

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247 Damon v. Haythorne

**#1.00** Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket 80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant in part; deny in part. Grant motion for default judgment in favor of Plaintiff under 523(a)(2)(A) in the amount of \$460,000 at the nondefault contract interest rate of 12% per annum which amount will bear postjudgment interest at the federal judgment rate of 2.6%. Deny motion as to 523(a)(4) due to insufficiency of evidence of profit damages.

The court incorporates by reference herein the analysis set forth in Plaintiff's Motion and Reply regarding the standard for the entry of a default judgment (see Motion at pp. 3-4), as well as the complaint and the Declaration of Plaintiff). The court did review Defendant's evidence but none of it demonstrates that any money Plaintiff received from MHS was on account of repayment of the loan to Stellar. Further, under the standard for default judgment, Plaintiff provided sufficient prove up re Stellar as the alter ego of Defendant. Under the equitable doctrine of alter ego, a plaintiff may pierce the corporate veil and seek recovery from the individual principal.

Re 523(a)(4), Plaintiff has not sufficiently satisfied the standard for the entry of a default judgment as to this claim for relief due to the inadequacy of the evidence regarding damages relating to damages under 523(a)(4). There is no dispute that each of the principals of MFH, i.s., Plaintiff and Defendant, were entitled to one-half of the profits each. However, the information provided showing money coming in and out of the MHS account do not show how much was *profit*. On this point, the court agrees with Defendant's argument.

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#2.00 STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)**

Docket 3

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/31/2019 AT 9:30 A.M., PER ORDER ENTERED 11/30/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 1/31/2019 at 9:30 a.m., Per Order Entered 11/30/2018 (XX) - td (11/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

Adv#: 8:18-01118 Smith, III v. Swindell et al

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18

Docket 3

**Courtroom Deputy:**

**SPECIAL NOTE: Notice of Voluntary Partial Dismissal of an Adversary Proceeding that Does Not Involve Claims Under 11 U.S.C. §727 as to Defendants Casey Swindell and Kimberly Amaral Only filed 8/29/18 - td (8/30/2018)**

**Tentative Ruling:**

**November 8, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m. to allow Plaintiff to file a formal motion to serve complaint by publication pursuant to Fed.R.Civ.P.7004(c). Informal request in a declaration (XX)

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**December 6, 2018**

No updated status report filed -- plaintiff's counsel to appear and advise the court re the status of the adversary and why sanctions in the amount of \$100 should not be imposed for failure to timely file a status report.

**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Michael Worthington

**Defendant(s):**

Patrick Swindell	Pro Se
David P Hutchens	Pro Se
Casey Swindell	Pro Se
Kimberly Amaral	Pro Se

**Plaintiff(s):**

Thomas J Smith III	Represented By Michael Worthington
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**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Thomas H Casey
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**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17, 4-12-18; 5-31-18; 7-19-18; 9-20-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Approving Woodlawn Colonial, L.P.'s Motion to Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal Entered 1/24/18 - td (1/24/2018)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

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**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date:	Jan. 18, 2018
Deadline to File Pretrial Motions:	Feb. 1, 2018
Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference:	Apr. 12, 2018 at 9:30 a.m.
(XX)	
Deadline to File Pretrial Stipulation	Mar. 29, 2018

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

Thursday, December 6, 2018

Hearing Room

5A

9:30 AM

CONT...

Chad Paul Delannoy

Chapter 7

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

***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.***

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**July 19, 2018**

In light of pending appeal, continue status conference to September 20, 2018 at 9:30 a.m., updated status report must be filed by September 13, 2018. (XX)

***Note: Appearances at this hearing are not required.***

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**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

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

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**December 6, 2018**

Continue status conference to March 21, 2019 at 9:30 a.m.; updated joint status report must be filed by March 7, 2019

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



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Chad Paul Delannoy**

**Chapter 7**

**Party Information**

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11047 AA-TEK Machining, Inc.**

**Chapter 7**

Adv#: 8:18-01143 Marshack v. Nguyen

**#5.00** CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Continue pretrial conference to December 6, 2018 at 9:30 a.m.; joint pretrial stipulation due on November 29, 2018.

