

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

Wednesday, July 17, 2024

Hearing Room 5A

9:00 AM
8:00-00000

Chapter

#0.00 All hearings on the REAFFIRMATION calendar will be conducted remotely, using ZoomGov video and audio information below.

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/1613791820>

Meeting ID: 161 379 1820

Password: 746225

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

**United States Bankruptcy Court
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Santa Ana
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Wednesday, July 17, 2024

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9:00 AM
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Chapter

"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 -

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

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Chapter

Tentative Ruling:

- NONE LISTED -

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

Wednesday, July 17, 2024

Hearing Room 5A

9:30 AM

8:24-10804 Yvon Ann Wagner

Chapter 7

#1.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Mercedes-Benz Financial Services USA LLC (RE: 2018 Mercedes-Benz GLA250W - Amount: \$7,225.90)
[SC CASE]

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yvon Ann Wagner

Represented By
Bert Briones

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

9:30 AM

8:24-10703 Helmer Dativas Castro, Jr.

Chapter 7

#2.00 Hearing RE: Reaffirmation Agreement Between Debtor and Exeter Finance LLC (RE: 2018 Nissan Sentra Sedan 4D S 1.8L 14 - Amount: \$7,582.43)
[TA CASE]

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Helmer Dativas Castro Jr.

Represented By
Marlin Branstetter

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

9:30 AM

8:24-10932 Maria D Ruiz

Chapter 7

#3.00 CONT'D Hearing RE: Pro se Reaffirmation Agreement Between Debtor and
Flagship Credit Acceptance (RE:2020 Nissan Pathfinder - Amount: \$20,126.92)
[TA CASE]

(FR: 6/12/24)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria D Ruiz

Represented By
Jill L Kim

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

9:30 AM

8:24-10176 Scott Manuel Avalos

Chapter 7

#4.00 CONT'D Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (RE: 2016 Tacoma 4X - Amount: \$25,100.83)
[TA CASE]

FR: 5/15/24

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Manuel Avalos

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

9:30 AM

8:23-12444 Torbio Sesar Mota

Chapter 7

#5.00 CONT'D Hearing RE: Reaffirmation Agreement Between Debtor and CarMax Auto Finance (RE: 2020 BMW X3 - Amount: \$38,863.66) **[SC CASE]**

FR: 2/14/24, 4/17/24

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Torbio Sesar Mota

Represented By
Parisa Fishback

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM
8:00-00000

Chapter

#0.00 Judge Albert's Chapter 13 Confirmation Hearings will be heard by Judge Smith using ZoomGov video and audio information below.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Case participants may connect to the video and audio feeds, free of charge, using the connection information provided below.

BY MANDATE OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, MEMBERS OF THE PUBLIC AND THE MEDIA MAY ONLY CONNECT TO THE ZOOMGOV AUDIO FEED, AND ONLY BY TELEPHONE. ACCESS TO THE VIDEO FEED BY THESE INDIVIDUALS IS PROHIBITED. IN THE CASE OF A TRIAL OR EVIDENTIARY HEARING, NO AUDIO ACCESS WILL BE PROVIDED.

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Video/audio web address: <https://cacb.zoomgov.com/j/1601632854>

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Central District of California
Santa Ana
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1:30 PM
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Chapter

ZoomGov meeting number: 160 163 2854

Password: 834857

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

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

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1:30 PM
CONT...

Chapter

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
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Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-10614 Roger Peeble Lee

Chapter 13

**#1.00 Confirmation Of Chapter 13 Plan
(cont'd from 6-18-24)**

Docket 2

***** VACATED *** REASON: OFF CALENDAR - CASE CONVERTED
TO CH 7 ON 7-12-24 - SEE DOCUMENT #50**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative for June 18, 2024

Debtor filed motion to convert to Chapter 7 on June 13, 2024. Continue confirmation hearing to next Chapter 13 confirmation hearing on July 17, 2024 at 1:30 p.m. *Appearance is required.*

Party Information

Debtor(s):

Roger Peeble Lee

Represented By
Donald E Iwuchuku

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-10634 Geeta Swamidass

Chapter 13

**#2.00 Confirmation Of Chapter 13 Plan
(cont'd from 6-18-24)**

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024 (eas)

In light of the amendment of Claim #3 to \$0.00 by the Lane Family Trust and Debtor's withdrawal of the claim objection, it appears this matter is ready for confirmation.

