

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

**Tuesday, December 1, 2020**

**Hearing Room 5B**

10:30 AM

**8: -**

**Chapter**

**#0.00 All hearings on this calendar will be conducted using ZoomGov video and audio.**

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**Chapter**

Judge Theodor C. Albert's Cases" on the Court's website at:  
<https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the  
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- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**Tuesday, December 1, 2020**

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10:30 AM

**CONT...**

**Chapter**

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
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**5B**

10:30 AM

**8:19-14941 LeAnn Michelle Gause and Tiffany Denise Gause**

**Chapter 13**

**#1.00 Motion for relief from the automatic stay PERSONAL PROPERTY**

SCHOOLSFIRST FEDERAL CREDIT UNION  
Vs.  
DEBTORS

Docket 36

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant. Appearance optional.

**Party Information**

**Debtor(s):**

LeAnn Michelle Gause

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Tiffany Denise Gause

Represented By  
Christopher J Langley

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**8:19-14941 LeAnn Michelle Gause and Tiffany Denise Gause**

**Chapter 13**

**#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY**

SCHOOLSFIRST FEDERAL CREDIT UNION  
Vs.  
DEBTORS

Docket 37

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant absent post-petition current status or APO.

**Party Information**

**Debtor(s):**

LeAnn Michelle Gause

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Tiffany Denise Gause

Represented By  
Christopher J Langley

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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10:30 AM

**8:20-10391 Elycia M. Myers**

**Chapter 7**

**#3.00 Motion for relief from the automatic stay PERSONAL PROPERTY**

**CAPITAL ONE AUTO FINANCE  
Vs.  
DEBTOR**

Docket 53

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant. Appearance is optional.

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

**Debtor(s):**

Elycia M. Myers

Represented By  
Timothy McFarlin

**Movant(s):**

Capital One Auto Finance, a division

Represented By  
Marjorie M Johnson

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nathan F Smith  
Arturo M Cisneros

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, December 1, 2020**

**Hearing Room 5B**

10:30 AM

**8:16-13829 Diana Solis**

**Chapter 13**

**#4.00 Motion for relief from the automatic stay REAL PROPERTY  
(cont'd from 10-27-20)**

**U.S. BANK NATIONAL ASSOCIATION  
Vs.  
DEBTOR**

Docket 72

**Tentative Ruling:**

Tentative for 12/1/20:  
Same. Appearance is optional.

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Tentative for 10/27/20:  
Grant. Appearance is optional.

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

**Debtor(s):**

Diana Solis

Represented By  
Bryn C Deb

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Joseph C Delmotte

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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10:30 AM

**8:18-10808 Jack Dennis Mitchell and Kathleen Marie Mitchell**

**Chapter 13**

**#5.00 Motion for relief from the automatic stay REAL PROPERTY  
(cont'd from 10-13-20)**

**U.S. BANK NATIONAL ASSOCIATION  
Vs.  
DEBTORS**

Docket 54

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - SETTLED BY  
STIPULATION ORDER GRANTING MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY REAL PROPERTY ENTERED 11-20-20**

**Tentative Ruling:**

Tentative for 10/13/20:  
Grant absent APO or current post confirmation status.

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

**Debtor(s):**

Jack Dennis Mitchell

Represented By  
Nicholas M Wajda

**Joint Debtor(s):**

Kathleen Marie Mitchell

Represented By  
Nicholas M Wajda

**Movant(s):**

U.S. Bank National Association

Represented By  
Eric P Enciso

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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10:30 AM

**8:18-13515 Alan Joseph Copeland and Judith Ann Copeland**

**Chapter 13**

**#6.00 Motion for relief from the automatic stay REAL PROPERTY  
(cont'd from 10-20-20)**

**FORETHOUGHT LIFE INSURANCE COMPANY  
Vs  
DEBTORS**

Docket 36

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant absent current post petition status or APO.

Appearance is optional.

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Tentative for 10/20/20:  
Same as before. Appearance is optional.

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Tentative for 9/22/20:  
Grant absent stipulation to APO. Appearance is optional.

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

Alan Joseph Copeland

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Judith Ann Copeland

Represented By  
Steven A Alpert

**United States Bankruptcy Court  
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**CONT... Alan Joseph Copeland and Judith Ann Copeland**

**Chapter 13**

**Movant(s):**

Forethought Life Insurance

Represented By  
Daniel K Fujimoto

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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**8:19-12629 Eduardo Meza**

**Chapter 13**

**#7.00 Motion for relief from the automatic stay REAL PROPERTY**

**SELECT PORTFOLIO SERVICING, INC.  
Vs.  
DEBTOR**

Docket 104

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant. Appearance is optional.