***Note: Appearances at this hearing are not required.***  
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**December 6, 2018**

In light of pending settlement, continue status conference to January 24, 2019 at 9:30 a.m.; updated status report to be filed by January 10, 2019,

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

<b>Party Information</b>
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**Debtor(s):**

AA-TEK Machining, Inc.

Represented By  
Tina H Trinh

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... AA-TEK Machining, Inc.**

**Chapter 7**

**Defendant(s):**

Natalie Nguyen

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Kelly Zinser

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Wesley H Avery  
Kelly Zinser

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11063 Karem Angelica Blair**

**Chapter 7**

Adv#: 8:17-01112 Herrera et al v. Blair

**#6.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Debt to be Nondischargeable (11 USC Section 523)

FR: 9-21-17; 5-3-18; 5-17-18; 9-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 21, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 3, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Apr. 26, 2018

***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.***

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**September 6, 2018**

No status report filed. Impose sanctions in the amount of \$100 against counsel for plaintiffs for failure to do so.

Plaintiffs' counsel to appear and advise the court re the outcome of the mediation and the status of this adversary.

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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

CONT... Karem Angelica Blair

Chapter 7

**Note: Appearances at this hearing are required.**

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**December 6, 2018**

Both counsel for plaintiffs and counsel for defendant must appear and advise the court why sanctions in the amount of \$100 should not be imposed against both counsel for failure to comply with the Local Bankruptcy Rules, to wit:

1. Plaintiffs' counsel has not prepared, transmitted or filed a joint pretrial stipulation as required by LBR 7016-1(c);
2. Defendant's counsel, having not received a timely draft of a JPS, has not filed or served a proposed pretrial stipulation in accordance with LBR 7016-1(e)(2); and
3. Neither counsel has advised this court whether the parties attended mediation and the outcome of the same or, if not, why the parties did not attend mediation.

**Note: Appearance by all counsel at this hearing is required.**

<b>Party Information</b>
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**Debtor(s):**

Karem Angelica Blair

Represented By  
Kelly Zinser

**Defendant(s):**

Karem Angelica Blair

Pro Se

**Plaintiff(s):**

Yvonne Herrera

Represented By  
Fritz J Firman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**Thursday, December 6, 2018**

**Hearing Room      5A**

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9:30 AM

**CONT...      Karem Angelica Blair**

**Chapter 7**

Dylan Herrera

Represented By  
Fritz J Firman

Ethan Herrera

Represented By  
Fritz J Firman

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kristine A Thagard  
Chad V Haes

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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#7.00** CONT'D STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 12-14-17; 3-22-18; 3-29-18; 6-21-18; 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by June 7, 2018. (XX)

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

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**June 21, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by September 7, 2018. (XX)

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

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**September 20, 2018**

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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

CONT... **Todd Leroy Hinker**

Chapter 7

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

*Special Note: The status report for December 6, 2018 should provide a substantive update of the status/procedural posture of the state court action.*

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

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**December 6, 2018**

Continue status conference to April 18, 2019 at 9:30 a.m.; updated joint status report must be filed by April 4, 2019.

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

<b>Party Information</b>
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**Debtor(s):**

Todd Leroy Hinker

Represented By  
Diane L Mancinelli

**Defendant(s):**

Todd Leroy Hinker

Pro Se

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01072 Albert-Sheridan v. Majd

**#8.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs

FR: 7-10-18; 9-20-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 10 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/18, Document #10 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m. to allow chapter 7 trustee to review the adversary; updated status report must be filed by September 6, 2018. (XX)

Basis for tentative ruling:

Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.

***Note: Appearances at this hearing are not required.***

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**September 20, 2018**

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018 unless abandonment order has been filed by such date. (XX)

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

<b>Party Information</b>
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**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
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**Defendant(s):**

Kazem Majd	Pro Se
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**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
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**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-11594 George Carl Natzic**

**Chapter 7**

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

**#9.00** STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debt Due to: 1. Fraud (11 U.S.C. §523(a)(2)); 2. Fraud in a Fiduciary Capacity (11 U.S.C. §523(a)(4)); 3. Willful and Malicious Injury by the Debtor to Plaintiff (11 U.S.C. § 523(a)(6)); and (4) Denial of Limited Discharge (11 U.S.C. §524(a)(3))

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/2019 AT 2:00 P.M.,  
PER ORDER ENTERED 11/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 1/24/2019 at 2:00 p.m., Per  
Order Entered 11/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Defendant(s):**

George Carl Natzic

Pro Se

Cheri Lynn Natzic

Pro Se

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Plaintiff(s):**

Add2Net, Inc.

