

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

Tuesday, December 15, 2020

Hearing Room 1375

10:00 AM
2:07-00000

Chapter 0

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

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information to be provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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Join By Computer

Meeting URL: <https://cacb.zoomgov.com/j/1606744109>

Meeting ID: 160 674 4109

Password: 529561

Join By Telephone

Dial: +1 669 254 5252 (San Jose) or +1 646 828 7666 (New York)

**United States Bankruptcy Court
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CONT...

Chapter 0

Meeting ID: 160 674 4109

Password: 529561

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Julia Brand, Presiding
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Tuesday, December 15, 2020

Hearing Room 1375

10:00 AM

2:20-19269 Thomas B Black

Chapter 13

#1.00 Motion for relief from stay [UD]

BRECKENRIDGE PROPERTY FUND 2016, LLC
VS
DEBTOR

Case dismissed 11/2/20

Docket 14

Tentative Ruling:

Debtor's case was dismissed on November 2, 2020; however, because movant has requested annulment of the stay 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). 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.

On October 13, 2020, debtor filed a bankruptcy petition. Debtor's bankruptcy case was dismissed on November 2, 2020. On November 3,

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CONT... **Thomas B Black**

Chapter 13

2020 movant filed this motion to proceed with the unlawful detainer action. The unlawful detainer action must go forward because the debtor's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed.

The 14-day period specified in FRBP 4001(a)(3) is waived. The stay is **annulled** retroactive to the petition date, so that enforcement actions taken by movant, if any, before receipt of notice of the automatic stay will not be deemed to have been voided by the automatic stay. See Nat'l Envtl. Waste Corp. v. City of Riverside (In re Nat'l Envtl. Waste Corp.), 129 F.3d 1052, 1055 (9th Cir. 1997). All other relief is denied.

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

Party Information

Debtor(s):

Thomas B Black

Pro Se

Movant(s):

Breckenridge Property Fund 2016,

Represented By
Amelia B. Valenzuela

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:16-26213 Grant Steven Workman and Mary Elaine Workman

Chapter 13

#2.00 Motion for relief from stay [RP]

BAYVIEW LOAN SERVICING
VS
DEBTOR

fr. 8-25-20

Docket 56

*** VACATED *** REASON: O/E 12-14-20 CONTINUED TO 2/9/2021 @
10:00 A.M.

Tentative Ruling:

Party Information

Debtor(s):

Grant Steven Workman

Represented By
Raj T Wadhvani

Joint Debtor(s):

Mary Elaine Workman

Represented By
Raj T Wadhvani

Movant(s):

Bayview Loan Servicing, LLC

Represented By
Dane W Exnowski
Christina J Khil
Joseph C Delmotte

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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10:00 AM

2:17-24193 Mariana Brown

Chapter 13

#3.00 Motion for relief from stay [RP]

SELECT PORTFOLIO SERVICING, INC
VS
DEBTOR

fr. 11-17-20

Docket 95

Tentative Ruling:

None.

Party Information

Debtor(s):

Mariana Brown

Represented By
Anthony P Cara

Movant(s):

Select Portfolio Servicing, Inc.

Represented By
Jennifer C Wong

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:18-11616 Sergio Burchfield

Chapter 13

#4.00 Motion for relief from stay [RP]

PARAGON TOWNHOUSES-DUARTE
HOMEOWNERS ASSOCIATION
VS
DEBTOR

fr 10-6-20; 11-10-20

Docket 74

Tentative Ruling:

None.

Party Information

Debtor(s):

Sergio Burchfield

Represented By
Tom A Moore

Movant(s):

Paragon Townhomes-Duarte

Represented By
Niki U Tran

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-18106 Sheldon C Harvey

Chapter 13

#5.00 Motion for relief from stay [RP]

HMC ASSETS, LLC
VS
DEBTOR

fr. 11-17-20

Docket 27

Tentative Ruling:

None.

Party Information

Debtor(s):

Sheldon C Harvey

Represented By
Scott Kosner

Movant(s):

HMC Assets, LLC, solely as

Represented By
Seth P Cox

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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2:17-19553 Paulette Therine Hibbert

Chapter 13

#6.00 Motion for relief from stay [RP]

WILMINGTON TRUST, NATIONAL ASSOCIATION
VS
DEBTOR

Docket 112

***** VACATED *** REASON: O/E 12-9-2020 SETTLED BY
STIPULATION**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paulette Therine Hibbert

Represented By
Rabin J Pournazarian

Movant(s):

Wilmington Trust, National

Represented By
Cassandra J Richey

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:20-11312 Rodolfa Gutierrez Lopez

Chapter 13

#7.00 Motion for relief from stay [RP]

WILMINGTON SAVINGS FUND SOCIETY, FSB
VS
DEBTOR

Docket 49

***** VACATED *** REASON: O/E 12-14-20 CONTINUED TO 1/26/2021
@ 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfa Gutierrez Lopez

Represented By
Patricia Rodriguez

Movant(s):

Wilmington Savings Fund Society,

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

2:20-16364 Evelyn C Leonard

Chapter 13

#8.00 Motion for relief from stay [RP]

RICHARD A . RODRIGUEZ
VS
DEBTOR

Docket 31

*** VACATED *** REASON: VOL. DISM OF MTN FILED ON 11-25-2020

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evelyn C Leonard

Represented By
Todd B Becker

Movant(s):

RICHARD A RODRIGUEZ, Trustee

Represented By
Julian K Bach

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1375

10:00 AM

2:20-19607 Alvin Lewis

Chapter 13

#9.00 Motion for relief from stay [RP]

CIVIC HOLDINGS III TRUST
VS
DEBTOR

Docket 16

Tentative Ruling:

None.

