

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM
8:00-00000

Chapter

#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 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).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1614370122>

Meeting ID: 161 437 0122

Password: 109244

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Erithe A. Smith's Cases" on the Court's website at:

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:18-14512 One Source Facility Maintenance, Inc.

Chapter 7

Adv#: 8:20-01171 Casey v. Joshi et al

#1.00 CONT'D PRE-TRIAL CONFERENCE RE: Chapter 7 Trustee's Adversary Complaint: 1) To Avoid and Recover Fraudulent Transfers; 2) For Recovery of Transfers; 3) For Preservation of Transfers; 4) For Disallowance of Claim

FR: 3-4-21; 10-14-21; 1-20-22

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/1/2022 AT 9:30 A.M.,
Per Order Entered 5/26/2022 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of All Claims Against Defendants Nishan Joshi and West One Property Services, Inc. Only, filed 2/26/2021 - td (2/26/2021)

CONTINUED: Pre-Trial Conference Continued to 6/2/2022 at 9:30 a.m., Per Order Entered 1/18/2022 (XX) - td (1/18/2022)

Tentative Ruling:

March 4, 2021

Discovery Cut-off Date:	Sept. 3, 2021
Deadline to Attend Mediation:	Aug. 2, 2021
Pretrial Conference Date: (XX)	Oct. 14, 2021 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	Sept. 30, 2021:

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

January 20, 2022

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... One Source Facility Maintenance, Inc.

Chapter 7

Impose sanctions in the amount of \$100 each as to each defendant (other than Wells Fargo) for failure to timely file a Joint Pretrial Stipulation as required by LBR 7016-1 and this Court's order entered August 13, 2021.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

One Source Facility Maintenance,	Represented By James R Selth
----------------------------------	---------------------------------

Defendant(s):

Dilip Joshi	Pro Se
Nishan Joshi	Pro Se
Vasanti Joshi	Pro Se
Orlando A Molina	Pro Se
JPMORGAN CHASE BANK N.A.	Pro Se
Citibank, N.A.	Pro Se
WELLS FARGO BANK, N.A.	Pro Se
Flagstar Mortgage Corp.	Pro Se
NewRez LLC	Pro Se
Loan Care, LLC	Pro Se
West One Property Services, Inc.	Pro Se

Plaintiff(s):

Thomas H Casey	Represented By Brennan Mitch
----------------	---------------------------------

Trustee(s):

Thomas H Casey (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... One Source Facility Maintenance, Inc.

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:19-01205 Elieff et al v. Kurtin

#2.00 CONT'D STATUS CONFERENCE RE: Second Amended Complaint for Mandatory Subordination and Recovery of Liens Pursuant to 11 U.S.C. §§ 510(b) and 510(c)(2), Avoidance and Recovery of Preferential and Fraudulent Transfers, and Disallowance of Claims Pursuant to 11 U.S.C. §502(d)

FR: 3-5-20; 4-9-20; 4-23-20; 8-20-20; 11-19-20; 12-17-20; 1-21-21; 2-18-21; 5-20-21; 11-18-21; 2-17-22; 3-10-22

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 23, 2020

Continue Status Conference to August 20, 2020 at 9:30 a.m.; joint status report due August 6, 2020. (XX)

August 20, 2020

Continue Status Conference to November 19, 2020 at 9:30 a.m.; updated Joint Status Report to be filed by November 5, 2020. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing is not required. Plaintiffs to serve notice of the continued hearing date/time.

November 19, 2020

Continue the hearing to December 17, 2020 at 9:30 a.m.; the court's order re

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

the SJ Motion will be issued in the near future. (XX)

Note: Appearances at this hearing are not required.

December 17, 2020

Continue Status Conference one final time to January 21, 2021 at 9:30 a.m.
(XX)

Note: Appearances at this hearing are not required.

January 21, 2021

Continue the hearing to February 18, 2021 at 9:30 a.m.; the court's order re
SJ will be issued on January 25, 2021. (XX)

Note: Appearances at this hearing are not required.

February 18, 2021

Continue status conference to May 20, 2021 at 9:30 a.m.; updated joint status
report must be filed by May 6, 2021. (XX)

***Note: Appearances at this hearing are not required; Plaintiff serve
notice of the continued hearing date/time.***

May 20, 2021

Continue the Status Conference to November 18, 2021 at 9:30 a.m.; updated
Joint Status Report must be filed by November 4, 2021. (XX)

Special note: The court will not *sua sponte* dismiss the remaining claims. If
either party is dissatisfied with the tentative ruling, he can file a properly
noticed motion for relief.

***Note: If both parties accept the tentative ruling, appearances at this
hearing are not required and Plaintiff shall service of the continued***

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff
hearing date/time.

Chapter 7

November 18, 2021

Continue the Status Conference to February 17, 2022 at 9:30 a.m.; updated Joint Status Conference must be filed by February 3, 2022. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

February 17, 2022

No status report has been filed. Plaintiff to advise the court re the status of the appeal before the District Court (hearing was set for Jan. 31, 2022).

Note: Appearances at this hearing are required.

March 10, 2022

In light of pending appeals, continue the Status Conference to June 2, 2022 at 9:30 a.m.; updated Status Report must be filed by May 19, 2022 (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

June 2, 2022

In light of pending appeal, continue the Status Conference to October 6, 2022 at 9:30 a.m.; an updated Status Report must be filed by September 22, 2022.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot
Lisa Nelson

Defendant(s):

Todd Kurtin

Represented By
Lewis R Landau
Edward O Morales

Plaintiff(s):

Bruce Elieff

Represented By
Paul J Couchot

Morse Properties, LLC

Represented By
Paul J Couchot

4627 Camden, LLC

Represented By
Paul J Couchot

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:20-01046 Ehrenberg (TR) v. Benice et al

#3.00 CON'TD STATUS CONFERENCE RE: Complaint for Injunctive Relief

FR: 7-16-20; 9-17-20; 11-19-20; 2-18-21; 5-20-21; 8-19-21; 12-2-21; 3-3-22

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2020

Continue status conference to September 17, 2020 at 9:30 a.m. in light of the appointment of a chapter 11 trustee in the main case. Updated joint status report must be filed by September 3, 2020. (XX)

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

September 17, 2020

[This tentative ruling has been modified since its original posting]

Continue this matter to November 19, 2020 at 9:30 a.m.; updated status report must be filed by November 5, 2020. (XX)

Special note: Starting 10/8/20 all hearings before Judge Smith will be by Zoom. See Court's website for details.