Represented By  
Kevin Meek

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... George Carl Natzic**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12003 Jack G. Gaglio**

**Chapter 7**

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

**#10.00** STATUS CONFERENCE RE: Complaint (1) Objecting to Discharge Pursuant to 11 U.S.C. §727(A)(2) and (2) to Determine Debt Non-dischargeable Pursuant to 11 U.S.C. §523(A)(6)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.,  
PER ORDER ENTERED 12/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m.,  
Per Order Entered 12/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jack G. Gaglio

Represented By  
Timothy S Huyck

**Defendant(s):**

Jack G. Gaglio

Pro Se

Laura A. Gaglio

Pro Se

**Joint Debtor(s):**

Laura A. Gaglio

Represented By  
Timothy S Huyck

**Plaintiff(s):**

Pacific Western Bank

Represented By  
Kenneth Hennesay

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
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**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jack G. Gaglio**

**Chapter 7**

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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-12033 Seunghwan Jeong**

**Chapter 7**

Adv#: 8:18-01169 Ree v. Jeong

**#11.00 STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debts**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6 2018**

Continue status conference to February 7, 2019 at 2:00 p.m., same date/time as hearing on defendant's motion to dismiss. Updated status report not required for the February 7, 2019 hearing.

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

**Party Information**

**Debtor(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Defendant(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Joint Debtor(s):**

Amy Park Jeong

Represented By  
Hyong C Kim

**Plaintiff(s):**

Jin Ree

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

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9:30 AM

**CONT... Seunghwan Jeong**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



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

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-12058 John Timothy Quaid**

**Chapter 7**

Adv#: 8:18-01177 Potter et al v. Quaid

**#12.00** STATUS CONFERENCE RE: Complaint Objecting to Dischargeability

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status report must be filed by March 7, 2019 unless a motion for default judgment has been granted or is pending as of such date.

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 Conference for failure to prosecute.

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

**Party Information**

**Debtor(s):**

John Timothy Quaid

Represented By  
Brian J Soo-Hoo

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

**Thursday, December 6, 2018**

**Hearing Room      5A**

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9:30 AM

**CONT...      John Timothy Quaid**

**Chapter 7**

**Defendant(s):**

John Timothy Quaid

Pro Se

**Plaintiff(s):**

Simon Potter

Represented By  
Daniel A Higson

Titi A Potter

Represented By  
Daniel A Higson

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:13-18097 Ernest Chavez and Roxanne Chavez

Chapter 13

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

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 103

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary  
Dismissal of Motion for Relief from Automatic Stay, filed 11/28/2018

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion for Relief from  
Automatic Stay, filed 11/28/2018 - td (11/28/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ernest Chavez

Represented By  
Laura E Young

**Joint Debtor(s):**

Roxanne Chavez

Represented By  
Laura E Young

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Mark D Estle  
Anjane M Molock  
Darshana Shah  
Senique Moore  
Joseph Smith

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Ernest Chavez and Roxanne Chavez**

**Chapter 13**

Oneika White-Dovlo  
JoVan Jones  
William P McCooe Jr  
Angela M Fowler  
John Chandler  
Solomon K Njiraini  
LeeAnne D May  
Tunisia Cooper  
Gwendolyn C McClain  
Dane W Exnowski

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas

Chapter 13

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

DITECH FINANCIAL LLC

VS.

DEBTORS

Docket 52

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/10/2019 AT 10:00 A.M.,  
PER ORDER ENTERED 11/30/2018 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/10/2019 at 10:00 a.m., Per Order  
Entered 11/30/2018 (XX) - td (11/30/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Cornelio Fernandez Alvarez

Represented By  
Neda Mobassery

**Joint Debtor(s):**

Sulma Leyda Rivas

Represented By  
Neda Mobassery

**Movant(s):**

Ditech Financial LLC

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-10735 Brian D. Thaler**

**Chapter 13**

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

DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEBTOR

FR: 10-11-18; 11-1-18

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

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.***

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**November 1, 2018**

Movant to advise the court re the status of this matter

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**December 6, 2018**

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Brian D. Thaler**

**Chapter 13**

Unless the parties are still negotiating an APO, grant motion with 4001(a)(3) waiver. No motion to modify the plan has been filed since the last hearing. A default under the confirmed plan is a ground for granting relief from stay, irrespective of equity in the property. The court notes parenthetically, that a reference to Zillow.com is insufficient evidence of value.

