

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-21695 Agostinho Martines

Chapter 13

#1.00 Motion for relief from stay [UD]

TROJAN CAPITAL INVESTMENTS, LLC
VS
DEBTOR

Docket 11

Tentative Ruling:

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1). The stay is terminated as to the debtor and the debtor's bankruptcy estate with respect to the movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. **Appearances waived.**

Movant completed a nonjudicial foreclosure sale on the real property formerly owned by, and still occupied by, the debtor. Under California law, once a nonjudicial foreclosure sale has occurred, the trustor has no right of redemption. Moeller v. Lien, 25 Cal. App. 4th 822, 831 (1994). In this case, the debtor has no right to ignore the foreclosure and attempt to reorganize the debt.

Movant served the debtor with a three-day notice to quit the premises on October 13, 2015. When the debtor failed to vacate the premises, an unlawful detainer action was filed and served on November 3, 2015. Debtor filed the bankruptcy petition on August 31, 2016 in an apparent effort to stay the unlawful detainer action. This motion has been filed to proceed with the unlawful detainer action. This action must go forward because the debtor's right to possess the premises must be determined.

Movant requests in the motion that "extraordinary relief" be granted by the

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CONT...

Agostinho Martines

Chapter 13

Court. An order prohibiting for 180 days, or longer, the subsequent filing of a bankruptcy case by the debtor or by another person or entity to whom the subject property may be transferred is in the nature of an injunction not specifically authorized by the Bankruptcy Code. Johnson v. TRE Holdings LLC (In re Johnson), 346 B.R. 190, 196 (9th Cir. BAP 2006). Nor does there "appear to be direct statutory authority for an order that bans the filing of future bankruptcy cases by other persons, bans automatic stays in future cases, and authorizes the sheriff to ignore a future bankruptcy case when conducting an eviction." In re Van Ness, 399 B.R. 897, 903 (Bankr. E.D. Cal. 2009). Therefore, a motion is not the appropriate vehicle for obtaining the "extraordinary relief" requested. Movant must seek this aspect of relief by adversary proceeding. Johnson, 346 B.R. at 195. **Accordingly, the movant's request for "extraordinary relief" is denied.**

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. **All other relief is denied.**

The movant shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Agostinho Martines

Represented By
Lee M Linson

Movant(s):

Trojan Capital Investments, LLC

Represented By
Julie A Esposito

Trustee(s):

Nancy K Curry (TR)

Pro Se

United States Bankruptcy Court
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Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-21971 Dong Kang Hwan

Chapter 13

#2.00 Motion for relief from stay [UD]

JI HUI CHOE
VS
DEBTOR

Docket 8

*** VACATED *** REASON: CASE DISMISSED 9/26/16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dong Kang Hwan

Pro Se

Movant(s):

Ji Hui Choe

Represented By
Joseph Cruz

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 1375

10:00 AM

2:10-60888 Jonell Lassiter-Dixson and Herbert Alponzo Dixson, III

Chapter 13

#3.00 Motion for relief from stay [RP]

BANK OF AMERICA, N.A.
VS
DEBTOR

fr. 7-19-16; 8-23-16

Docket 79

Tentative Ruling:

None.

Party Information

Creditor(s):

Vanda, LLC	Pro Se
Midland Credit Management, Inc.	Represented By Joseph M Raymond
BANK OF AMERICA, N.A.	Represented By Merdaud Jafarnia
PRA Receivables Management, LLC	Represented By Adelaide R Hageman
BAC Home Loan Servicing LP	Represented By Joe M Lozano Jr
BANK OF AMERICA, N.A.	Represented By Taneisha Tennard Tiffany N Darden Taka D Hudson Merdaud Jafarnia Essa Gye

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CONT... Jonell Lassiter-Dixson and Herbert Alponzo Dixon, III
Bank of America, N.A. Represented By
Kristin S Webb
Jonathan J Damen

Chapter 13

Debtor(s):

Jonell Lassiter-Dixson Represented By
Brad Weil

Interested Party(s):

Courtesy NEF Represented By
Edward T Weber

Joint Debtor(s):

Herbert Alponzo Dixon III Represented By
Brad Weil

Movant(s):

BANK OF AMERICA, N.A. Represented By
Taneisha Tennard
Tiffany N Darden
Taka D Hudson
Merdaud Jafarnia
Essa Gye

Trustee(s):