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

**Debtor(s):**

Eduardo Meza

Represented By  
Michael F Chekian

**Movant(s):**

CSMC 2018-RPL11 Trust

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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10:30 AM

**8:19-10693 Manuel Rex Alarcon and Nancy Louise Richardson**

**Chapter 13**

**#8.00** Motion for Adequate Protection , or in the Alternative, Relief from Automatic Stay  
(cont'd from 10-27-20)

**DEUTSCHE BANK NATIONAL TRUST COMPANY  
Vs.  
DEBTORS**

Docket 52

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - SETTLED BY  
STIPULATION RE: ORDER GRANTING MOTION FOR RELIEF FROM  
THE AUTOMATIC STAY ENTERED 11-19-20**

**Tentative Ruling:**

Tentative for 10/27/20:  
Same tentative as before, grant absent APO. Appearance is optional.

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Tentative for 9/22/20:  
Grant absent APO. Appearance is optional.

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

Manuel Rex Alarcon

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Nancy Louise Richardson

Represented By  
Christopher J Langley

**Movant(s):**

Deutsche Bank National Trust

Represented By

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**CONT... Manuel Rex Alarcon and Nancy Louise Richardson**  
Merdaud Jafarnia  
Nancy L Lee

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, December 1, 2020**

**Hearing Room 5B**

11:00 AM

**8:20-12060 Marlene D Mejia Rosales and Gilmar Leopoldo Garcia**

**Chapter 7**

**#9.00** Motion To Dismiss Chapter 7 Case With 180 Day Bar To Refiling As To Gilmar Leopoldo Garcia Marroquin Only Pursuant To 11 USC Section 707(b)(3)(A), 105(a), 109(g), And 349

Docket 18

**Tentative Ruling:**

Tentative for 12/1/20:  
Granted with 180-day bar.

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

Marlene D Mejia Rosales

Represented By  
Lauren M Foley

**Joint Debtor(s):**

Gilmar Leopoldo Garcia Marroquin

Represented By  
Lauren M Foley

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, December 1, 2020**

**Hearing Room**

**5B**

11:00 AM

**8:18-10064 Skin Care Solutions, LLC**

**Chapter 7**

**#10.00 Trustee's Final Report And Applications For Compensation:**

**RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE**

**GOE FORSYTHE & HODGES LLP, ATTORNEY FOR CH 7 TRUSTEE**

**HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR CH 7 TRUSTEE**

Docket 49

**Tentative Ruling:**

Tentative for 12/1/20:  
Allow as prayed. Appearance is optional.

**Party Information**

**Debtor(s):**

Skin Care Solutions, LLC

Represented By  
Jeffrey D Cawdrey

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
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11:00 AM

**8:19-12320 John Gerard Bolduc**

**Chapter 7**

**#11.00 Trustee's Final Report And Applications For Compensation:**

**KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE**

**MALCOLM CISNEROS, CHAPTER 7 TRUSTEE'S ATTORNEY**

**HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE**

Docket 72

**Tentative Ruling:**

Tentative for 12/1/20:  
Allow as prayed. Appearance is optional.

**Party Information**

**Debtor(s):**

John Gerard Bolduc

Represented By  
Kevin J Kunde

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nathan F Smith  
Arturo M Cisneros

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, December 1, 2020**

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11:00 AM

**8:19-10158 BP Fisher Law Group, LLP**

**Chapter 7**

**#12.00** Motion for Order Approving Stipulation Between Estate and LoanCare, LLC For Relief From Stay

Docket 803

**Tentative Ruling:**

Tentative for 12/1/20:  
Grant. Appearance optional.

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

BP Fisher Law Group, LLP

Represented By  
Marc C Forsythe  
Michael S Myers

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Marc C Forsythe  
Charity J Manee

**United States Bankruptcy Court  
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**Tuesday, December 1, 2020**

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11:00 AM

**8:19-14600 Consumer Financial Alliance LLC**

**Chapter 7**

**#13.00 Chapter 7 Trustee's Motion For An Order Compelling Thomas J. Lynch Pursuant To 11 U.S.C. Section 542 To: (1) Turnover Property Of The Estate; And (2) Provide An Accounting Of All Funds Received PostPetition (cont'd from 11-10-20 per order approving stip. to cont. hrg entered 10-30-20)**

Docket 48

**Tentative Ruling:**

Tentative for 12/1/20:

If trustee confirms \$1,800 has been turned over, deny. Appearance optional.