Note: Appearances at this hearing are not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

November 19, 2020

An updated Status Report was not filed as ordered at the September 17, 2020 hearing. Therefore, the parties must appear at the hearing and advise the court re the status of this matter.

February 18, 2021

Continue status conference to May 20, 2021 at 9:30 a.m.; updated joint status report must be filed by May 6, 2021. The Plaintiff's request to consolidate the Disgorgement Motion [docket no. 381] with this adversary proceeding is granted. Plaintiff to lodge an order consistent with the same.(XX)

Note: Appearances at this hearing are not required; Plaintiff serve notice of the continued hearing date/time.

May 20, 2021

Continue the Status Conference to August 19, 2021 at 9:30 a.m.; updated Joint Status Report must be filed by August 4, 2021. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

August 19, 2021

Continue this matter to December 2, 2021 at 9:30 a.m.; updated Status Report must be filed by November 18, 2021. (XX)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and the trustee shall serve notice of the continued hearing date/time.

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

December 2, 2021

Continue this matter to March 3, 2022 at 9:30 a.m.; updated Status Report must be filed by February 17, 2022. (XX)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and the trustee shall serve notice of the continued hearing date/time.

March 3, 2022

In light of the representations made in the updated Status Report filed Feb. 17, 2022, this Status Conference will be continued to June 2, 2022 at 9:30 a.m. An updated Status Report must be filed by May 19, 2022. (XX)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.

June 2, 2022

Continue the Status Conference to October 6, 2022 at 9:30 a.m.; an updated Status Report must be filed by September 22, 2022.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

Defendant(s):

Jeffrey S. Benice

Represented By
Jeffrey S Benice

Benice Law

Represented By
Jeffrey S Benice

Plaintiff(s):

Howard M Ehrenberg (TR)

Pro Se

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:20-01161 Kurtin v. Elieff

#4.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint To Determine Dischargeability of Debt and Denial of Discharg 11 U.S.C. Section 523(a)(2)(A); 11 U.S.C. Section 727(a)

FR: 2-4-21; 7-22-21; 9-16-21; 10-21-21; 12-16-21; 3-3-22

Docket 1

*** VACATED *** REASON: CONTINUED TO 9/8/2022 AT 9:30 A.M.,
Per Order Entered 5/2/2022 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 9/8/2022 at 9:30 a.m.,
Per Order Entered 5/2/2022 (XX) - td (5/2/2022)**

Tentative Ruling:

February 4, 2021

Discovery Cut-off Date:	June 1, 2021
Deadline to file Summary Jgmt Motion:	March 4, 2021
Pretrial Conference Date: (XX)	July 22, 2021 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	July 8, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bruce Elieff

Chapter 7

Robert P Goe

Defendant(s):

Bruce Elieff

Pro Se

Plaintiff(s):

Todd Kurtin

Represented By
Lewis R Landau

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:19-14596 Jason M. Barrette

Chapter 7

Adv#: 8:20-01008 Barrette v. United States of America, Treasury Department, Int

#5.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt [11 U.S.C. Section 523]

FR: 4-16-20; 6-11-20; 7-16-20; 9-17-20; 10-22-20; 12-10-20; 2-18-21; 5-20-21; 7-22-21; 2-17-22

Docket 1

***** VACATED *** REASON: OFF CALENDAR - ORDER APPROVING STIPULATION TO CONTINUE PRE-TRIAL CONFERENCE TO SEPTEMBER 15, 2022 AT 9:30 AM ENTERED ON 5-19-22.**

Courtroom Deputy:

OFF CALENDAR - ORDER APPROVING STIPULATION TO CONTINUE PRE-TRIAL CONFERENCE TO SEPTEMBER 15, 2022 AT 9:30 AM ENTERED ON 5-19-22. - jl

Tentative Ruling:

February 18, 2021

Continue this status conference to May 20, 2021 at 9:30 a.m.; an updated joint status report must be filed by May 6, 2021. (XX)

Note: Appearances at this hearing are not required if all the parties accept the foregoing tentative ruling and Plaintiff shall serve notice of the continued hearing date/time.

May 20, 2021

Continue Status Conference to August 19, 2021 at 9:30 a.m.; updated Joint Status Report must be filed by August 5, 2021.

Note: Appearances at this hearing are not required if all the parties

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT...

Jason M. Barrette

Chapter 7

accept the foregoing tentative ruling and Plaintiff shall serve notice of the continued hearing date/time.

July 22, 2021

Discovery Cut-off Date: Jan. 21, 2022
Pretrial Conference Date: Feb. 17, 2022 at 9:30 a.m.
(XX)
Deadline to Lodge Joint Pretrial Stipulation: Feb. 3, 2022

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Jason M. Barrette

Represented By
James D. Hornbuckle

Defendant(s):

United States of America, Treasury

Pro Se

Plaintiff(s):

Jason M. Barrette

Represented By
James D. Hornbuckle

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:20-11898 Louis Sandoval

Chapter 7

Adv#: 8:20-01110 Myers v. Sandoval

#6.00 PRE-TRIAL CONFERENCE RE: Complaint to Object to Debtor's Discharge and Complaint to Determine Non-Dischargeability of Debt Under Section 523(A) (2) of The Bankruptcy Code and For Denial of Discharge Under Section 727(A)(4) of The Bankruptcy Code
(Another Summons Issued 10/30/2020)

FR: 1-14-21; 4-15-21; 5-11-21; 8-19-21; 9-16-21; 11-18-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 14, 2021

No answer or other response to the Complaint has been filed by the defendant, Louis Sandoval. Accordingly, this Status Conference will be continued to April 15, 2021 at 9:30 a.m. to allow Plaintiff to file a motion for entry of a default judgment against the defendant which provides evidence to support the required elements of fraud under Bankruptcy Code Section 523(a)(2)(A). (XX)

Special Note:

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d). If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Louis Sandoval

Chapter 7

Conference for failure to prosecute.

The court strongly suggests that Plaintiff seek legal counsel regarding the preparation of a motion for default judgment.

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required; Plaintiff to serve the defendant by mail with notice of the continued hearing date/time.