Party Information

Debtor(s):

Alvin Lewis

Represented By
Bradley Jerrod Yourist

Movant(s):

Civic Holdings III Trust

Represented By
Elaine Yang

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-20342 SanJuana Gomez

Chapter 13

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

Docket 8

Tentative Ruling:

No opposition was filed.

Judge Brand's Self-Calendaring Instructions allow the moving party on a motion for order imposing a stay or continuing the stay to self-calendar the motion on shortened notice. However, these Instructions require the movant to file and serve all moving papers on the trustee and any creditor affected by overnight mail, facsimile or personal service at least 14 days before the date scheduled for hearing. Here, movant failed to serve the motion and notice of the hearing by overnight mail. So notice is improper.

Party Information

Debtor(s):

SanJuana Gomez

Represented By
Jaime A Cuevas Jr.

Movant(s):

SanJuana Gomez

Represented By
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-19192 Ruben Jesus Zayas Hidalgo

Chapter 7

#11.00 Motion for relief from stay [PP]

JPMORGAN CHASE BANK
VS
DEBTOR

Docket 11

Tentative Ruling:

No opposition was filed.

The motion is GRANTED pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) 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. Since a chapter 7 case does not contemplate reorganization, the sole issue before the court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the debtor has equity in the property. See e.g., Nev. Nat'l Bank v. Casgul of Nev., Inc. (In re Casgul of Nev., Inc.), 22 B.R. 65, 66 (9th Cir. BAP 1982); Ramco Indus. v. Preuss (In re Preuss), 15 B.R. 896 (9th Cir. BAP 1981). **Appearances waived.**

The subject property has a value of \$18,575 and is encumbered by a perfected security interest in favor of the movant. That security interest secures a claim of \$31,087.12. There is no equity in the subject property and no evidence that the trustee can administer the subject property for the benefit of creditors. This is "cause" to terminate the stay under 11 U.S.C. § 362(d)(1).

The 14-day stay of FRBP 4001(a)(3) is ordered waived. **All other relief is denied.**

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CONT... Ruben Jesus Zayas Hidalgo

Chapter 7

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Ruben Jesus Zayas Hidalgo

Represented By
Juan Castillo-Onofre

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-19401 Mariela Elizabeth Cortes and Abimael Cortes Rios

Chapter 7

#12.00 Motion for relief from stay [PP]

FIRST TECH FEDERAL CREDIT UNION
VS
DEBTOR

Docket 8

Tentative Ruling:

No opposition was filed. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention filed in this case on October 16, 2020 in which the debtor stated an intention to surrender the property to movant.

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 security interest and lien on the debtor's 2015 Nissan Murano. The debtor has failed to pay 2 post-petition payments. This is "cause" to terminate the stay under 11 U.S.C. § 362(d)(1).
Appearances waived.

The 14-day period specified in FRBP 4001(a)(3) is waived. **All other relief is denied.**

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

Party Information

Debtor(s):

Mariela Elizabeth Cortes

Represented By

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CONT... Mariela Elizabeth Cortes and Abimael Cortes Rios
Frank J Alvarado

Chapter 7

Joint Debtor(s):

Abimael Cortes Rios

Represented By
Frank J Alvarado

Movant(s):

First Tech Federal Credit Union

Represented By
Arnold L Graff

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, December 15, 2020

Hearing Room 1375

10:00 AM

2:20-20300 Sandra Denise Sutton

Chapter 13

#13.00 Motion for relief from stay [RP]

LOAN FUND LA, LLC
VS
DEBTOR

Docket 9

Tentative Ruling:

None.

Party Information

Debtor(s):

Sandra Denise Sutton

Pro Se

Movant(s):

Loan Fund LA, LLC

Represented By
David I Brownstein

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:20-20558 Rosita Bello

Chapter 13

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

Docket 11

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 November 29, 2020. This motion was filed on December 1, 2020.

The Order Granting Application and Setting Hearing on Shortened Notice (dckt 12) required notice and service on all creditors and the Chapter 13 Trustee by personal delivery, overnight mail, facsimile or email by December 2, 2020 at 5:00 p.m.

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10:00 AM

CONT... Rosita Bello

Chapter 13

Here, movant failed to serve the motion and notice of the hearing in accordance with the Order Granting Application and Setting Hearing on Shortened Notice. It appears that only some creditors were served in compliance with the order by fax or email.