If Movant is amenable to a continued hearing, the matter may be continued one final time to January 10, 2019 at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian D. Thaler

Represented By  
James D. Hornbuckle

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-17037 Rajwant Sekhon**

**Chapter 13**

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

CITIMORTGAGE, INC.

VS.

DEBTOR

Docket 121

**\*\*\* VACATED \*\*\* REASON: Order Approving APO Signed 11/29/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving APO Signed 11/29/18-mp/td(11/29/18)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rajwant Sekhon

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Movant(s):**

CitiMortgage, Inc., its assignees

Represented By  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

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

BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK  
MELLON, ET AL

VS.

DEBTOR

FR: 7-19-18; 9-6-18; 10-11-18

Docket 98

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/12/2019 AT 10:00 A.M.,  
PER ORDER ENTERED 12/4/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing to Continued to 2/12/2019 at 10:00 a.m., Per Order  
Entered 12/4/2018 (XX) - td (12/4/2018)**

**Tentative Ruling:**

**July 19, 2018**

Grant motion without 4001(a)(3) waiver.

Debtor's response is muddled and equivocal -- she doesn't state definitively whether she has made all postpetition payments or, if not, how many are missing. Merely attaching miscellaneous copies of checks (presumably for the court to try to decipher) is insufficient.

-----

**September 6, 2018**

Movant to advise the court re the status of this matter.

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Rosa M Harding

Chapter 13

-----  
**October 11, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-12233 Scott R Wood and Denise M Wood**

**Chapter 13**

**#18.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
JPMORGAN CHASE BANK, N.A.  
VS.  
DEBTORS

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion without 4001(a)(3) unless Movant is willing to enter into an adequate protection agreement.

Absent an agreement to negotiate an APO, the motion will be granted because 1) Debtor admits to being in default, 2) Debtor has provided no evidence of an ability to bring the account postpetition current in 6 months, and 3) as a default under the plan establishes grounds for relief from stay, equity in the car is irrelevant though the court notes that Debtor has not even provided evidence of any equity.

If Movant agrees to a continuance to discuss an APO, the parties may do so by advising the clerk during the call of the calendar on the day of the hearing. Available continued dates are December 20, 2018 or January 10, 2019 at 10:00 a.m.

**Party Information**

**Debtor(s):**

Scott R Wood

Represented By

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Scott R Wood and Denise M Wood**

**Chapter 13**

Joseph A Weber

**Joint Debtor(s):**

Denise M Wood

Represented By  
Joseph A Weber

**Movant(s):**

JPMorgan Chase Bank, N.A.

Represented By  
Joseph M Pleasant

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:15-13895 Rocio Lopez Namdar

Chapter 13

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

U.S. BANK NA

VS.

DEBTOR

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

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

***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):**

Rocio Lopez Namdar

Represented By  
Anerio V Altman

**Movant(s):**

U.S. Bank National Association

Represented By  
Sean C Ferry

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rocio Lopez Namdar**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
WESTMINSTER MOBILHOME PARK  
VS.  
DEBTOR

Docket 333

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion without waiver of FRBP 4001(a)(3). Movant may proceed with unlawful detainer and writ of possession of the real property, including eviction, except that Movant may not pursue a warehouse lien against the mobilehome unless and until the chapter 7 trustee abandons the mobilehome under Section 554.

The tentative ruling is based on the following:

1. Movant has provided sufficient evidence of "cause" under Section 362(d) (1) by virtue of Debtor's prepetition and postpetition monetary failure to pay rent and other charges under the subject lease of which Movant is the lessor. The failure to pay rent and utility charges establish that Movant's interest in the lease is not adequately protected due to the lost rent and nonpayment of utility charges.
2. Debtor has not provided any evidence showing that she current on her obligations under the subject lease. On the contrary, she appears to concede this fact.