April 15, 2021

Continue this hearing to May 11, 2021 at 2:00 p.m., same date and time as the hearing on Defendant's motion to dismiss the adversary so that all matters can be heard in the same hearing. (XX)

Note: No appearances for the April 15, 2021 hearing are required.

May 11, 2021

Continue the Status Conference to August 19, 2021 at 9:30 a.m.. A Joint Status Report must be filed by August 5, 2021 (XX)

August 19, 2021

Continue the Status Conference to September 16, 2021 at 2:00 p.m., the same date/time set for hearing on Defendant's motion to dismiss. Updated Status Report not required. (XX)

Note: Appearances at this hearing are not required.

November 18, 2021

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room

5A

9:30 AM

CONT...

Louis Sandoval

Chapter 7

Discovery Cut-off Date:	Mar. 18, 2022
Deadline to Attend Mandatory Mediation:	Apr. 22, 2022
Pretrial Conference Date: (XX)	June 2, 2022 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	May 19, 2022:

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

June 2, 2022

Continue the Pretrial Conference to September 8, 2022 at 9:30 a.m.; revised Pretrial Stipulation must be filed by August 25, 2022.

Basis for Tentative Ruling:

1. The Pretrial Stipulation is incomplete as it fails to specify the disputed issues of fact and issues of law that need to be determined at trial in violation of Local Bankruptcy Rule 7016-1(b)(2)((B) and (C).
2. There are issues of "undisputed" facts stated in the Pretrial Stipulation that appear to be disputed. See, e.g., Section A, paragraphs 5, 5 (sic), 6 and 9.
3. The deadline for Defendant to respond to discovery requests covered by the court's order entered May 2, 2022 [Dkt 71] is June 1, 2022. If Defendant does not comply with the May 2, 2022 order, Plaintiff will need to seek additional remedies.

Note: If the parties appearing for today's hearing accept the tentative ruling, appearances will not be required and Plaintiff shall serve notice of the continued hearing date/time.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Louis Sandoval

Chapter 7

Party Information

Debtor(s):

Louis Sandoval

Represented By
Steven B Lever

Defendant(s):

Louis Sandoval

Pro Se

Plaintiff(s):

Charlotte Cysner Myers

Pro Se

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson

#7.00 CON'TD STATUS CONFERENCE RE: Complaint to determine dischargeability of debt [11 U.S.C. 523 (a)(6)]

FR: 9-9-21; 12-16-21; 2-10-22; 3-10-22; 4-7-22

Docket 1

Courtroom Deputy:

**SPECIAL NOTE: Status Conference on Cross Complaint set for
11/4/2021 at 9:30 a.m. - td (8/23/2021)**

Tentative Ruling:

September 9, 2021

Deadline to Attend Mandatory Mediation:	Nov. 19, 2021
Discovery Cut-off Date:	Mar. 4, 2022
Pretrial Conference Date:	May 5, 2022 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Apr. 21, 2022

As this schedule also applies to Defendant's Amended Cross-Complaint, the Status Conference presently set for November 4, 2021 is advanced to this date. The parties need not appear on November 4, 2021.

Court's Special Comments to the Parties

1. The California Rules of Procedure do **not** apply to this adversary proceeding and will not be applied by this court. Both parties appear to be relying on such rules to some extent. Instead, the Federal Rules of Bankruptcy Procedure (FRBP) apply, as well as the Federal Rules of Civil Procedure (FRCP) when specifically incorporated by the FRBP. In addition the Local Bankruptcy Rules for the Central District of California (LBR) apply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT...

Alan Dickinson

Chapter 7

2. Defendant's Motion for Summary Judgment, now set for November 18, 2021 does not appear to comply with applicable federal rules. For example, Rule 56(b) of the FRCP provides that such a motion may be filed 30 days after the close of discovery. Discovery has not closed in this case. In addition, LBR 7056-1 sets forth the documents and other information that must be filed with a motion for summary judgment. Defendant is admonished to review FRBP 7056, FRCP 56 and LBR 7056-1.

3. Re mediation, the court's mediation program provides for one day of mediation free of charge. The current list of court-approved voluntary mediators can be found on the court's website. The parties are to confer and agree on a mediator and alternative mediator from the approved list. Plaintiff shall lodge the form mediation order identifying the mediator and alternative mediator.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

December 16, 2021

In light of motion for summary judgment and the motion to strike which are currently under submission, continue the Status Conference to February 10, 2022 at 9:30 a.m.. Updated Status Report not required. (XX)

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

December 16, 2021

In light of motion for summary judgement and the motion to strike which are currently under submission, continue the Status Conference to February 10, 2022 at 9:30 a.m.. Updated Status Report not required. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Alan Dickinson

Chapter 7

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

February 10, 2022

The court has reviewed the report of the mediator, Donald Segretti, filed on February 2, 2022 indicating that the mediation did not result in a settlement. The court will, therefore, issue its rulings on the pending motions during the week of February 21, 2022.

This Status Conference is continued to March 10, 2022 at 9:30 a.m., at which time a date will be set for the Pretrial Conference and discuss issues relating to the filing of a joint pretrial stipulation by the parties. (XX)

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

March 10, 2021

Continue this hearing to April 7, 2022 at 9:30 a.m.; The court is in the process of finalizing its rulings regarding the pending motions. The court apologizes to the parties for the delay in issuing the rulings. (XX)

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

April 7, 2022

Continue hearing to June 2, 2022 at 9:30 a.m.; rulings on all pending motions under submission will be entered later today. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Alan Dickinson

Chapter 7

June 2, 2022

Continue this matter as a Status Conference to August 18, 2022 at 9:30 a.m.; a Joint Status Report must be filed by July 14, 2022. Local Bankruptcy Rule 7016-1(a)(2) requires the parties to work together to prepare a joint status report.

Special Note: Local Bankruptcy Rule 7016-1(f) provides for sanctions for the failure to comply with Rule 7016-1(a)(2), including monetary sanctions and/or dismissal of the action or the striking of the answer and entry of a default judgment with respect to the noncomplying party. The parties are, therefore, encouraged to work together on preparing the joint status report using the mandatory court form F7016-1.STATUS REPORT.

