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-15904 Charlotte Ealey

Chapter 13

#70.00 Trustee's Motion to Dismiss Case failure to make plan payments

Docket 38

Tentative Ruling:

Tentative for 11/16/16:
Grant unless delinquency is cured.

Party Information

Debtor(s):

Charlotte Ealey

Represented By
Nicholas M Wajda

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

3:00 PM

8:11-17432 Delia Franco Cardenas and Antonio Cota Cardenas

Chapter 13

#71.00 Debtor's Motion to Avoid Lien Junior Lien with Springleaf Financial Services, Inc.; fka American General Financial Services, Inc.; LVNV Funding LLC; Resurgent Capital Services

Docket 60

Tentative Ruling:

Grant.

Party Information

Debtor(s):

Delia Franco Cardenas

Represented By
Sunita N Sood

Joint Debtor(s):

Antonio Cota Cardenas

Represented By
Sunita N Sood

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-10050 Lawrence D. Cohn and Mary Ellen Cohn

Chapter 13

#72.00 Motion to Avoid Junior Lien On Principal Residence

Docket 53

Tentative Ruling:

Tentative for 11/16/16:

Continue for proper notice. Does service comply with BR 7004?

Party Information

Debtor(s):

Lawrence D. Cohn

Represented By
Elena Steers

Joint Debtor(s):

Mary Ellen Cohn

Represented By
Elena Steers

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-13471 Lydia Mawhinney

Chapter 13

#73.00 Debtor's Motion to Avoid Lien Junior Lien with CIT Bank, National Bank

Docket 19

Tentative Ruling:

Grant.

Party Information

Debtor(s):

Lydia Mawhinney

Represented By
Christine A Kingston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:15-14913 Marilyn J. Bartholomew

Chapter 13

#73.10 Motion for Authority To Sell or Refinance Real Property Under LBR 3015-1

Docket 44

Tentative Ruling:

Grant as conditioned in Trustee's comments.

Party Information

Debtor(s):

Marilyn J. Bartholomew

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:14-16063 Jose Ruiz Vasquez and Martha Carolina Ruiz

Chapter 13

#74.00 Debtor's Objection Amended Proof Of Claim 2, Toyota Motor Corporation

Docket 132

*** VACATED *** REASON: OFF CALENDAR - WITHDRAWAL OF
CLAIM #2 FILED BY CREDITOR TOYOTA MOTOR CREDIT FILED 9-
26-16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ruiz Vasquez

Represented By
Michael Jones
Sara Tidd
Laily Boutaleb

Joint Debtor(s):

Martha Carolina Ruiz

Represented By
Michael Jones
Michael Jones
Sara Tidd
Sara Tidd
Laily Boutaleb
Laily Boutaleb

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-11707 Jennifer Anne Ritchie

Chapter 13

#75.00 Confirmation of Chapter 13 Plan
(cont'd from 9-21-16)

Docket 18

Tentative Ruling:

Tentative for 11/16/16:
Status?

Tentative for 7/27/16:

This is the confirmation hearing on debtor's Chapter 13 plan. Her ex-husband James has filed an objection, seemingly on feasibility grounds but perhaps on bad faith grounds as well. James complains that the Plan does not provide for two obligations owed to him: first, that debtor must arrange by February 10, 2017 for all liens against the family residence involving his name to be removed, or failing that, to sell the house and secondly, for indemnification of the obligation owed under his guaranty of her corporation's debt to Bankers Healthcare Group, Inc. ("BHG"). Both of these obligations arise from a marital settlement agreement which was then adopted as a final order of the domestic court April 6, 2015 ("Marital Judgment").

James is correct that the Plan should have addressed the two obligations, and it shall be amended to that effect. But the question really is whether the failure to pay some sums on account of these obligations is fatal to confirmation. The court is not persuaded by debtor's argument that these obligations are simply contractual, which can be rejected under §365. The argument about lack of a "merger" is unpersuasive, and the cases cited by Debtor to that effect distinguishable. The court sees no indication in the record of any such thing; rather, the Attachment of Dissolution is specifically referenced at ¶4(o) of the Marital Judgment and appears to have been adopted and incorporated by reference. Moreover, judgments are not typically

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

CONT...

Jennifer Anne Ritchie

Chapter 13

analyzed this way either for bankruptcy purposes or otherwise. But even if this were true, the only effect is that the parties would be obligated in consequence to attach a dollar sum in damages arising from the "rejection" as a claim. Further, if the Marital Judgment needs to be revisited for any reason, such as for impossibility, that will be the domain of the domestic court, not this court. The more important point is neither obligation is dischargeable under § 523(a)(15) as debtor apparently acknowledges. So, at most, the Plan can merely structure how the obligations are to be managed over the term of the Plan; but the obligations do not go away as they cannot be discharged and the claim of 100% payment in the Plan is probably a misnomer. The fact that the obligation to BHG is still conditional (in that BHG apparently has not yet been paid by James) does not mean that the monetary size cannot be estimated for plan purposes under §502(c). So that issue must be dealt with after continuance as well.

But the main thrust of the opposition is that the Plan is infeasible. James does not understand how debtor can come up with \$545 per month on a net basis since debtor's corporation has reportedly always operated at a "loss." But even corporations operating at a net loss can pay wages, at least for a while. Debtor bears the burden of proof here but the record is largely blank one way or the other. So the court cannot conclude that it is impossible to confirm this plan, but concludes only that it needs to be reformed and more evidence given on the question of payment ability, not only for the short term but throughout the term of the Plan.

Continue

Party Information

Debtor(s):

Jennifer Anne Ritchie

Represented By
Richard G Heston

Movant(s):

Jennifer Anne Ritchie

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

CONT... Jennifer Anne Ritchie

Richard G Heston

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-12435 Kristen Roberts

Chapter 13

#76.00 Confirmation of Chapter 13 Plan
(cont'd from 10-19-16)

Docket 2

Tentative Ruling:

Tentative for 11/16/16:
A recent amended plan? Service is too short to be considered.

Tentative for 10/19/16:
Has the bank's appraisal been seen? Is there any continuing objection
confirmation?

Party Information

Debtor(s):

Kristen Roberts

Represented By
Julie J Villalobos

Interested Party(s):

Courtesy NEF

Represented By
Edward A Treder

Movant(s):

Kristen Roberts

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, November 16, 2016

Hearing Room

5B

3:00 PM

8:16-12435 Kristen Roberts

Chapter 13

#77.00 Motion To Avoid Junior Lien with E-Loaning Inc Serviced By Banco Popular North America DbA Popular Community Bank
(Cont'd from 10-19-16)

Docket 20

Tentative Ruling:

Tentative for 11/16/16:
Resolved by stipulation? Order # 3367437 has been approved.

Tentative for 9/21/16:
Continue so creditor can obtain appraisal and for evidentiary hearing regarding value. Also, clarify status of Citibank second.

Party Information

Debtor(s):

Kristen Roberts

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar

Wednesday, November 16, 2016

Hearing Room 5B

3:00 PM

8:16-12673 ROSA HEREDIA

Chapter 13

#78.00 Confirmation of Amended Chapter 13 Plan
(Cont'd from 9-21-16)

Docket 14

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FROM DEBTOR'S REQUEST FOR VOLUNTARY DISMISSAL OF
CHAPTER 13 SECTION 1307(b) FILED 11-11-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ROSA HEREDIA

Represented By
Sharona Zahabian
Sharona Zahabian
Sharona Zahabian
Sharona Zahabian

Movant(s):

ROSA HEREDIA

Represented By
Sharona Zahabian
Sharona Zahabian
Sharona Zahabian
Sharona Zahabian

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se