

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

Wednesday, December 2, 2020

Hearing Room 304

1:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#1.00 Hrg re cash collateral motion

FROM: 11-30-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

1:30 PM

6:20-16974 Scott Curtis Pease and Joyce Carol Pease

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-12-20; CONT'D TO 4-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Curtis Pease

Represented By
Paul Y Lee

Joint Debtor(s):

Joyce Carol Pease

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

1:30 PM

6:20-17003 Ruben Alan Quintero and Sonia Jo Ann Lovato

Chapter 13

#2.01 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-12-20; CONT'D TO 4-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Alan Quintero

Represented By
Raj T Wadhvani

Joint Debtor(s):

Sonia Jo Ann Lovato

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

1:30 PM

6:20-17009 Sheila Renee Spence

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-12-20; CONT'D TO 4-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

1:30 PM

6:20-17027 Patrick James Lyons

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-12-20; CONT'D TO 4-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick James Lyons

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:17-17653 Charoletta Brinetta Green

Chapter 13

#5.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 117

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charoletta Brinetta Green

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:19-11560 Salvador Cervantes Salazar and Elizabeth Salazar

Chapter 13

#6.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 82

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Cervantes Salazar

Represented By
Seema N Sood

Joint Debtor(s):

Elizabeth Salazar

Represented By
Seema N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:19-20115 Frederick Altamirano and Rebecca Ann Altamirano

Chapter 13

#7.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 60

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 11-24-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frederick Altamirano

Represented By
Todd L Turoci

Joint Debtor(s):

Rebecca Ann Altamirano

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:19-11030 Erika Rubio Gutierrez

Chapter 13

#7.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 79

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erika Rubio Gutierrez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#7.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 36

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 11-23-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-12703 Robert Charles Boardman

Chapter 13

#7.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Charles Boardman

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:18-19403 Patsy Ruth Wade

Chapter 13

#7.04 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 60

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patsy Ruth Wade

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 7

#8.00 Hrg re motion to convert case to chapter 13

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Lynda T. Bui (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16671 Marco Tulio Valle

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-20-20; CONT'D TO 3-8-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Valle

Represented By
Bahram Madaen

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16683 David Carl Goad

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Carl Goad

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16706 Debra M Malyszek

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-12-20; CONT'D TO 3-8-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra M Malyszek

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-20-20; CONT'D TO 3-8-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16714 Alma Rosa Amaya

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-20-20; CONT'D TO 3-8-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16749 Katherine Denise Harris

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-20-20; CONT'D TO 3-8-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Denise Harris

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:00 PM

6:20-16754 Ana D. Guevara

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-20-20; CONT'D TO 3-8-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana D. Guevara

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:15 PM

6:17-10610 Carmel Gretchen Dahlman

Chapter 13

#15.01 Hrg re trustee's motion to dismiss case regarding delinquency

FROM: 12-30-20

ADVANCED FROM 12-30-20

Docket 44

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmel Gretchen Dahlman

Represented By

Shawn Anthony Doan

Wilfred E. Briesemeister

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:30 PM

6:18-19421 Brian P. Bell

Chapter 13

#16.00 Motion for relief from stay

NATIONSTAR MORTGAGE VS DEBTOR

Property: 4626 Bird Farm Road, Chino Hills, CA 91709-3103
[Real Prop] Nancy Lee, attorney/movant

Docket 83

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

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian P. Bell

Represented By
Gary S Saunders
Paul Y Lee

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:30 PM

6:19-12566 Jose Roberto Tello Gomez and Gisela Arreola Tello

Chapter 13

#17.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 2008 Honda Odyssey
[Personal Prop] Josephine E. Salmon, attorney/movant

Docket 62

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Roberto Tello Gomez

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Gisela Arreola Tello

Represented By
Brian J Soo-Hoo

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Josephine E Salmon

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:30 PM

6:19-18073 Brian C Bell

Chapter 13

#18.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION VS DEBTOR

Property: 1065 Queen Annes LN., Beaumont, CA 92223
[Real Prop] Erin M. McCartney, attorney/movant

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian C Bell

Represented By
Kevin Cortright

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Krause
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

2:30 PM

6:20-17009 Sheila Renee Spence

Chapter 13

#18.01 Motion for relief from stay

SHEILA RENEE SPENCE VS DEBTOR

Property: 4473 Orange Drive, San Bernardino, CA 9247
[Real Prop] Nancy Korompis, attorney/movant

Docket 21

Tentative Ruling:

The motion is untimely. Section 362(c)(3)(A) provides that the automatic stay "shall terminate with respect to the debtor on the 30th day after the filing of the later case." See 11 U.S.C. § 362(c)(3)(A). In order to avoid the termination of the stay, a motion to extend the stay must be filed and it must be heard on or before the thirtieth day after the filing of the bankruptcy case. See 11 U.S.C. § 362(c)(3)(B) (stating that "on the 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 or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period . . .").