Note: Appearances at today's hearing are not required. Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Alan Dickinson

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson et al

#8.00 CON'TD PRE-TRIAL CONFERENCE RE: Cross Complaint

FR: 11-4-21; 4-21-22

Docket 23

Courtroom Deputy:

OFF-CALENDAR: THIS MATTER IS OFF-CALENDAR IN LIGHT OF THE COURT'S ORDER ENTERED APRIL 22, 2022 GRANTING THE MOTION TO STRIKE THE COMPLAINT [DOCKET #136].

Tentative Ruling:

November 4, 2021

Discovery Cut-off Date:	Mar. 4, 2022
Deadline to Attend Mandatory Mediation:	Jan. 21, 2022
Pretrial Conference Date: (XX)	Apr. 21, 2022 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Apr. 7, 2022

Special Note: The court has observed that discovery motions have been filed on a "no hearing" basis. All discovery motions must be set for hearing in accordance with the court's calendaring procedures. Further, any party seeking resolution of a discovery dispute must comply with all provisions of Local Bankruptcy Rule (LBR) 7026-1(c).

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

**CONT... Alan Dickinson
June 2, 2022**

Chapter 7

This is matter re the Cross-Complaint is off calendar. See Courtroom Deputy's Comments.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson

#9.00 CON'TD STATUS CONFERENCE RE: Complaint to determine dischargeability of debt [11 U.S.C. 523 (a)(6)]

FR: 9-9-21; 12-16-21; 2-10-22; 3-10-22; 4-7-22

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 9, 2021

Deadline to Attend Mandatory Mediation:	Nov. 19, 2021
Discovery Cut-off Date:	Mar. 4, 2022
Pretrial Conference Date:	May 5, 2022 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Apr. 21, 2022

As this schedule also applies to Defendant's Amended Cross-Complaint, the Status Conference presently set for November 4, 2021 is advanced to this date. The parties need not appear on November 4, 2021.

Court's Special Comments to the Parties

1. The California Rules of Procedure do **not** apply to this adversary proceeding and will not be applied by this court. Both parties appear to be relying on such rules to some extent. Instead, the Federal Rules of Bankruptcy Procedure (FRBP) apply, as well as the Federal Rules of Civil Procedure (FRCP) when specifically incorporated by the FRBP. In addition the Local Bankruptcy Rules for the Central District of California (LBR) apply.

2. Defendant's Motion for Summary Judgment, now set for November 18, 2021 does not appear to comply with applicable federal rules. For example, Rule 56(b) of the FRCP provides that such a motion may be filed 30 days

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT...

Alan Dickinson

Chapter 7

after the close of discovery. Discovery has not closed in this case. In addition, LBR 7056-1 sets forth the documents and other information that must be filed with a motion for summary judgment. Defendant is admonished to review FRBP 7056, FRCP 56 and LBR 7056-1.

3. Re mediation, the court's mediation program provides for one day of mediation free of charge. The current list of court-approved voluntary mediators can be found on the court's website. The parties are to confer and agree on a mediator and alternative mediator from the approved list. Plaintiff shall lodge the form mediation order identifying the mediator and alternative mediator.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

December 16, 2021

In light of motion for summary judgement and the motion to strike which are currently under submission, continue the Status Conference to February 10, 2022 at 9:30 a.m.. Updated Status Report not required. (XX)

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

February 10, 2022

The court has reviewed the report of the mediator, Donald Segretti, filed on February 2, 2022 indicating that the mediation did not result in a settlement. The court will, therefore, issue its rulings on the pending motions during the week of February 21, 2022.

This Status Conference is continued to March 10, 2022 at 9:30 a.m., at which time a date will be set for the Pretrial Conference and discuss issues

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room

5A

9:30 AM

CONT... Alan Dickinson

Chapter 7

relating to the filing of a joint pretrial stipulation by the parties. (XX)

Note: If all parties accept the tentative ruling, appearances at this Status Conference are not required and Plaintiffs shall serve notice of the continued hearing date/time.

March 10, 2021

Continue this hearing to April 7, 2022 at 9:30 a.m.; The court is in the process of finalizing its rulings regarding the pending motions. The court apologizes to the parties for the delay in issuing the rulings. (XX)

April 7, 2022

Continue hearing to June 2, 2022 at 9:30 a.m.; rulings on all pending motions under submission will be entered later today. (XX)

Note: Appearances at today's hearing are not required. Plaintiff to serve notice of the continued hearing date/time.

June 2, 2022

Continue this matter as a Status Conference to August 18, 2022 at 9:30 a.m.; a Joint Status Report must be filed by August 4, 2022. Local Bankruptcy Rule 7016-1(a)(2) requires the parties to work together to prepare a joint status report.

Special Note: Local Bankruptcy Rule 7016-1(f) provides for sanctions for the failure to comply with Rule 7016-1(a)(2), including monetary sanctions and/or dismissal of the action or the striking of the answer and entry of a default judgment with respect to the noncomplying party. The parties are, therefore, encouraged to work together on preparing the joint status report using the mandatory court form F7016-1.STATUS REPORT.

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Alan Dickinson

Chapter 7

Note: Appearances at today's hearing are not required. Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

Golden Rain Foundation of Laguna

Represented By
Fred S Peters

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson et al

#10.00 CON'T PRE-TRIAL CONFERENCE RE: Cross Complaint

FR: 11-4-21; 4-21-22

Docket 19

Courtroom Deputy:

OFF-CALENDAR: THIS MATTER IS OFF-CALENDAR IN LIGHT OF THE COURT'S ORDER ENTERED APRIL 22, 2022 GRANTING THE MOTION TO STRIKE THE COMPLAINT [DOCKET #113].

Tentative Ruling:

November 4, 2021

Discovery Cut-off Date:	Mar. 4, 2022
Deadline to Attend Mandatory Mediation:	Jan. 21, 2022
Pretrial Conference Date: (XX)	Apr. 21, 2022 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Apr. 7, 2022

Special Note: The court has observed that discovery motions have been filed on a "no hearing" basis. All discovery motions must be set for hearing in accordance with the court's calendaring procedures. Further, any party seeking resolution of a discovery dispute must comply with all provisions of Local Bankruptcy Rule (LBR) 7026-1(c).