Tentative for June 18, 2024

Plan is not feasible based on unresolved unsecured claim of creditor Sophia Lane trustee of the Lane Trust subject to debtor's objection to be heard on 3:00 p.m. calendar. The court expects it will continue the confirmation hearing to 3:00 pm calendar to discuss with objection to claim if creditor Sophia Lane, trustee of the Lane Trust does not appear for confirmation hearing. *Appearance is required.*

Tentative for May 15, 2024

The court does not understand how this plan is feasible as it would appear that the Lane Family Trust is only being offered its secured claim by surrender of the Running Springs property and nothing on the unsecured claim. Is there some agreement from this creditor? How is this a 100% plan? *Appearance required.*

**United States Bankruptcy Court
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Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

CONT... Geeta Swamidass

Chapter 13

Party Information

Debtor(s):

Geeta Swamidass

Represented By
Terrence Fantauzzi

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-10672 Francisco Javier Trejo

Chapter 13

**#3.00 Confirmation Of Chapter 13 Plan
(cont'd from 6-18-24)**

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024 (eas)

2nd Amended Plan filed (6 days late) on 7/16/23=4. Plan increases payout to unsecured claims from 12% to 15% and increases interest on priority tax debt from 0% to 11%. Trustee to advise re any further objections.

Tentative for June 18, 2024

Debtor must address trustee's concerns about lack of interest on secured property tax claim of Orange County and liquidation value for best interests test under 11 U.S.C. § 1325(a)(4). *Appearance is required.*

Tentative for May 15, 2024

Trustee's various objections must be addressed. *Appearance required.*

Party Information

Debtor(s):

Francisco Javier Trejo

Represented By
Hector Vega

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-10935 John Bennett

Chapter 13

**#4.00 Confirmation Of Chapter 13 Plan
(cont'd from 6-18-24)**

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024

Debtor's 1st amended plan filed 7/16/24 appears to address the issues raised by the objections filed by the Trustee and objecting creditor. If so, confirm the 1st amended plan.

Tentative for June 18, 2024

Grant debtor's request to continue confirmation hearing to next Chapter 13 confirmation hearing calendar on July 17, 2024 at 1:30 p.m. in order for debtor to modify plan to address objections of trustee and creditors. Plan cannot be confirmed now because debtor has unfiled tax returns. 11 U.S.C. §§ 1325(a)(9) and 1308. *Appearance is required.*

Party Information

Debtor(s):

John Bennett

Represented By
Anerio V Altman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-10982 Rebecca J Osorio

Chapter 13

#5.00 Confirmation Of Chapter 13 Plan

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca J Osorio

Represented By
Raymond Perez

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11011 Brian Edward Ellis

Chapter 13

#6.00 Confirmation Of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024

The amended plan filed 6/3/24 provides for objecting creditor Ally Bank under class 4, i.e., payment according to the terms of the contract (6.74%). Objecting creditor to advise of any continued objections. If non, confirm the amended plan.

Party Information

Debtor(s):

Brian Edward Ellis

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11019 Rilla Ann Huml

Chapter 13

#7.00 Confirmation Of Chapter 13 Plan

Docket 12

***** VACATED *** REASON: OFF CALENDAR PER ORDER AND
NOTICE OF DISMISSAL ARISING FROM DEBTOR'S REQUEST FOR
VOLUNTARY DISMISSAL OF CHAPTER 13 (11 U.S.C. SECTION 1307(b)
ENTERED 7-17-2024 - (DOCKET NO. [31])**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rilla Ann Huml

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11079 Guadalupe Beltran Castro

Chapter 13

#8.00 Confirmation Of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: OFF CALENDAR- ORDER DISMISSING
MOTION TO DISMISS CASE WITH 180 DAY RESTRICTION ENTERED
6-26-24 - SEE DOC #17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Beltran Castro	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11091 Roselinda Tanusaputra Uehara

Chapter 13

#9.00 Confirmation Of Chapter 13 Plan.

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roselinda Tanusaputra Uehara

Represented By
Steven A Alpert

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11096 Theresa Nguyen Locke

Chapter 13

#10.00 Confirmation Of First Amended Chapter 13 Plan

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa Nguyen Locke

Represented By
Rex Tran

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11175 Migdalia Rivera

Chapter 13

#11.00 Confirmation Of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024 (eas)

If Debtor is current with plan payments as of this date, continue the hearing to August 21, 2024 at 1:30 p.m. to allow Debtor to submit documents/pleadings addressing the following matters:

1. If not already submitted as of today, Debtor must provide to the Trustee proof of income and the support declaration no later than **July 24, 2024**.
2. Debtor must file a written response to objecting creditor's opposition no later than **July 31, 2024**, specifically addressing the legal justification for the reduction of the interest rate from the contract rate of 14.750% to 7%.
3. Objecting creditor must file a supplemental brief no later than **August 7, 2024** addressing the following issues: a) the applicability of Sec. 1322(c) re loans that become due during the term of the plan. See, e.g., *In re Collier-Abbott*, 617 B.R. 117 (Bankr. ED Cal.2020) ("prohibition against modification in any Chapter 13 plan of a claim secured only by security interest in real property that is debtor's principal residence did not apply to short-term junior deed of trust debt"), and b) why the nature of the collateral in *this* case (substantially over-secured claim) warrants an interest rate equal to prime + 2. Notably, the claimant in *Till* was undersecured and *Till* requires court's to consider the nature of the security in determining an appropriate interest rate.
4. Debtor may file a final response to creditor's supplemental pleading no later than **August 14, 2024**.