Nancy K Curry (TR) Pro Se

U.S. Trustee(s):

United States Trustee (LA) Pro Se

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Hearing Room 1375

10:00 AM

2:15-22463 Jessie Mae Byrd

Chapter 13

#4.00 Motion for relief from stay [RP]

HSBC BANK USA, NATIONAL ASSOCIATION
VS
DEBTOR

fr. 7-26-16; 8-23-16; 9-13-16

Docket 35

***** VACATED *** REASON: O/E 9-19-16 SETTLED BY STIPULATION**

Tentative Ruling:

Party Information

Debtor(s):

Jessie Mae Byrd

Represented By
Thomas B Ure

Movant(s):

HSBC Bank USA, National

Represented By
Brandye N Foreman

Trustee(s):

Nancy K Curry (TR)

Pro Se

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Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:15-22988 Jennifer Penalber

Chapter 13

#5.00 Motion for relief from stay [RP]

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

fr. 9-13-16

Docket 34

Tentative Ruling:

None.

Party Information

Debtor(s):

Jennifer Penalber

Represented By
Danelle Lloyd

Movant(s):

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

Represented By
Merdaud Jafarnia
Brandye N Foreman

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, October 11, 2016

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10:00 AM

2:15-23897 Byron W Lee

Chapter 13

#6.00 Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
VS
DEBTOR

fr. 9-13-16

Docket 49

Tentative Ruling:

None.

Party Information

Debtor(s):

Byron W Lee

Represented By
Richard A Loa

Movant(s):

The Bank of New York Mellon fka

Represented By
Christina J O

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:15-27363 Jennifer Quinn

Chapter 13

#7.00 Motion for relief from stay [RP]

WELLS FARGO BANK
VS
DEBTOR

fr. 9-13-16

Docket 25

***** VACATED *** REASON: O/E 9-30-16 SETTLED BY STIPULATION**

Tentative Ruling:

Party Information

Debtor(s):

Jennifer Quinn

Represented By
Devin Sawdayi

Movant(s):

Wells Fargo Bank, N.A

Represented By
Merdaud Jafarnia

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:12-27514 Ngoc Lan Thi Tran

Chapter 13

#8.00 Motion for relief from stay [RP]

JPMORGAN CHASE BANK
VS
DEBTOR

Docket 89

Tentative Ruling:

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering the debtor's residence. The debtor has failed to pay 17 post-petition payments. This is cause to terminate the automatic stay. See Ellis v. Parr (In re Ellis), 60 B.R. 432, 434-35 (9th Cir. BAP 1985). **Appearances waived.**

The 14-day period specified in FRBP 4001(a)(3) is waived. The stay having been terminated as to the debtor and no opposition having been filed by the codebtor, movant is granted relief as to any codebtor on the note pursuant to 11 U.S.C. § 1301 (d). Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement. **All other relief is denied.**

The movant shall upload an appropriate order via the Court's LOU system.

Party Information

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CONT... Ngoc Lan Thi Tran

Chapter 13

Debtor(s):

Ngoc Lan Thi Tran

Represented By
John Habashy

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Merdaud Jafarnia

Trustee(s):

Nancy K Curry (TR)

Pro Se

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10:00 AM

2:15-15021 Daniel Rodriguez and Karina Padilla

Chapter 13

#9.00 Motion for relief from stay [RP]

WELLS FARGO BANK
VS
DEBTOR

Docket 54

Tentative Ruling:

None.

Party Information

Debtor(s):

Daniel Rodriguez

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Karina Padilla

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Brandye N Foreman

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:15-17279 Billy A. Garcia, Jr. and Katheryn Garcia

Chapter 13

#10.00 Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION
VS
DEBTOR

Docket 54

Tentative Ruling:

On September 27, 2016, Debtors filed an opposition to the motion and included a letter from Movant, which stated that Debtors were recently approved for a loan modification. Accordingly, the motion is DENIED, as there no longer appears to be cause to grant relief from the automatic stay under 11 U.S.C. § 362 (d)(1).

Appearances waived.

Movant shall lodge an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Billy A. Garcia Jr.