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

**CONT... Alan Dickinson
June 2, 2022**

Chapter 7

This is matter re the Cross-Complaint is off calendar. See Courtroom Deputy's Comments.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

Golden Rain Foundation of Laguna

Represented By
Fred S Peters

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

Adv#: 8:21-01107 DEA Brothers Sisters LLC v. A&G Interprises LLC et al

#11.00 STATUS CONFERENCE RE: Complaint for Breach of Contract and Judgment to Determine Liability on Tax Liens

(Another Summons Issued 3/11/2022)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons
Issued 5/2/2022; New Status Conference Set for 7/21/2022 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 5/2/2022; New Status
Conference Set for 7/21/2022 at 9:30 a.m. (xx) - td (5/2/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer
Joon M Khang

Defendant(s):

A&G Interprises LLC

Pro Se

Ignacio Gonzalez

Pro Se

Ana Gladis Huezo

Pro Se

Plaintiff(s):

DEA Brothers Sisters LLC

Represented By
Joon M Khang

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-11994 Joseph W Yang

Chapter 7

Adv#: 8:22-01027 Swift Financial, LLC v. Yang

#12.00 STATUS CONFERENCE RE: Complaint For Non-Dischargeability For
Unscheduled Debt Under 11 USC Section 523(A)(3)(A)&/Or (B)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Continue the Status Conference to September 8, 2022 at 9:30 a.m. as a holding date pending consummation of settlement in the main case. An updated Status Report must be filed by August 28, 2022 if this adversary proceeding has been dismissed by such date.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Joseph W Yang

Represented By
Julie J Villalobos

Defendant(s):

Joseph W Yang

Pro Se

Plaintiff(s):

Swift Financial, LLC

Represented By
Daren M Schlecter

Trustee(s):

Thomas H Casey (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT...

Joseph W Yang

Thomas H Casey

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

8:21-12900 Bill Ying Li

Chapter 7

Adv#: 8:22-01028 Wong et al v. Li

#13.00 STATUS CONFERENCE RE: Complaint to Determine Nondichargeability of Debt

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Continue the Status Conference to July 21, 2022 at 9:30 a.m. A proof of service showing service of the Complaint and Summons on Defendant as well as a Status Report must be filed by July 7, 2022 if this adversary proceeding has not been dismissed by such date.

Basis for Tentative Ruling:

1. The docket does not reflect that the Complaint and Summons were ever served on Defendant.

2. On March 8, 2022, this court entered its order in the main bankruptcy case approving a stipulation between the U.S. Trustee and Debtor/Defendant wherein Debtor waived the entry of a discharge order. If Plaintiffs intend to dismiss the adversary in light of the waiver of discharge, they should do so on or before July 7, 2022.

Note: If Plaintiffs accept the tentative ruling, appearance at this hearing is not required and they shall serve notice of the continued hearing date/time on Defendant.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

9:30 AM

CONT... Bill Ying Li

Chapter 7

Debtor(s):

Bill Ying Li

Represented By
Chunping Shen

Defendant(s):

Bill Ying Li

Pro Se

Plaintiff(s):

Frankie Wong

Represented By
Samy Henein

Andrew Kang

Represented By
Samy Henein

Alex Mar

Represented By
Samy Henein

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:16-11651 Jamie A Catterall

Chapter 13

#14.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

WILMINGTON TRUST NATIONAL ASSOCIATION

VS.

DEBTOR

FR: 5-5-22

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 5, 2022

Grant with 4001(a)(3) waiver and co-debtor relief.

Special Note: The court notes that postpetition delinquency amount of \$8,123.78 indicated in the Motion has apparently been reduced to \$5,083.78 (see Response to Notice of Final Cure Payment)

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

June 2, 2022

Appearances required at this hearing.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Jamie A Catterall

Chapter 13

Basis for Tentative Ruling:

Movant says that every payment noted in Debtor's Opposition has been accounted for in its payment history. However, the court has been unable to confirm this. For example, Debtor's a payment of \$6,040 that posted out of her account on January 5, 2021. On the other hand, Movant does not show any payment received in January 2021 in its payment history.

Party Information

Debtor(s):

Jamie A Catterall

Pro Se

Movant(s):

Wilmington Trust, National

Represented By
Sumit Bode
Robert P Zahradka
Darlene C Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#15.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
THE BANK OF NEW YORK MELLON
VS.
DEBTORS

Docket 159

*** VACATED *** REASON: Order Granting Stipulation to Continue
Hearing RE: Motion for Relief from the Automatic Stay to 6/16/2022 at 10:00
am Entered 6/2/22 (XX)

Courtroom Deputy:

**CONTINUED: Order Granting Stipulation to Continue Hearing RE: Motion
for Relief from the Automatic Stay to 6/16/2022 at 10:00 am Entered
6/2/22- mp/td (XX) (6/2/22)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Movant(s):

The Bank of New York Mellon FKA

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... William Raymond Harvey and Akram Naieharvey

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#16.00 CON'TD Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

ARECELY VARGAS ALBARNOZ

VS.

DEBTOR

FR: 5-5-22

Docket 330

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 5, 2022

Continue hearing to June 2, 2022 at 10:00 a.m. to allow Movant to correct service issue -- proof of service does not show service to Debtor. (XX)

Basis for Tentative Ruling:

The proof of service does not reflect timely or proper service to Debtor. LBR 4001-1 (c)(1)(C)(i) requires service on Debtor. Further, FRBP 4001(a)(1) requires service as a contested matter in accordance with FRBP 9014. Rule 9014 requires service per rule 7004. Accordingly, Debtor, a corporate entity, must be served with the Motion must be served by first class mail in the manner required by FRBP 7004(b)(3).

Tentative Ruling for 6/2/22 hearing if unopposed: Grant the Motion

Note: If Movant accepts the tentative ruling, appearance at this hearing

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Plamex Investment, LLC
is not required.

Chapter 11

June 2, 2022

Deny motion without prejudice due to continued improper service.

Basis for Tentative Ruling:

This matter was continued for the express purpose of allowing Movant to properly serve Debtor as required by the Local Bankruptcy Rules (service to attorney only is insufficient). Since the initial hearing, Movant served Debtor with the incorrect hearing date (June 6, 2022). Movant then filed a notice of errata with the correct hearing date but *did not serve Debtor* with the same.

Note: If Movant accepts the tentative ruling, appearance at the hearing is not required.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim

Movant(s):

Courtesy NEF

Represented By
Ronald N Richards
Daniel A Lev
Timothy W Evanston
Robert S Marticello
Jonathan Serrano
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:21-12246 Nevelle Neil Hardin

Chapter 7

#17.00 Hearing RE: Motion for Relief from Stay [Action in Nonbankruptcy Forum]

TRACEE ANASTASI-VIGLIO ON BEHALF OF HERSELF AND ON BEHALF OF
BREADCRUMB OHANA CAFE, INC.