**United States Bankruptcy Court
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Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

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1:30 PM

CONT... Migdalia Rivera

Chapter 13

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

Party Information

Debtor(s):

Migdalia Rivera

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11199 Michael G Beason

Chapter 13

#12.00 Confirmation Of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024 (eas)

Debtor has filed a response to the creditor's objection and to the trustee's objections. It appears the amended plan filed on July 10, 2024 may address the trustee's objections and Debtor has provided some evidence of payments to objecting creditor. If so, amended plan is ready for confirmation

Party Information

Debtor(s):

Michael G Beason Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11206 Linda C Black

Chapter 13

#13.00 Confirmation Of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda C Black

Represented By
Brian J Soo-Hoo

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11217 Alfonso Lacuesta and Esther Lacuesta

Chapter 13

#14.00 Confirmation Of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfonso Lacuesta

Represented By
Sundee M Teeple

Joint Debtor(s):

Esther Lacuesta

Represented By
Sundee M Teeple

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

1:30 PM

8:24-11263 Jessica Belmont

Chapter 13

#15.00 Confirmation Of Chapter 13 Plan

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jessica Belmont

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:18-12933 Vickie Ann Valdez

Chapter 13

#16.00 Trustee's Motion to Dismiss Case Failure to Complete the Plan Within Its Terms

Docket 99

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
VOLUNTARY DISMISSAL OF MOTION FILED 7-15-24 - SEE DOC #104**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vickie Ann Valdez

Represented By
Misty A Perry Isaacson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:19-14972 Javier Del Rio

Chapter 13

#17.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 108

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024

Debtor represents that payments totally \$15,276 were to be paid as of July 15, 2024, which payments reflect an increase in monthly plan payments to \$7,638.78. Trustee to advise whether such payments were made and whether the plan will pay out at the increased plan payment amount.

Party Information

Debtor(s):

Javier Del Rio

Represented By
Andy C Warshaw

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:21-11610 Jesus Antonio Macapagal Koh

Chapter 13

#17.10 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 33

***** VACATED *** REASON: OFF CALENDAR - CASE CONVERTED
TO CHAPTER 7 ON 7-17-24 - SEE DOC #42**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024

Grant motion to dismiss the case.

Basis for Tentative Ruling:

On May 31, 2024, Debtor filed an opposition indicating that either a motion to convert to chapter 7 or a motion to modify/suspend payments would be filed. More than six weeks later, no motion has been filed.

Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required and Trustee shall lodge an order granting the motion.

Party Information

Debtor(s):

Jesus Antonio Macapagal Koh

Represented By
H. Jasmine Papian

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:21-11855 Nicholas James Valenti, Jr.

Chapter 13

#18.00 Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 53

***** VACATED *** REASON: OFF CALENDAR - VOLUNTARY
DISMISSAL OF MOTION FILED 6-10-24 (Docket No. 57)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas James Valenti Jr.

Represented By
Anthony B 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**

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:22-10967 Jayson Newell Olson

Chapter 13

#19.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.
(cont'd from 6-18-24)

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative for June 18, 2024

Debtor filed motion to modify plan on May 22, 2024, but has not noticed it for hearing in response to trustee's opposition filed on June 6, 2024. Continue hearing to next Chapter 13 law and motion hearing on July 17, 2024 at 3:00 p.m. if debtor filed notice of motion for his motion to modify, setting it for hearing, otherwise, grant motion for reasons stated in the moving papers. *Appearance is required.*

July 17, 2024 (eas)

The docket does not reflect notice of the hearing to creditors re Trustee opposition as required by Judge Albert in connection with the June 18, 2024 hearing. Counsel to explain why notice of hearing has not been filed.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Jayson Newell Olson

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Erithe Smith, Presiding
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Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:22-12168 Marlene Catherine Lewis

Chapter 13

#20.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.
(cont'd from 6-18-24)

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative for June 18, 2024

Debtor filed opposition to motion, stating that she will file motion to modify plan, but has not done so. Grant motion to dismiss based on plan delinquency for the reasons stated in the moving papers. *Appearance is required.*

July 17, 2024 (eas)

Grant the motion to dismiss.

Basis for Tentative Ruling:

Debtor opposed the motion to dismiss on the grounds that she would file a motion to modify/suspend payments. No motion was filed as of the June 18, 2024 hearing date. Judge Albert granted Debtor additional time to file the motion but, as of July 16, 2024, no such motion has been filed.