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

3. Movant owns the real estate upon which the mobilehome sits, but not the mobilehome itself and Debtor has no ownership interest in the underlying real estate. Further, there is no evidence that Movant has a lien against the mobilehome as asserted by Debtor. Accordingly, the value of the mobilehome is not relevant to "adequate protection," "equity," or "equity cushion." The value of the mobilehome would only be relevant if the creditor had a security interest in the mobilehome itself, rather than just an interest in the lease.

4. Hardship to Debtor is not relevant to whether grounds exist for lifting the stay under 362(d)(1) or 362(d)(2).

5. As the chapter 7 trustee did not assume the lease within 60 days, the lease is deemed rejected (i.e., breached as of the date of the petition filing) as to the estate. As a consequence, granting relief from stay to terminate the lease will not affect the administration of the estate.

6. The mobilehome is property of the bankruptcy estate. Movant has not provided sufficient legal basis for the imposition of a postpetition lien on property of the estate. Though Movant will be granted relief from stay to obtain an unlawful detainer judgment and to obtain possession of the property through eviction. However, Movant must coordinate with the chapter 7 trustee regarding the removal of the mobilehome or abandonment of the mobilehome to Debtor. If the trustee obtains an order abandoning the mobilehome to Debtor, Movant may then pursue a warehouse lien and further remedies under state law.

7. The waiver of 4001(a)(3) is entirely within the discretion of the court; the court declines to waive the 14-day stay period in this case.

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Movant(s):**

Westminster Mobilehome Park, its

Represented By  
Nichole Glowin

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12897 John Bruce Johnson**

**Chapter 7**

**#21.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

EAGLE COMMUNITY CREDIT UNION

VS.

DEBTOR

FR: 11-8-18

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant with 4001(a)(3) waiver on condition that Movant submits, within 7 days of the hearing, a fully executed proof of service showing timely and proper service of the Motion.

The proof of service attached to the Motion is blank.

***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.***

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**December 6, 2018**

Grant with 4001(a)(3) waiver.

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

CONT... John Bruce Johnson

Chapter 7

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Bruce Johnson

Pro Se

**Movant(s):**

Eagle Community Credit Union

Represented By  
Mark S Blackman

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13207 Salomon Gutierrez and Blanca M Gutierrez

Chapter 7

#22.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTORS; AND KAREN S. NAYLOR, CHAPTER 7 TRUSTEE

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Salomon Gutierrez Pro Se

**Joint Debtor(s):**

Blanca M Gutierrez Pro Se

**Movant(s):**

HONDA LEASE TRUST Represented By  
Vincent V Frounjian

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Salomon Gutierrez and Blanca M Gutierrez**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13470 Jason Kim

Chapter 7

#23.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
JPMK INVESTMENT, LLC  
VS.  
DEBTOR

Docket 18

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal for  
Failure to Appear at 341(a) Meeting Entered 11/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a)  
Meeting Entered 11/19/2018 - td (11/19/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jason Kim

Pro Se

**Movant(s):**

JRMK Investment, LLC

Represented By  
Barry L O'Connor

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13643 Gerrit Bruce Macey**

**Chapter 7**

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

TIDAL INVESTMENTS LP

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerrit Bruce Macey

Pro Se

**Movant(s):**

Tidal Investments LP, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13667 Obdulia Cantoran

Chapter 13

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

WILMINGTON TRUST, NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 18

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 10/22/2018. Notice of Intent to Proceed with Motion filed 11/13/2018; This Hearing to Remain on Calendar - td (11/14/2018)**

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in Motion.

***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):**

Obdulia Cantoran

Pro Se

**Movant(s):**

Wilmington Trust, National

Represented By  
Darlene C Vigil



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Obdulia Cantoran**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13862 Fidel Nunez and Cita Nunez**

**Chapter 7**

**#26.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

TD AUTO FINANCE LLC

VS.

DEBTORS

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fidel Nunez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Cita Nunez

Represented By  
Michael D Franco

**Movant(s):**

TD Auto Finance LLC

Represented By

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Fidel Nunez and Cita Nunez**

**Chapter 7**

Sheryl K Ith

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13920 Dae Min Kang and Jaie Yoon Kang**

**Chapter 7**

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

HSBC BANK USA, N.A.

VS.