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Joint Debtor(s):

Katheryn Garcia

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Movant(s):

U.S. Bank National Association, as

Represented By
Joseph C Delmotte

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:16-19858 Oscar Rosales Lasala

Chapter 13

#11.00 Motion for relief from stay [RP]

HSBC BANK, USA
VSA
DEBTOR

Case dismissed 8/15/16

**Notice of Movant's intent to proceed on motion despite dismissal filed
9/14/16**

Docket 18

Tentative Ruling:

Debtor's case was dismissed on August 15, 2016; however, because movant has requested in rem / (d)(4) relief, the Court will retain its jurisdiction to hear the matter under 11 U.S.C. § 362.

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(4) to permit movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering the debtor's residence. The court finds that the filing of the petition was part of a scheme to hinder, delay and defraud creditors involving multiple bankruptcy filings affecting the subject property. 11 U.S.C. § 362(d)(4). **Appearances waived.**

Movant requests in the motion that "extraordinary relief" be granted by the Court. An order prohibiting for 180 days, or longer, the subsequent filing of a

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CONT... Oscar Rosales Lasala

Chapter 13

bankruptcy case by the debtor or by another person or entity to whom the subject property may be transferred is in the nature of an injunction not specifically authorized by the Bankruptcy Code. Johnson v. TRE Holdings LLC (In re Johnson), 346 B.R. 190, 196 (9th Cir. BAP 2006). Nor does there "appear to be direct statutory authority for an order that bans the filing of future bankruptcy cases by other persons, bans automatic stays in future cases, and authorizes the sheriff to ignore a future bankruptcy case when conducting an eviction." In re Van Ness, 399 B.R. 897, 903 (Bankr. E.D. Cal. 2009). Therefore, a motion is not the appropriate vehicle for obtaining the "extraordinary relief" requested. Movant must seek this aspect of relief by adversary proceeding. Johnson, 346 B.R. at 195. **Accordingly, the movant's request for "extraordinary relief" is denied.**

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The stay having been terminated as to the debtor and no opposition having been filed by the codebtor, movant is granted relief as to any codebtor on the note pursuant to 11 U.S.C. § 1301 (d). Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement. Provided the order is recorded in compliance with applicable state law, the order granting this motion will be binding and effective in any other case under this title purporting to affect the subject property filed not later than 2 years after the date of entry of the order, except that the debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. 11 U.S.C. § 362(d)(4). **All other relief is denied.**

The movant shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Oscar Rosales Lasala

Pro Se

Movant(s):

HSBC Bank USA, National

Represented By

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CONT... Oscar Rosales Lasala

Erica T Loftis

Chapter 13

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:16-21030 Harry Franks

Chapter 13

#12.00 Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
VS
DEBTOR

Case dismissed 9/6/16

Docket 10

Tentative Ruling:

Debtor's case was dismissed on September 6, 2016; however, because movant has requested in rem / (d)(4) relief, the Court will retain its jurisdiction to hear the matter under 11 U.S.C. § 362.

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(4) to permit movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering real property. The debtor received an interest in the property through an unauthorized quitclaim deed. The court finds that the filing of the petition was part of a scheme to hinder, delay and defraud creditors involving a transfer of all or part ownership of, or other interest in, the subject property without the consent of the movant or court approval and multiple bankruptcy filings affecting the subject property. 11 U.S.C. § 362(d)(4). **Appearances waived.**

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement,

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CONT... Harry Franks

Chapter 13

loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement. Provided the order is recorded in compliance with applicable state law, the order granting this motion will be binding and effective in any other case under this title purporting to affect the subject property filed not later than 2 years after the date of entry of the order, except that the debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. 11 U.S.C. § 362(d)(4). **All other relief is denied.**

Movant shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Harry Franks

Pro Se

Movant(s):

THE BANK OF NEW YORK

Represented By
Erin M McCartney

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:16-21370 Jeffrey Palacios

Chapter 13

#13.00 Motion for relief from stay [RP]

WELLS FARGO BANK
VS
DEBTOR

Docket 14

Tentative Ruling:

Debtor's case was dismissed on September 13, 2016; however, because movant has requested in rem / (d)(4) relief, the Court will retain its jurisdiction to hear the matter under 11 U.S.C. § 362.

