

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

11:00 AM

6:18-19790 Linda Rene Basquez

Chapter 7

#1.00 Hrg re application to employ Stuart J. Wald as bankruptcy counsel

FROM: 7-16-19, 9-12-19, 10-24-19, 11-19-19, 12-10-19, 1-7-20, 2-25-20,
4-21-20, 6-23-20, 7-14-20, 9-15-20

Docket 74

***** VACATED *** REASON: ORDER RESCHEDULING ENTERED 11-30-20; CONT'D TO 12-8-20 AT 11:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Movant(s):

Linda Rene Basquez

Represented By
Stuart J Wald
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

11:00 AM

6:18-19790 Linda Rene Basquez

Chapter 7

#2.00 Hrg re final fee application of Stuart J. Wald as counsel for chapter 11 debtor

FROM: 10-24-19, 11-19-19, 12-10-19, 1-7-20, 2-25-20, 4-21-20, 6-23-20,
7-14-20, 9-15-20

Docket 131

***** VACATED *** REASON: ORDER RESCHEDULING ENTERED 11-30-20; CONT'D TO 12-8-20 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Julie Philippi

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, December 1, 2020

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#3.00 Hrg re motion objecting to amended exemptions

Docket 238

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-16-20; CONT'D TO 1-12-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#4.00 Hrg re motion for turnover of confidential information to debtor

Docket 243

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-16-20; CONT'D TO 1-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

1:00 PM

6:20-13504 Elijah Timothy Hunter Kenney

Chapter 7

#5.00 Hrg re motion to compel the debtor to appear for her meeting of creditors and to produce document requested by trustee

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elijah Timothy Hunter Kenney

Represented By
Todd L Turoci
Donald W Reid

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

1:00 PM

6:20-13505 Jezriel Patricia Kenney

Chapter 7

#6.00 Hrg re motion to compel the debtor to appear for her meeting of creditors and to produce document requested by trustee

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-24-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jezriel Patricia Kenney

Represented By
Todd L Turoci
Donald W Reid

Trustee(s):

Howard B Grobstein (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, December 1, 2020

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

#7.00 Hrg re motion for authorization to operate business

FROM: 10-20-20

Docket 19

*** VACATED *** REASON: ORDER GRANTING THE MOTION ON A
FINAL BASIS ENTERED 11-19-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

1:30 PM

6:18-18685 Ronald A. Stubbs and Jean P. Taylor

Chapter 7

#7.01 Hrg re trustee's final report and application for compensation

FROM: 10-20-20, 11-10-20

Docket 97

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

Pursuant to the trustee's amended final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$12,385.51 and expenses of \$1,306.24.
- (2) Karl T. Anderson CPA, Inc.: fees of \$3,575.00 and expenses of \$599.25.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Ronald A. Stubbs

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

1:30 PM

CONT... Ronald A. Stubbs and Jean P. Taylor

Chapter 7

Joint Debtor(s):

Jean P. Taylor

Represented By
Christopher Hewitt

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

3:00 PM

6:13-27292 Elvira Dominique Caamano

Chapter 7

#8.00 Hrg re motion alleging violaiton of discharge injunction

FROM: 11-17-20

Docket 32

Tentative Ruling:

Prior to the hearing, counsel should review California Civil Code sections 3439.07(a)(1) and 3439.08(b) and be prepared to answer the following questions:

The fraudulent transfer complaint filed by NCR against the debtor on April 10, 2013 is attached to the request for judicial notice as exhibit 4.

Did the request for relief in paragraph 1 of the prayer of the complaint on page 4, lines 21-26 request in rem relief of the kind described in California Civil Code section 3439.08(b)(2) (i.e. a request to recover real property allegedly fraudulently transferred) or in personam relief as described in California Civil Code section 3439.08(b)(1) (i.e. a money judgment based on personal liability)?

Did the request for relief in paragraph 2 of the prayer of the complaint at the bottom of page 4 (and the top of page 5) request in rem relief of the kind described in California Civil Code section 3439.08(b)(2) (i.e. a request to recover real property allegedly fraudulently transferred) or in personam relief as described in California Civil Code section 3439.08(b)(1) (i.e. a money judgment based on personal liability)?

Which form of relief did the judgment issued on April 13, 2016 grant (i.e. in rem relief aganist the property or in personam relief againt the debtor)?