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

Consumer Financial Alliance LLC

Represented By  
Krystina T Tran

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Krystina T Tran

**United States Bankruptcy Court  
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11:00 AM

8:19-12052 Deborah Jean Hughes

Chapter 7

#14.00 Debtor's Motion to Convert Case From Chapter 7 to 11.  
(cont'd from 10-27-20 per order on stip. re: the cont. joint hrg. on the trustee's mtn to sell and the defendant's mtn to convert entered 10-01-20)

Docket 122

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2-02-21 AT 11:00 A.M.  
PER ORDER ON STIPULATED REQUEST REGARDING THE  
CONTINUED HEARING ON THE DEBTOR'S MOTION TO CONVERT  
ENTERED 11-17-20

**Tentative Ruling:**

Tentative for 9/22/20:

The problem with this motion is that it is completely unsupported by any evidence. At most the declarations attest to a desire to explore a Chapter 11 plan but absolutely no details are given as to how that might be accomplished. It is also obvious that the conversion attempt is connected to the Trustee's motion to sell assets (see #12), so it would appear that the real motivation for this conversion attempt is to frustrate/block the Trustee's sale motion or other efforts to liquidate. While the court always prefers the good faith attempts of debtors to reorganize, this should not be mistaken for naivete. The Marrama case makes abundantly clear that good faith is a necessary prerequisite to conversion into a reorganization chapter. Such inquiry is heightened when it looks like a ploy to evade the trustee. Debtor might have made a closer case if she had given even the most basic explanation of just how she would manage this reorganization at this late date, and no idle promise of 120%+ or other of the moon and stars can convince under these circumstances, where concrete facts are what is needed.

Deny.

**Party Information**

**Debtor(s):**

Deborah Jean Hughes

Represented By  
Matthew C Mullhofer  
Michael Jones

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**CONT... Deborah Jean Hughes**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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11:00 AM

8:19-12052 Deborah Jean Hughes

Chapter 7

- #15.00 Trustee's Motion For Order: Authorizing Sale Of Litigation Rights (A) Outside The Ordinary Course Of Business; (B) Free And Clear Of Liens; (C) Subject To Overbids; And (D) For Determination Of Good Faith Purchaser Under Section 363(M)  
**(cont'd from 10-27-20 per order on stip. re: the cont. joint hrg. on the trustee's mtn to sell and the defendant's mtn to convert entered 10-01-20)**

Docket 117

**Tentative Ruling:**

Tentative for 9/22/20:

The court had two concerns regarding this motion: (1) what is that is proposed to be sold, precisely described?, and (2) if the assets sold include trustee's avoidance powers under §§544, 547, 548 or 549, would the buyer have standing to pursue the actions post sale? On the second question there seems to be adequate authority in the Ninth Circuit supporting a conclusion that prudential standing would exist since, indisputably, creditors do benefit from the price, although the issue could have been more clear had there been a promised "rebate" of some portion of any proceeds to ensure that creditors got paid in full if, after administrative claims, the price is not sufficient to take out all unsecured claims. *See Brookview Apts., LLC v. Hoer (In re Weigh)*, 576 B.R. 189, 205-06 (Bankr. C.D. Cal. 2017) citing *Duckor Spradling & Metzger v. Baum (In re P.R.T. C. Inc.)*, 177 F. 3d 774, 780-82 (9th Cir. 1999). But the first question remains. The description is vague in that inclusion of all rights of action, including trustee avoidance actions, is only one possible interpretation. From what is outlined in the motion it looks like the proposed actions would be in the nature of avoiding certain transactions as fraudulent conveyances, and possibly another as a post-petition transfer (honoring of a check post-petition), but the language used in the motion is susceptible to interpretation. The court will hear argument but is inclined to continue for clarification on this point, and possible re-noticing.

**Party Information**

**United States Bankruptcy Court  
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11:00 AM

**CONT... Deborah Jean Hughes**

**Chapter 7**

**Debtor(s):**

Deborah Jean Hughes

Represented By  
Matthew C Mullhofer

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Anerio V Altman