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(4) to permit movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering real property. The debtor received an interest in the property through an unauthorized quitclaim deed. The court finds that the filing of the petition was part of a scheme to hinder, delay and defraud creditors involving a transfer of all or part ownership of, or other interest in, the subject property without the consent of the movant or court approval and multiple bankruptcy filings affecting the subject property. 11 U.S.C. § 362(d)(4). **Appearances waived.**

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone

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CONT... Jeffrey Palacios

Chapter 13

or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement. Provided the order is recorded in compliance with applicable state law, the order granting this motion will be binding and effective in any other case under this title purporting to affect the subject property filed not later than 2 years after the date of entry of the order, except that the debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. 11 U.S.C. § 362(d)(4). **All other relief is denied.**

Movant shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Jeffrey Palacios

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Brandye N Foreman

Trustee(s):

Nancy K Curry (TR)

Pro Se

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10:00 AM

2:16-22197 Ylonda Blakney

Chapter 13

#15.00 Motion in Individual Case for Order Imposing
a Stay or Continuing Stay as the Court Deems
Appropriate

Case dismissed 10-5-16

Docket 18

Tentative Ruling:

No opposition was filed.

Section 362(c)(3)(A) states that if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding one-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under § 707(b), the stay under § 362(a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate *with respect to the debtor* on the 30th day after the filing of the later case. 11 U.S.C. § 362(c)(3)(A) (emphasis added).

On motion of a party in interest for *continuation* of the automatic stay and upon notice and a hearing, the Court may extend the stay in particular cases as to any and all creditors (subject to such conditions and limitations as the Court may then impose) **after notice and a hearing completed before expiration of the 30-day period** only if the party in interest demonstrates that the filing of the later case is in *good faith* as to the creditors to be stayed. 11 U.S.C. § 362(c)(3)(B) (emphases added).

In this case, debtor filed the voluntary chapter 13 petition on September 13, 2016. This motion was filed on September 19, 2016, and was noticed for a hearing to be concluded within the 30-day period following the filing of the petition. The motion is timely.

According to the evidence, debtor seeks a continuation of the automatic stay as

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CONT... Ylonda Blakney

Chapter 13

to all creditors. Pursuant to the evidence presented, the Court GRANTS the relief requested in the motion based upon an apparent change in the personal and financial affairs of the debtor since dismissal of the last case. **Appearances waived.**

Debtor's counsel shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Ylonda Blakney

Represented By
Axel H Richter

Movant(s):

Ylonda Blakney

Represented By
Axel H Richter

Trustee(s):

Nancy K Curry (TR)

Pro Se

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Central District of California
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Hearing Room 1375

10:00 AM

2:16-16879 Juan Hernandez

Chapter 7

#16.00 Motion for relief from stay [RP]

LPP MORTGAGE LTD, INC
VS
DEBTOR

Case dismissed 8/31/16

Docket 23

Tentative Ruling:

Debtor's case was dismissed on August 31, 2016; however, because movant has requested in rem / (d)(4) relief, the Court will retain its jurisdiction to hear the matter under 11 U.S.C. § 362.

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(4) to permit movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant has established a *prima facie* case that cause exists, and debtor has not responded with evidence establishing that the property is not declining in value or that movant is adequately protected. **Appearances waived.**

According to the evidence, movant is secured by a lien on the subject property. The Court is unable to make a finding establishing the value of the property because movant has not provided an authenticated valuation of the property. There is no evidence that the debtor has made or tendered any payments to movant since the petition date. Accordingly, the Court finds "cause" for termination of the stay under 11 U.S.C. § 362(d)(1). Furthermore, the Court finds that the filing of the petition was part of a scheme to hinder, delay or defraud creditors involving a transfer of all or part

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CONT... Juan Hernandez

Chapter 7

ownership of, or other interest in, the subject property without the consent of the movant or Court approval and multiple bankruptcy filings affecting the subject real property. 11 U.S.C. § 362(d)(4).

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. Provided the order is recorded in compliance with applicable state law, the order granting this motion will be binding and effective in any other case under this title purporting to affect the subject property filed not later than 2 years after the date of entry of the order, except that the debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. 11 U.S.C. § 362(d)(4). **All other relief is denied.**

The movant shall upload an appropriate order via the Court's LOU system.

Party Information

Debtor(s):

Juan Hernandez

Pro Se

Movant(s):

LPP Mortgage LTD, its assignees

Represented By
Merdaud Jafarnia

Trustee(s):

Sam S Leslie (TR)

Pro Se

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10:00 AM

2:16-19671 Consuelo Munoz

Chapter 7

#17.00 Motion for relief from stay [RP]

WELLS FARGO BANK, N.A.
VS
DEBTOR

Docket 22

Tentative Ruling:

No opposition was filed.