DEBTORS

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dae Min Kang

Pro Se

**Joint Debtor(s):**

Jaie Yoon Kang

Pro Se

**Movant(s):**

HSBC Bank USA, National

Represented By  
Darren J Devlin

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Dae Min Kang and Jaie Yoon Kang**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-17370 Alma Theresa Tejadilla Reyes**

**Chapter 11**

**#28.00** Hearing RE:Order to Show Cause Why Bankruptcy Case Should Not Be Dismissed or Converted (OSC Issued 10/16/18)

Docket 308

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Vacate Order to Show Cause

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alma Theresa Tejadilla Reyes

Represented By

Ivan M Lopez Ventura

Jeffrey V Hernandez

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-17370 Alma Theresa Tejadilla Reyes**

**Chapter 11**

**#29.00** CON'TD Post Confirmation Status Conference RE: Individual Fourth Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 5/22/14)

FR: 11-20-14; 3-5-15; 9-10-15; 3-10-16; 9-8-16; 3-16-17; 9-21-17; 3-22-18; 3-29-18; 10-11-18

Docket 209

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 20, 2014**

Continue status conference to March 5, 2015 at 10:30 a.m.; updated status report to be filed by Feb 19, 2015. (XX)

*Special note:* The court would ordinarily continue the hearing 180 days. However, because of Debtor's failure to timely commence plan payments as to certain classes, the continued hearing will be heard sooner this time.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtors' responsibility to confirm such compliance with the US Trustee prior to the hearing.***

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**March 5, 2015**

Continue status conference to September 10, 2015 at 10:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the***

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

Thursday, December 6, 2018

Hearing Room

5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

***UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***  
-----

**September 10, 2015**

Continue postconfirmation status conference to March 10, 2016 at 10:30 a.m.; updated status report to be filed by February 25, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***  
-----

**March 10, 2016**

Continue Postconfirmation Status Conference to September 8, 2016 at 10:30 a.m.; updated Status Report to be filed by August 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***  
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**September 8, 2016**

Continue postconfirmation status conference to March 16, 2017 at 10:30 a.m.; updated status report must be filed by March 2, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***  
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**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

**March 16, 2017 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to September 21, 2017 at 10:30 a.m.; updated Status Report to be filed by August 31, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading (Sixth Post-Confirmation Status Report)*

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**September 21, 2017**

Comments:

1. The report re Class 6 appears to be a cut and paste from the Sixth Postconfirmation Status Report -- has Debtor made quarterly distributions in 2017?
  2. Does Debtor intend to seek a final decree prior to 2024, notwithstanding that plan payments will continue until 2024?
- 

**March 29, 2018 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to October 11, 2018 at 10:30 a.m.; updated Status Report to be filed by September 27, 2018 (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-*

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes  
*prepared pleading (Sixth Post-Confirmation Status Report)*

Chapter 11

-----  
**October 11, 2018**

Updated postconfirmation status report not timely filed. Impose sanctions against Debtor's counsel in the amount of \$100.00 for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

-----  
**December 6, 2018**

Continue status conference to March 21, 2019 at 10:30 a.m.; updated status report must be filed no later than March 7, 2019 and should specifically address 1) Debtor's employment status, and 2) the status of plan arrearages as to Class 2(c).

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

**Party Information**

**Debtor(s):**

Alma Theresa Tejadilla Reyes

Represented By

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Alma Theresa Tejadilla Reyes**

Ivan M Lopez Ventura  
Jeffrey V Hernandez

**Chapter 11**

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:12-23757 Larry Duffy

Chapter 7

#30.00 Hearing RE: Debtor's Motion to Expunge the Records

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***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):**

Larry Duffy

Represented By  
Marjorie M Johnson

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#31.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

**[ROBERT F. BICHER & ASSOCIATES, AGENT FOR CHAPTER 7 TRUSTEE]**

Docket 821

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#32.00 Hearing RE: Second Interim Application for Allowance of Fees and Reimbursement of Costs

**[BEST BEST & KRIEGER, LLP, SPECIAL LITIGATION COUNSEL FOR  
RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 825

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta



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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#33.00 Hearing RE: Second Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[SMILEY WANG-EKVALL, LLP, SPECIAL COUNSEL TO THE CHAPTER 7 TRUSTEE]**

Docket 827

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#34.00 Hearing RE: Fifth Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP AS GENERAL COUNSEL TO THE CHAPTER 7  
TRUSTEE]**