VS.

DEBTOR

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Deny motion without prejudice.

Basis for Tentative Ruling:

Movant is seeking to prosecute prepetition claims against Debtor which are currently subject to the discharge order entered in this case. The docket does not reflect any action taken by Movant re the dischargeability of the subject alleged debt and the court cannot, via a relief from stay motion, decide any substantive issues relating to Debtor's discharge. The only relief that may be granted via a relief from stay motion is relief from the automatic stay. Local Bankruptcy Rule 4001-1(c)(4). The court suggests that Movant's counsel conduct additional research or consult with a bankruptcy attorney re next steps re this matter.

Note: If Movant accepts the tentative ruling, appearance at this hearing is not required and Movant shall lodge an order consistent with the

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Nevelle Neil Hardin

Chapter 7

same within seven days of the hearing.

Party Information

Debtor(s):

Nevelle Neil Hardin

Represented By
Julie J Villalobos

Movant(s):

TRACEE ANASTASI-VIGLIO ON

Represented By
Diana Torres-Brito

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:21-12346 Juan Carlos Portillo

Chapter 13

#18.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK NA

VS.

DEBTOR

FR: 5-5-22

Docket 40

***** VACATED *** REASON: Order Approving Stipulation to Continue
Hearing to July 14, 2022 at 10:00 a.m. Entered 6/1/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Order Approving Stipulation to Continue Hearing to July
14, 2022 at 10:00 a.m. Entered 6/1/2022- mp/td (XX) (6/1/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Portillo

Represented By
Anerio V Altman

Movant(s):

U.S. Bank NA, successor trustee to

Represented By
Jenelle C Arnold

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:22-10092 Patricia Lee Long

Chapter 13

#19.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

GLOBAL DISCOVERIES LTD

VS.

DEBTOR

FR: 4-14-22; 5-5-22

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 5, 2022

Continue the hearing once to June 2, 2022 at 10:00 a.m. Debtor shall file any additional response/opposition pleadings no later than May 12, 2022; Movant may file any reply no later than May 26, 2022. No additional pleadings will be considered or reviewed by the court. The court will determine at the June 2, 2022 hearing whether it will rule on the Motion or set the matter for an evidentiary hearing. (XX)

Basis for Tentative Ruling:

Out of an abundance of caution, the court is continuing this matter in order to permit Debtor's new counsel to file a complete response to the Motion and for Movant to fully respond to the opposition. However, the hearing will go forward on June 2, 2022 whether or not Debtor is represented by current counsel, alternative counsel or is *pro se*. No additional late pleadings will be considered, except as allowed by the tentative ruling.

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Patricia Lee Long

Chapter 13

Special Note: Debtor's request that the hearing be continued for more than 60 days to July 14, 2022 is unreasonable and is, therefore, denied.

Note: If the both parties accept the tentative ruling, appearances at this hearing are not required.

June 2, 2022

Continue this hearing to June 9, 2022 at 10:30 a.m., same date/time scheduled for hearing re Debtor's objection to Movant's claim

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Patricia Lee Long

Represented By
Jessica Galletta

Movant(s):

Global Discoveries Ltd., LLC

Represented By
Dean T Kirby

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:22-10312 Mario Jonathan Saldivar and Alicia Marie Braddock

Chapter 13

#20.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

JPMORGAN CHASE BANK, NA

VS.

DEBTORS

FR: 5-12-22

Docket 40

*** VACATED *** REASON: CONTINUED TO 7/14/2022 AT 10:00 A.M.,
Per Order Entered 6/1/2022 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/14/2022 at 10:00 a.m., Per Order
Entered 6/1/2022 (XX) - td (6/1/2022)**

Tentative Ruling:

May 12, 2022

Grant with 4001(a)(3) waiver and and 362(d)(4) relief. Relief request #10 is denied.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Mario Jonathan Saldivar

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Mario Jonathan Saldivar and Alicia Marie Braddock
Joshua L Sternberg

Chapter 13

Joint Debtor(s):

Alicia Marie Braddock

Represented By
Joshua L Sternberg

Movant(s):

JPMorgan Chase Bank, National

Represented By
Jenelle C Arnold

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

8:22-10582 Emeil Hakim

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

COMERICA BANK

VS.

DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Emeil Hakim

Pro Se

Movant(s):

Comerica Bank

Represented By
Raffi Khatchadourian

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:00 AM

CONT... Emeil Hakim

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:10-23969 Bradley Dean Slinkard and Janis Marie Slinkard

Chapter 7

#22.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Final Fees and Expenses

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Bradley Dean Slinkard

Represented By
Robert P Goe
Marc C Forsythe

Joint Debtor(s):

Janis Marie Slinkard

Represented By
Robert P Goe
Marc C Forsythe

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... Bradley Dean Slinkard and Janis Marie Slinkard

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 7

#23.00 CONT'D Hearing RE: Second Interim and Final Application of Couchot Law, LLP, Former Chapter 11 General Insolvency Counsel to Former Debtor-in-Possession Bruce Elieff, Morse Properties, LLC, and 4627 Camden, LLC, for Allowance of Compensation and Reimbursement of Expenses

[COUCHOT LAW, LLP, FORMER CHAPTER 11 GENERAL INSOLVENCY COUNSEL TO FORMER DEBTOR-IN-POSSESSION BRUCE ELIEFF, MORSE PROPERTIES, LLC, AND 4627 CAMDEN, LLC]

FR: 1-13-22

Docket 1251

***** VACATED *** REASON: CONTINUED TO 9/8/2022 AT 10:30 A.M., Per Order Entered 5/24/2022 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 9/8/2022 at 10:30 a.m., Per Order Entered 5/24/2022 (XX) - td (5/24/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 7

#24.00 CON'TD Hearing RE: Second Interim and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Hogan Lovells US LLP as Counsel to the Official Committee of Unsecured Creditors of Bruce Elieff

[HOGAN LOVELLS US LLP, COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF BRUCE ELIEFF]