Section 362(c) states that if a single or joint case filed by or against the Debtor was pending but dismissed within the year ending on the petition date of this case, the dismissed case was not a case refiled under a chapter other than chapter 7 following dismissal under 11 U.S.C. § 707(b), and 30 days have elapsed since the filing of the petition in the above-entitled case and no order has been entered continuing the stay, the Court shall promptly enter an order confirming that no stay is in effect. 11 U.S.C. § 362(c)(3)

In this case, movant has requested relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(4). However, upon review of this motion, the Court finds that **no stay is in effect** in this case under 11 U.S.C. § 362(c)(3) due to a single or joint case filed by or against the debtor that was pending within the previous year but was dismissed, the 30 days having elapsed since the filing of the petition and no order having been entered continuing the stay. **All other relief is denied.**

Movant's counsel shall upload an order using the appropriate Local Bankruptcy Rules Forms on the Court website confirming that no stay is in effect under 11 U.S.C. §362(c)(3) via the Court's LOU system. **Appearances waived.**

Party Information

Debtor(s):

Consuelo Munoz

Represented By
Thomas H Ravatt

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

CONT... Consuelo Munoz

Chapter 7

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Brandy N Foreman

Trustee(s):

David M Goodrich (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-21799 Nxxlvl Group Corp

Chapter 11

#18.00 Motion for relief from stay [PP]

FINANCIAL SERVICES VEHICLE TRUST
VS
DEBTOR

RE: 2015 BMW X6

Docket 23

*** VACATED *** REASON: O/E 9-29-16 CONTINUED TO 10/18/16 @
10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nxxlvl Group Corp

Represented By
Matthew Abbasi

Movant(s):

Financial Services Vehicle Trust

Represented By
Timothy J Silverman

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-21799 Nxxlvl Group Corp

Chapter 11

#19.00 Motion for relief from stay [PP]

FINANCIAL SERVICES VEHICLE TRUST
VS
DEBTOR

RE: 2015 BMW 535i

Docket 24

*** VACATED *** REASON: O/E 9-29-16 CONTINUED TO 10/18/16 @
10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nxxlvl Group Corp

Represented By
Matthew Abbasi

Movant(s):

Financial Services Vehicle Trust

Represented By
Timothy J Silverman

United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-21799 Nxxlvl Group Corp

Chapter 11

#20.00 Motion for relief from stay [PP]

FINANCIAL SERVICES VEHICLE TRUST
VS
DEBTOR

RE: 2015 BMW X5

Docket 25

*** VACATED *** REASON: O/E 9-29-16 CONTINUED TO 10/18/16 @
10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nxxlvl Group Corp

Represented By
Matthew Abbasi

Movant(s):

Financial Services Vehicle Trust

Represented By
Timothy J Silverman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:16-22366 Lazara Idalis Diaz

Chapter 13

#21.00 Motion in Individual Case for Order Imposing
a Stay or Continuing Stay as the Court Deems
Appropriate

Docket 11

Tentative Ruling:

Debtor failed to submit a declaration attesting to the facts asserted in her motion. Debtor is to address why the motion should not be denied on that basis.

Party Information

Debtor(s):

Lazara Idalis Diaz

Represented By
Giovanni Orantes

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

10:00 AM

2:15-17670 Piedad Sofia Jerez

Chapter 13

#23.00 Motion to Reconsider Motion for relief from
the automatic stay

Docket 57

Tentative Ruling:

None.

Party Information

Debtor(s):

Piedad Sofia Jerez

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:13-36457 Nune Vaganovna Gevorgian
Adv#: 2:14-01140 Goodrich v. Gevorgian

Chapter 7

#1.00 Status Conference re Complaint objecting
to discharge of debt

fr. 5-13-14; 7-22-14; 10-14-14; 12-16-14
2-17-15; 4-21-15; 5-19-15; 6-25-15; 12-15-15;
4-26-16; 9-6-16

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Nune Vaganovna Gevorgian Pro Se

Defendant(s):

Nune Vaganovna Gevorgian Pro Se

Plaintiff(s):

David M Goodrich Represented By
Aram Ordubegian
Andy Kong

Trustee(s):

David M Goodrich (TR) Represented By
Aram Ordubegian
Andy Kong

U.S. Trustee(s):