Pursuant to the evidence presented, the Court GRANTS the relief requested in the motion **only as to Selene Financial, the Franchise Tax Board, the Internal Revenue Service, the Los Angeles Tax Collector, the Los Angeles County Fire Department, Brush Inspection, Designed Receivable, and Kern County Treasurer-Tax Collector** based upon an apparent change in the personal and financial affairs of the debtor since dismissal of the last case.

Party Information

Debtor(s):

Rosita Bello

Represented By
D Justin Harelik

Trustee(s):

Nancy K Curry (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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2:00 PM
2:07-00000

Chapter 0

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Join By Telephone

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**United States Bankruptcy Court
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2:00 PM

CONT...

Chapter 0

Meeting ID: 160 674 4109

Password: 529561

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Tuesday, December 15, 2020

Hearing Room 1375

2:00 PM

2:20-11207 Sang Ho Park

Chapter 7

Adv#: 2:20-01047 Interim Capital LLC v. Park et al

#1.00 Status Conference re Complaint for declaratory
and injunctive relief

fr 5-12-20; 6-30-20; 9-22-20

Docket 1

Tentative Ruling:

The Court has reviewed the Unilateral Status Report filed by Plaintiff.
The status conference is continued to February 9, 2021 at 2:00 p.m.

Appearances waived.

Party Information

Debtor(s):

Sang Ho Park	Pro Se
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Defendant(s):

Sang Ho Park	Pro Se
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747 JL, LLC	Pro Se
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Purple Rain, Inc.	Pro Se
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Kyung W Lee	Pro Se
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DOES 1 through 10, inclusive	Pro Se
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Plaintiff(s):

Interim Capital LLC	Represented By Dennette A Mulvaney
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Trustee(s):

Timothy Yoo (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
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2:00 PM

2:19-23570 John Christopher Mallick
Adv#: 2:20-01029 Peltzie v. MALLICK

Chapter 11

#2.00 Pretrial Conference re Complaint to determine
dischargeability of debt

fr 4-28-20; 5-12-20; 6-2-20; 6-9-20

Docket 1

***** VACATED *** REASON: O/E 10-22-20 CONTINUED TO 2-23-21 @
2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Christopher Mallick

Represented By
M. Jonathan Hayes

Defendant(s):

JOHN CHRISTOPHER MALLICK

Pro Se

Plaintiff(s):

Sarah Peltzie

Represented By
Wayne A Silver

**United States Bankruptcy Court
Central District of California
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2:00 PM

2:17-22432 Point.360, a California Corporation

Chapter 11

Adv#: 2:19-01442 Point.360, a California Corporation v. Office Of The United States Trustee

#3.00 Motion For Summary Judgment

Filed by Lewis Landau

fr 7-23-20 @ 2:00 p.m.; 7-23-20; 8-25-20; 9-8-20
9-24-20; 10-6-20;10-20-20; 11-3-20; 11-17-20
12-1-20

Docket 17

Tentative Ruling:

None.

Party Information

Debtor(s):

Point.360, a California Corporation

Represented By
Lewis R Landau
Daniel P Hogan

Defendant(s):

Office Of The United States Trustee

Represented By
Alvin Mar
Russell Clementson

Plaintiff(s):

Point.360, a California Corporation

Represented By
Lewis R Landau

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2:17-22432 Point.360, a California Corporation

Chapter 11

Adv#: 2:19-01442 Point.360, a California Corporation v. Office Of The United States Trustee

#4.00 Cross-Motion for Summary Judgment

filed by Russell Clementson

fr 7-23-20 @ 2:00 p.m.; 7-23-20; 8-25-20; 9-8-20
9-24-20; 10-6-20; 10-20-20; 11-3-20; 11-17-20;
12-1-20

Docket 21

Tentative Ruling:

None.

Party Information

Debtor(s):

Point.360, a California Corporation

Represented By
Lewis R Landau
Daniel P Hogan

Defendant(s):

Office Of The United States Trustee

Represented By
Alvin Mar
Russell Clementson

Plaintiff(s):

Point.360, a California Corporation

Represented By
Lewis R Landau

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2:00 PM

2:17-22432 Point.360, a California Corporation

Chapter 11

Adv#: 2:19-01442 Point.360, a California Corporation v. Office Of The United States Trustee

#5.00 Status Conference re Complaint for declaratory relief and recovery of overpaid UST Fees

fr 12-17-19; 1-21-2020; 7-23-20 @ 2:00 p.m.; 7-23-20; 8-25-20; 9-8-20; 9-24-20; 10-6-20; 10-20-20; 11-3-20, 11-17-20; 12-1-20

Docket 1

Tentative Ruling:

None.

Party Information

Debtor(s):

Point.360, a California Corporation

Represented By
Lewis R Landau
Daniel P Hogan

Defendant(s):

Office Of The United States Trustee

Pro Se

Plaintiff(s):

Point.360, a California Corporation

Represented By
Lewis R Landau