FR: 1-5-22

Docket 1245

*** VACATED *** REASON: CONTINUED TO 9/8/2022 AT 10:30 A.M.,
Per Order Entered 5/24/2022 (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 9/8/2022 at 10:30 a.m., Per Order Entered 5/24/2022 (XX) - td (5/24/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 7

#25.00 CON'TD Hearing RE: Second Interim and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Traverse, LLC as Financial Advisor to the Official Committee of Unsecured Creditors of Bruce Elieff

[TRAVERSE, LLC AS FINANCIAL ADVISOR TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF BRUCE ELIEFF]

FR: 1-13-22

Docket 1084

***** VACATED *** REASON: CONTINUED TO 9/8/2022 AT 10:30 A.M., Per Order Entered 5/24/2022 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 9/8/2022 at 10:30 a.m., Per Order Entered 5/24/2022 (XX) - td (5/24/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 7

#26.00 CON'TD Hearing RE: Second and Final Fee Application of Force Ten Partners, LLC for Allowance and Payment of Fees and Reimbursement of Expenses Incurred

[FORCE TEN PARTNERS, LLC, FINANCIAL ADVISOR TO BRUCE ELIEFF]

FR: 1-13-22

Docket 1249

*** VACATED *** REASON: CONTINUED TO 9/8/2022 AT 10:30 A.M.,
Per Order Entered 5/24/2022 (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 9/8/2022 at 10:30 a.m., Per Order Entered 5/24/2022 (XX) - td (5/24/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Lisa Nelson
Robert P Goe

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Alan G Tippie
Daniel A Lev
Sean A OKeefe
Claire K Wu

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson et al

#27.00 Hearing RE: Plaintiff/Cross-Defendants' Golden Rain Foundation of Laguna Woods' Motion for an Order Awarding Attorneys' Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(d)

Docket 117

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Continue this hearing to July 21, 2022 at 10:30 a.m., same date/time as hearing set in the related adversary no. 21-01035. In accordance with the Local Bankruptcy Rules, Moving Party may file a reply to Debtor's May 31, 2022 late-filed amended opposition pleading no later than July 14, 2022. No other pleadings may be filed by either party and, if additional pleadings are filed, they will not be reviewed or considered by the court.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Alan Dickinson Pro Se

Defendant(s):

Alan Dale Dickinson Pro Se

Plaintiff(s):

Golden Rain Foundation of Laguna Represented By
Fred S Peters

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... Alan Dickinson

Chapter 7

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#28.00 Hearing RE: Alicia Marie Richards' Motion for Order Authorizing the Chapter 7 Trustee to Pay Alicia Marie Richards Her \$300,000.00 Remaining Homestead Exemption

Docket 657

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Deny the Motion.

General Statement re the Court's Tentative Rulings

It is the policy and practice of this court to permit tentative rulings to be attached to proposed orders so long as the tentative ruling accurately reflects the court's actual ruling following the hearing. This is consistent with LBR 9021-1(a) which states that an order should not contain an attached exhibit "*unless otherwise ordered by the court.*" (emphasis added).

Basis for Tentative Ruling:

At a hearing held on May 5, 2022, the court considered the Trustee's Motion for Order Authorizing Trustee to Pay Ryal Richards \$300,000 From Proceeds of Sale of Homestead Exemption, or in the Alternative, to Interplead the Proceeds in the Orange County Superior Court ("Trustee's Homestead Motion"). The court denied the primary request for an order authorizing distribution of the remaining homestead proceeds to Ryal Richards but granted the Trustee's alternative request to either interplead the funds in state court or to retain custody of the funds pending an order of the state court re which party is entitled to the funds. Specifically, the court ruled that:

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT...

Alicia Marie Richards

Chapter 7

"Given that the Remaining Proceeds are no longer property of the bankruptcy estate, that the distribution of the same to either Debtor or Ryal will have no affect upon the administration of the bankruptcy estate, and that entitlement to the Remaining Proceeds is a matter of state law, including the state court's interpretation of its own orders, the Court believes that the state court should make the final determination as to which party is entitled to the Remaining Proceeds."

The Motion was pending at the time of the May 5 hearing, however the court declined to advance today's hearing as it had not yet reviewed the Motion and wanted to review the same on its own merits. Now that the court has reviewed the Motion, as well as the opposition, it concludes that denial of of the Motion is warranted for the same reason it declined to grant the Trustee's primary request for distribution --- that the state court is in the best position to determine entitlement to the remaining (non-estate) proceeds based on its own orders and applicable state law. Stated otherwise, there is an existing state court action for which the issue can be adjudicated, the matter implicates primarily (if not exclusively) state law, and the administration of the bankruptcy estate will not be impacted by the determination regarding entitlement to the remaining proceeds.

The court rejects as unpersuasive Debtor's argument that this court should adjudicated entitlement on the grounds that the state court lost jurisdiction because it allegedly violated her constitutional rights. This court has no authority to declare a decision of a state court unconstitutional under the circumstances presented.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... Alicia Marie Richards

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G. Heston
D Edward Hays
Tinho Mang

United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-10642 Angelus Furniture Outlet, Inc.

Chapter 7

#29.00 Hearing RE: Chapter 7 Trustee's Motion for Order Reclassifying Claim 29 of Barbara Grady and/or Reducing the Amount Allowed as Priority Unsecured Claim Under Bankruptcy Code Section 507(a)(5)

Docket 40

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation for Allowance of Claim 29 of Barbara Grady and Resolving Trustee's Motion for Order Reclassifying Claim 29 of Barbara Grady and/or Reducing the Amount Allowed as Priority Unsecured Claim Under Bankruptcy Code §507(a)(5) Entered 5/31/2022**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation for Allowance of Claim 29 of Barbara Grady and Resolving Trustee's Motion for Order Reclassifying Claim 29 of Barbara Grady and/or Reducing the Amount Allowed as Priority Unsecured Claim Under Bankruptcy Code §507(a)(5) Entered 5/31/2022 - td (5/31/2022)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angelus Furniture Outlet, Inc.

Represented By
Brian L Davidoff
Keith Patrick Banner

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

#30.00 Hearing RE: Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates Motion Objecting to Debtor's Claimed Homestead Exemption

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Continue hearing to July 21, 2022 at 10:30 a.m. to allow Movant/Joining Parties to file a reply to Debtor's late opposition filed on June 1, 2022, which reply(ies) must be filed by July 7, 2022. No other pleadings may be filed.