United States Trustee (LA) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

CONT... Nune Vaganovna Gevorgian

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:16-13840 Cheyenne Wilbur

Chapter 13

Adv#: 2:16-01351 Wilbur et al v. Ramage

#2.00 Status Conference re Complaint for (1) avoidance and recovery of preferential transfers; and (2) disallowance of claim

Docket 1

***** VACATED *** REASON: O/E 9-1-16 APPROVING ENTRY OF JUDGMENT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cheyenne Wilbur

Represented By
Roland H Kedikian

Defendant(s):

Richard Ramage

Pro Se

Joint Debtor(s):

Betsy Ferguson Wilbur

Represented By
Roland H Kedikian

Plaintiff(s):

Cheyenne Wilbur

Represented By
Roland H Kedikian

Betsy Ferguson Wilbur

Represented By
Roland H Kedikian

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:15-21249 Maria C. Gonzalez

Chapter 13

Adv#: 2:15-01560 Windom et al v. Gonzalez

#3.00 Order to Show Cause Re Sanctions

Docket 25

Tentative Ruling:

None.

Party Information

Debtor(s):

Maria C. Gonzalez

Represented By
Giovanni Orantes

Defendant(s):

Maria C Gonzalez

Represented By
Giovanni Orantes
Giovanni Orantes
John Davis
John Davis

Plaintiff(s):

Chima Anyanwu

Represented By
John Davies
John Davis
Giovanni Orantes

Robin Windom

Represented By
John Davies
John Davies
John Davis
John Davis
Giovanni Orantes
Giovanni Orantes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

CONT... Maria C. Gonzalez

Chapter 13

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:13-29863 Avenue K1753, LLC

Chapter 7

Adv#: 2:16-01290 Mastan v. Danpour et al

#4.00 Status Conference re Complaint for:

- 1) avoidance of preferential transfers
[11 U.S.C. Section 547]
- 2) avoidance of actual fraudulent transfers
[11 U.S.C. Section 548(a)(1)(A)]
- 3) avoidance of constructive fraudulent
transfers [11 U.S.C. 548(a)(1)(B)]
- 4) recovery of avoided transfers
[11 U.S.C. Section 550] and
- 5) disallowance of claims
[11 U.S.C. Section 502]

fr. 8/23/16; 9-6-16

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Avenue K1753, LLC

Represented By
Fadi Amer

Defendant(s):

Koko and Fashion Field, Inc.

Pro Se

Henry Danpour

Pro Se

Movant(s):

Peter J. Mastan

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

CONT... Avenue K1753, LLC

Chapter 7

Plaintiff(s):

Peter J. Mastan

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Nina Z Javan
Meghann A Triplett

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:13-29863 Avenue K1753, LLC

Chapter 7

Adv#: 2:16-01292 Mastan v. Xyvest Holdings, Inc.

#5.00 Status Conference re Complaint for:

- 1) avoidance of preferential transfers
[11 U.S.C. Section 547]
- 2) avoidance of actual fraudulent transfers
[11 U.S.C. Section 548(a)(1)(A)]
- 3) avoidance of constructive fraudulent
transfers [11 U.S.C. 548(a)(1)(B)]
- 4) recovery of avoided transfers
[11 U.S.C. Section 550] and
- 5) disallowance of claims
[11 U.S.C. Section 502]

fr. 8-23-16; 9-6-16

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Avenue K1753, LLC

Represented By
Fadi Amer

Defendant(s):

Xyvest Holdings, Inc.

Pro Se

Movant(s):

Peter J. Mastan

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

CONT... Avenue K1753, LLC

Chapter 7

Plaintiff(s):

Peter J. Mastan

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Nina Z Javan
Meghann A Triplett

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:15-22729 Nancy Margaret Rowe

Chapter 7

Adv#: 2:16-01326 Ehrenberg v. Rowe

#6.00 Motion for Entry of Default Judgment Against
Defendant

Docket 9

Tentative Ruling:

None.