Accordingly, under the plain language of the statute, the hearing regarding a motion to extend the automatic stay pursuant to section 362(c)(3)(B) must occur no later than thirty days after the filing of this bankruptcy case. It is not enough to simply file the motion within the thirty day period. The hearing regarding the motion must also occur within the thirty day period. See, e.g., In re Moon, 339 B.R. 668, 670 (Bankr. N.D. Ohio 2006) (denying a motion to extend the stay that was filed during the thirty day period because the debtors scheduled the motion for a hearing thirty-seven days after the petition date); In re Garrett, 357 B.R. 128, 131 (Bankr. C.D. Ill. 2006) ("Pursuant to 11 U.S.C. § 362(c)(3)(B), the Bankruptcy Court may extend the automatic stay only after notice and a hearing completed before the expiration of the 30 day period after the filing of a second bankruptcy case within one year of the dismissal of a previously filed case. If the notice and hearing are not completed within this period, the automatic stay terminates by operation of law pursuant to § 362(c)(3) (A)."); In re Norman, 346 B.R. 181 (Bankr. N.D. W.Va. 2006) (holding that a motion

**United States Bankruptcy Court
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2:30 PM

CONT... **Sheila Renee Spence**

Chapter 13

to extend the automatic stay must be heard within the thirty day period); In re Ziolkowski, 338 B.R. 543, 546 (Bankr. D.Conn. 2006) (denying a motion to extend the stay that was filed during the thirty day period because the initial hearing regarding the motion – which was scheduled by the clerk of the court - occurred more than two months after the petition date and stating that the debtors "were the movants and it was their ultimate burden to insure that the Motion was timely scheduled."); Capital One Auto Fin. v. Cowley, 374 B.R. 601, 610 (W.D. Tex. 2006) (reversing a bankruptcy court order granting a motion to extend the stay because, while the motion was filing within thirty days of the petition date, the hearing regarding the motion occurred after the thirty day period and stating that "the Court finds that § 362(c)(3) requires notice and a hearing to be completed within thirty days of a filing of a petition by a single-repeat filer."); In re Wesselman, 2008 Bankr. LEXIS 950 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-one days after the petition date.); In re Brewster, 2008 Bankr. LEXIS 949 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-nine days after the petition date and stating that the "plain meaning of the statute is that the court does not have authority to extend the stay when a hearing is not completed before the expiration of the 30-day period following a bankruptcy filing.").

Because of this strict thirty day period for conducting a hearing regarding a motion to extend the stay, this Court (like many others) has established self-calendaring instructions which permit debtors to set hearings regarding this type of motion on shortened notice (as little as seven days). Under those procedures, debtors typically have between two to four available dates for setting hearings regarding this type of motion during the first thirty days of any bankruptcy case. For unknown reasons, the debtor did not utilize those available dates in this case.

In this case, the debtor filed a prior bankruptcy case within the last twelve months (case no. 20-15047). After that case was dismissed, the debtor filed this second bankruptcy case on October 22, 2020. Thus, the automatic stay expired on November 23, 2020. On November 18, 2020, the debtor filed a motion to extend the stay and the debtor selected a hearing date for the motion of December 2, 2020. However, that day is 41 days after the petition date.

Accordingly, the motion must be denied as untimely.

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2:30 PM

CONT... Sheila Renee Spence

Chapter 13

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Movant(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Wednesday, December 2, 2020

Hearing Room 304

3:00 PM

6:15-17923 Amber A Wood

Chapter 13

#19.00 Hrg re application of attorney for debtor for additional fees and related expenses

FROM: 7-22-20, 10-28-20

Docket 187

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-25-20; CONT'D TO 2-10-21 AT 3:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Amber A Wood

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se