Basis for Tentative Ruling:

1. Because Debtor filed her opposition one day prior to the hearing, the court has not had an opportunity to review it and the Movant was not afforded the opportunity to file a reply to the opposition. Under the Local Bankruptcy Rules, the court may exclude late-filed pleadings and not consider them at all. On this one occasion, the court will make an exception and allow the opposition. However, in the future, the court will not consider any pleadings filed by Debtor after the day they are due.

2. Based solely on the timely filed Motion and joinders, the court would be inclined to grant the Motion.

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... Jamie Lynn Gallian

Aaron E DE Leest
Eric P Israel

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

Adv#: 8:21-01097 Houser Bros. Co. v. Gallian

#31.00 Hearing RE: Motion for Entry of an Order (1) Compelling Attendance of Defendant Jamie Lynn Gallian at Deposition, and for Monetary Sanctions, and (2) Compelling Attendance at Mandatory Mediation Session

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Grant the Motion as follows: all relief requested in the Motion is granted except that the award of attorneys fees and costs is reduced to \$5,528.45. If Debtor appears and fully participates in the rescheduled deposition and appears at the mandatory mediation, the award of \$5,528.45 will be payable within 45 days after the conclusion of the mediation. If Debtor fails to appear for the deposition or the mediation, the award shall be due 10 business days following such failure to appear. Movant shall not be required to pay for captioning software re the deposition.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Defendant(s):

Jamie Lynn Gallian

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... Jamie Lynn Gallian

Chapter 7

Plaintiff(s):

Houser Bros. Co.

Represented By
D Edward Hays
Laila Masud

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Aaron E DE Leest
Eric P Israel

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:21-11723 Advantage Manufacturing, Inc.

Chapter 11

#32.00 Post-Confirmation Status Conference RE: First Amended Chapter 11 Small Business Plan

(Set at DS hrg. held 12-2-21)

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Continue the postconfirmation status conference to October 6, 2022 at 10:00 a.m.; updated status report must be filed by September 22, 2022.

Note: Appearance at this hearing is not required; court will issue order re the continued hearing.

Party Information

Debtor(s):

Advantage Manufacturing, Inc.

Represented By
Michael G Spector
Vicki L Schennum

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

8:22-10032 Ricky Dean Winters

Chapter 13

#33.00 Hearing RE: Debtor's Objection to Claim #5 of Tammy Winters

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 2, 2022

Sustain Debtor's Objection to Claim #5 filed by Tammy Winters

Basis for Tentative Ruling:

Debtor objects to proof of claim 5-1 for \$28,000 ("the Claim") filed by Tammy Winters ("Claimant") on the basis that the Claim overstates the amount of accrued domestic support arrears owed by Debtor ("the Objection") [dkt. 45]. Claimant timely filed an opposition to the Objection ("Opposition") [dkt. 51] and Debtor filed a timely reply ("Reply") [dkt. 54].

A. The Objection is Sustained Because Debtor has Rebutted the Prima Facie Validity of the Claim and Claimant has Failed to Carry her Ultimate Burden of Proof

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence as to its validity and amount, and will be strong enough to carry over a mere formal objection without more. *Id.* A party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT... **Ricky Dean Winters**

Chapter 13

"facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991).

In this case, Claimant did not file the Claim in accordance with Rule 3001. Although the Claim was filed with Official Form 410, it did not include the writing upon which the Claim was based as required by LBR 3001(c)(1). However, Claimant did attach the court orders before the divorce judgment to the Opposition as Exhibits 1 and 2. Additionally, Debtor attached the divorce judgment as Exhibit 1 to the Reply. Therefore, the court will assume the Claim is entitled to prima facie validity and Debtor was required to present affirmative evidence sufficient to overcome the Claim's presumption of validity.

The court finds that Debtor has carried his burden to overcome the Claim's presumed validity. Both parties agree on the amount of debt owed after the divorce judgment was entered, which is \$23,326.99. Claimant alleges an additional \$8,589.75 is owed based on unpaid temporary spousal support awarded to Claimant from April 1, 2017 through the date of the divorce judgment. However, the divorce judgment stipulation that was entered on June 17, 2020 (the "Stipulation") resolved the spousal support arrears. Specifically, the Stipulation states:

The foregoing awards of property and business buyout payments resolved the following issues between the parties such that no further equalization is owed to either party:

- A. All reimbursements owed by one party to the other.
- B. Attorney's fees to Petitioner in the amount of \$30,000.00.
- C. *Spousal support arrears owed to Petition in the amount of \$40,000.00*
- D. Past child support owed to Petitioner in the amount of \$7,336.00

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 2, 2022

Hearing Room 5A

10:30 AM

CONT...

Ricky Dean Winters

Chapter 13

E. One-half of the Mercury insurance check in the amount of \$10,754 owed to Petitioner.

Reply, 14 of 24.

The parties agreed that Debtor would pay an equalization payment of \$181,250 (Note: in the Reply, Debtor lists both \$185,250 and \$182,250 as the equalization payment, while the Stipulation and proof of claim 6-2 lists the equalization payment as \$181,250) to Claimant commencing 18 months after entry of the Stipulation. The equalization payment debt is already accounted for in proof of claim 6-2. Moreover, the Stipulation clearly states that any spousal support arrears are "resolved" by the Stipulation, which includes the equalization payment, and "no further equalization is owed to either party." Reply, 14 of 24. The court agrees with Debtor's characterization of the Stipulation.

To the extent that the language in the Stipulation is unclear (which the court does not believe it is), any ambiguity in the language is to be construed against Claimant. "Ambiguities in a written instrument are resolved against the drafter." *Cachil Dehe Band of Wintun Indians of Colusa Indian Cmty. v. California*, 618 F.3d 1066, 1076 (9th Cir. 2010) (quoting *Slottow v. Am. Cas. Co.*, 10 F.3d 1355, 1361 (9th Cir.1993)). Claimant's family law attorney, Guerin Butterworth, drafted the divorce judgment stipulation and, thus, any ambiguities should be construed against the Claimant. Winters Decl., ¶2; see also Reply, 11 of 24 (the left side of the document reads "Law Offices of Guerin L. Butterworth"). Therefore, the Claim should be reduced \$23,326.99.

Party Information

Debtor(s):

Ricky Dean Winters

Represented By
Richard G. Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se