Note: Unless Debtor accepts the tentative ruling, appearance at this hearing is required.

Party Information

Debtor(s):

Marlene Catherine Lewis

Represented By
Joshua Sternberg

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

CONT... Marlene Catherine Lewis

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**

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:23-10350 Brook Xibu Chang and Tiffany M Cheng

Chapter 13

**#21.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.
(cont'd from 6-18-24)**

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative for June 18, 2024

Debtors filed opposition to motion, stating that they will file motion to modify plan or will come current on plan payments, but have neither filed the motion to modify nor filed evidence that they have come current on the plan. Grant motion to dismiss based on plan delinquency for the reasons stated in the moving papers. *Appearance is required.*

July 17, 2024 (eas)

if Debtor is not current with payments as of today's hearing, grant the motion to dismiss.

Basis for Tentative Ruling:

As of the June 18, 2024 hearing, Debtors were delinquent with plan payments but were able to make one payment. No motion to modify/suspend payments has been filed since the June 18 hearing.

Note: Appearance at this hearing is required

Party Information

Debtor(s):

Brook Xibu Chang

Represented By
Christopher J Langley

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

CONT...

Brook Xibu Chang and Tiffany M Cheng

Michael Smith

Chapter 13

Joint Debtor(s):

Tiffany M Cheng

Represented By

Christopher J Langley

Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:23-11518 America Maria Hernandez

Chapter 13

#22.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024 (eas)

Deny motion if plan payments are not current.

Note: Appearance for Debtor not required if Trustee agrees that payments are current.

Party Information

Debtor(s):

America Maria Hernandez

Represented By
Daniel King

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:24-10634 Geeta Swamidass

Chapter 13

#23.00 Motion To Disallow Claim #3 From The Lane Family Trust
(cont'd from 6-18-24)

Docket 25

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
WITHDRAWAL OF DEBTOR'S MOTION FOR ORDER TO DISALLOW
CLAIM #3 FROM THE LANE FAMILY TRUST - FILED 7-15-14 - SEE
DOC #51**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Tentative for June 18, 2024

Debtor objects to claim of creditor Sophia Lane, trustee of the Lane Trust as lacking documentation. Under applicable Ninth Circuit BAP precedent, *In re Heath*, 331 B.R. 424 (9th Cir. BAP 2005), failure to submit documentation will mean that the claim is not entitled to prima facie validity under Federal Rule of Bankruptcy Procedure 3001(f), but is not necessarily grounds for claim disallowance under 11 U.S.C. § 502. *Id.* at 431-438. Claimant should be requested to submit the documentation in support of the claim, and if claimant refuses, that may be grounds for disallowance under *Heath*. *Id.* at 436-437. The court notes that claimant has not filed written opposition to the motion, which may be grounds for sustaining the objection under Local Bankruptcy Rule 9013-1(f), but notes two facts: (1) debtor has filed an amended plan (Docket No. 35), stating she will surrender the property to claimant, indicating that claimant has a lien or secured claim, and (2) claimant has retained counsel, who has filed a motion for stay relief (Docket No. 39) set for hearing on July 9, 2024 at 10:30 a.m., and attached to the stay relief motion was documentation of the debt owed to claimant in a promissory note signed by debtor and her spouse secured by a trust deed recorded in San Bernardino County, indicating that claimant has a lien or secured claim on debtor's property in the county. However, while the documentation indicates that claimant has a secured claim based on a lien on debtor's property in San Bernardino County, there does not appear to be documentation to support an

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

CONT...

Geeta Swamidass

Chapter 13

unsecured claim as asserted on claimant's proof of claim, which she filed as a self-represented litigant. Based on this record, it would not appear to be appropriate to disallow the claim without giving claimant the opportunity to submit documentation in support of the proof of claim upon request of the court or debtor. If claimant or her counsel appears at the hearing, the court will discuss with the parties whether they can reach some consensual agreement regarding the claim, which in turn, might result in the ability of the court to confirm the plan if the trustee's concerns have been resolved. The plan confirmation hearing will likely be continued to the 3:00 p.m. calendar to be heard with this matter. *Appearance required.*

Party Information

Debtor(s):

Geeta Swamidass

Represented By
Terrence Fantauzzi

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Wednesday, July 17, 2024

Hearing Room 5A

3:00 PM

8:24-11263 Jessica Belmont

Chapter 13

#24.00 Order To Show Cause Re: Dismissal For Failure To Comply With Rule 1006(B) -
Installment **(\$50.00 Due On 5/22/24):**

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 17, 2024

Dismiss case if installment payment of \$50 due on 5/22/24 has not been made.

Special note: All installment payments were to have been completed by the end of June

Party Information

Debtor(s):

Jessica Belmont	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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