Furthmore, in her reply brief, the debtor asserts that NCR "had no separate in rem claim against the Property" but section 3439.08(b)(2) of the California Civil Code specifically provides for an in rem remedy. The debtor also argues in the reply brief

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

3:00 PM

CONT... Elvira Dominique Caamano

Chapter 7

that "as of the commencement of Debtor's Chapter 7 Case, NCR had only a fraudulent-transfer claim against her - a claim for money, which was subject to the Discharge/Discharge injunction. As of that time, NCR had no in rem claims against the Property." However, section 3439.08(b)(2) appears to directly contradict these assertions.

The parties should also be prepared to discuss the following hypothetical questions:

Fact pattern #1. A debtor steals a car immediately prior to filing a bankruptcy case and the true owner of the car seeks only to recover the car. The true owner of the car seeks no monetary judgment against the debtor. If the debtor obtains a discharge in the bankruptcy case, does section 524(a) of the Bankruptcy Code prevent the true owner of the car from suing the debtor post-discharge to recover back his car?

Fact pattern #2. A friend of the debtor steals a car and gives it to the debtor immediately prior to the debtor filing a bankruptcy case and the true owner of the car seeks only to recover the car. The true owner of the car seeks no monetary judgment against the debtor. If the debtor obtains a discharge in the bankruptcy case, does section 524(a) of the Bankruptcy Code prevent the true owner of the car from suing the debtor post-discharge to recover back his car?

Fact Pattern #3: John borrows money from the Bank and fails to pay. Bank sues John and obtains a judgment against John. John owns a \$30,000 vehicle. John then asks Jane to hide the vehicle in Jane's garage to prevent the Bank from seizing the vehicle. Jane files a bankruptcy case (with John's car in her garage) and receives a discharge. Can the Bank sue Jane post-discharge to force her to deliver possession of John's car to the Bank? (Bank seeks no monetary judgment against Jane).

Fact Pattern #4: John borrows money from the Bank and fails to pay. Bank sues John and obtains a judgment against John. John owns a \$30,000 vehicle. John likes Jane more than the Bank so he gives the vehicle to Jane as a birthday gift to prevent the Bank from seizing the vehicle. The day after her birthday, Jane then files a bankruptcy case and, ultimately, receives a discharge. Can the Bank sue Jane post-discharge to force her to deliver possession and title of the fraudulently transferred car to the Bank? (Bank seeks no monetary judgment against Jane).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

3:00 PM

CONT... Elvira Dominique Caamano

Chapter 7

Finally, the parties should carefully review the decision in Int'l Mgmt. Grp., Inc. v. Bank, 274 So. 3d 1003 (Ala. Civ. App. 2018) which states (among other things) as follows on page 1009:

"Carter also argues that his discharge in bankruptcy prevents the Bank from securing a judgment in its favor against him, personally. Although Carter is correct insofar as he posits that a bankruptcy discharge serves to extinguish the personal liability of a debtor, see 11 U.S.C. § 524(a)(2), he is incorrect that his bankruptcy discharge isolates the transfer of [a valuable asset] from the Bank's reach in this fraudulent-transfer action. See 11 U.S.C. § 524(e). The transfer the Bank attacked as fraudulent in this action was the transfer of [a valuable asset] from IMG to Liberty. Thus, the Bank, acting as IMG's creditor, seeks to reach the transferred [valuable asset] to satisfy its claim against IMG. That is, the Bank's action against Carter is premised not on any personal liability he may owe to the Bank, if any, but on his status as a subsequent transferee of the [valuable asset]."

In addition, the parties should review the Ninth Circuit in Kathy B. Enterprises, Inc. v. United States, 779 F.2d 1413 (9th Cir. 1986). To the extent that the debtor contends that her liability for receiving a fraudulent transfer was extinguished when Jose Beltran receive a discharge, such an argument was specifically rejected by the Ninth Circuit in the Kathy B. case. See also, J. P. Castagna, Inc. v. Castagna, 1995 Conn. Super. LEXIS 1097 (Sup. Ct. Ct. 1995) (discussing and relying on Kathy B.).

The parties should also review Rountree v. Nunnery (In re Rountree), 448 B.R. 389 (Bankr. E.D.Va. 2011).

Party Information

Debtor(s):

Elvira Dominique Caamano

Represented By

Dennis M Assuras - SUSPENDED -
Theresa A Jones

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, December 1, 2020

Hearing Room 304

3:00 PM

CONT... Elvira Dominique Caamano

Chapter 7