Party Information

Debtor(s):

Nancy Margaret Rowe

Represented By
Andrew Edward Smyth

Defendant(s):

Nancy Margaret Rowe

Pro Se

Plaintiff(s):

Howard M Ehrenberg

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:15-22729 Nancy Margaret Rowe

Chapter 7

Adv#: 2:16-01326 Ehrenberg v. Rowe

#7.00 Status Conference re Complaint objecting to discharge of debtor pursuant to 11 USC Section 727

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Nancy Margaret Rowe

Represented By
Andrew Edward Smyth

Defendant(s):

Nancy Margaret Rowe

Pro Se

Plaintiff(s):

Howard M Ehrenberg

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:12-43661 Peter Pedrom Etesamnia

Chapter 7

Adv#: 2:13-01695 Malekan v. Etesamnia

#8.00 Order to Show Cause re Dismissal

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Peter Pedrom Etesamnia

Represented By
Edmond Nassirzadeh

Defendant(s):

Peter Pedrom Etesamnia

Represented By
Edmond Nassirzadeh

Plaintiff(s):

Kourosh Malekan

Represented By
A David Youssefyeh

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:12-43661 Peter Pedrom Etesamnia

Chapter 7

Adv#: 2:13-01695 Malekan v. Etesamnia

- #9.00** Status Conference re Complaint for:
- 1) determination of nondischargeability 11 USC Section 523(a)(2)(A)
 - 2) Determination of nondischargeability 11 U.S.C. Section 523(a)(2)(B);
 - 3) Determination of nondischargeability 11 U.S.C. Section 523(a)(6);
 - 4) Determination of nondischargeability 11 U.S.C. Section 523(a)(3)(B)

fr. 7-19-16; 9-13-16

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Peter Pedrom Etesamnia

Represented By
Edmond Nassirzadeh

Defendant(s):

Peter Pedrom Etesamnia

Represented By
Edmond Nassirzadeh

Interested Party(s):

Courtesy NEF

Represented By
Bruce G Landau

Plaintiff(s):

Kourosh Malekan

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

CONT... Peter Pedrom Etesamnia

Chapter 7

A David Youssefeyh

Trustee(s):

Jason M Rund (TR) Pro Se

Jason M Rund (TR) Pro Se

U.S. Trustee(s):

United States Trustee (LA) Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:14-21944 Deborah T Forman

Chapter 7

Adv#: 2:16-01274 Cheatham v. Forman

#10.00 Motion for judgment on the pleadings pursuant
to FRCP 12(B)(6) and 12C

fr. 8-23-16

Docket 6

Tentative Ruling:

None.

Party Information

Debtor(s):

Deborah T Forman

Represented By
Lenelle C Castille

Defendant(s):

Deborah T Forman

Represented By
Lenelle C Castille

Plaintiff(s):

Neil Cheatham

Represented By
David Brian Lally

Trustee(s):

Alberta P Stahl (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:14-21944 Deborah T Forman

Chapter 7

Adv#: 2:16-01274 Cheatham v. Forman

#11.00 Status Conference re Complaint to determine
the dischargeability of debt

fr. 7-19-16; 9-6-16

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Deborah T Forman

Represented By
Lenelle C Castille

Defendant(s):

Deborah T Forman

Pro Se

Plaintiff(s):

Neil Cheatham

Represented By
David Brian Lally

Trustee(s):

Alberta P Stahl (TR)

Pro Se

Alberta P Stahl (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:12-39952 Peter D Mullins

Chapter 11

Adv#: 2:12-02670 KOLODZIEJ v. Mullins

#12.00 Motion for order assigning judgment debtor's right to payments and order restraining judgment debtor

Docket 70

Tentative Ruling:

No opposition having been filed, and good cause presented, the motion is GRANTED. The debtor's rights to payment of certain commissions and related fees are hereby assigned to Movant, and the debtor is restrained from transferring, encumbering, or otherwise disposing of those rights. Movant shall upload an appropriate order via the Court's LOU system. **Appearances waived.**

Party Information

Debtor(s):

Peter D Mullins

Represented By
Kevin T Simon

Defendant(s):

Peter D Mullins

Represented By
Kevin T Simon

Movant(s):

RONALD KOLODZIEJ

Represented By
Adam L Stretzer

Plaintiff(s):

RONALD KOLODZIEJ

Represented By
Adam L Stretzer

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
Courtroom 1375 Calendar**

Tuesday, October 11, 2016

Hearing Room 1375

2:00 PM

2:16-21338 Curtis Simpson, Sr

Chapter 7

#13.00 Order to Show Cause re dismissal of
Involuntary Case

Docket 3

Tentative Ruling:

This matter is continued to **October 20, 2016 at 2:00 p.m.** Appearances
waived.

Party Information

Debtor(s):

Curtis Simpson, Sr

Pro Se