Docket 829

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas**

**Chapter 13**

**#35.00** Hearing RE: United States Trustee's Motion for Escrow Account Reconciliation Statement Including Waiver or Unnoticed Escrow Charges or Refund of Escrow Surplus in Response to Nationstar Mortgage LLC's Notices of Mortgage Payment Change

Docket 50

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 10:30 A.M.,  
PER ORDER ENTERED 11/21/18 (XX)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cornelio Fernandez Alvarez

Represented By  
Neda Mobassery

**Joint Debtor(s):**

Sulma Leyda Rivas

Represented By  
Neda Mobassery

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#36.00 Hearing RE: Trustee's Motion to Approve Stipulation Between Trustee and Lienholder Shirin Mehraban

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***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):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#37.00 Hearing RE: Trustee's Motion to Approve Stipulation Between Trustee and Lienholder, Mahbobeh Fayz

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13137 Maryam Teimoori**

**Chapter 7**

**#38.00** Hearing RE: Trustee's Motion for Order Approving Compromise with Non-Debtor Spouse

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood



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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#39.00 Hearing RE: Trustee's Renewed Motion for Order: (1) To Compel Turnover of Property of the Bankruptcy Estate; and (2) Establishing Procedure for Removal of Any Remaining Personal Property Not Removed by Debtor

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***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.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10200**    **TodoCast, Inc.**

**Chapter 7**

**#40.00**    CON'TD Hearing RE: Chapter 7 Trustee's Objection to Proof of Claim No. 6 of Mario Sanchez

FR: 10-25-18

Docket      32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Continue hearing to December 6, 2018 at 10:30 a.m. to allow Trustee to comply with LBR 3007-1(c)(4). (XX)

Though the objection is partly based on timeliness, the objection does not include the evidence required under LBR 3007-1(c)(4).

Tentative ruling for 12/6/18 hearing: Sustain if no opposition is filed.

***Note: If Trustee accepts the foregoing tentative ruling, appearance at this hearing is not required.***

-----

**December 6, 2018**

Sustain Objection

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Trustee 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 the Trustee will be so notified.***

**Party Information**

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... TodoCast, Inc.**

**Chapter 7**

**Debtor(s):**

TodoCast, Inc.

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#41.00 CON'TD Hearing RE: Motion for Order Authorizing Trustee to Sell or Abandon  
Certain Litigation Claims

FR: 10-11-18

Docket 279

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30  
A.M., PER ORDER ENTERED 11/28/2018 (XX)

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order  
Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#42.00** Hearing RE: Trustee's Motion for (1) Approval of Settlement Agreement with Ford Motor Credit Company LLC, (2) Authority to Sell All of the Estate's Right, Title, and Interest in the Ford Litigation, (3) A Finding that Ford Motor Credit is a Good Faith Purchaser Under 11 U.S.C. Section 363(m), and (4) Waiver of the 14-Day Stay

Docket 337

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/18 AT 10:30 A.M.,  
PER ORDER ENTERED 11/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/18 at 10:30 a.m., Per Order  
Entered 11/2/18 (XX) - td (11/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#43.00** Hearing RE: Motion of Pennsylvania Higher Education Assistance Agency for Entry of an Order Allowing Withdrawal of Proof of Claim Number 9-1

Docket 322

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#44.00** CON'TD Hearing RE: Debtor's Objection to PHEAA's Proof of Claim Number 9  
FR: 7-31-18; 10-18-18

Docket 188

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30  
A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order  
Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

See comments re Calendar #24 re sufficiency of documentation.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#45.00 CON'TD Hearing RE: Debtor's Objection to Bank of America's Proof of Claim Number 6

FR: 7-31-18; 10-18-18

Docket 190

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to October 18, 2018 at 10:30 a.m. in light of the pending motion for relief from stay to seek a determination of the appeal fees/costs in state court. (XX)

Merits

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). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "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). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it is "unenforceable



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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 7**

against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured." 11 U.S.C. §502(b)(1).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

2. Debtor's reference to 11 USC 101(b) [sic] has no application to this matter. Section 101(a) defines a creditor as "an entity that has a claim against the debtor that arose at the time of or before the order for relief [filing of voluntary petition] concerning the debtor. Debtor's reference is actually to Section 101(10A)(B) which defines *current monthly income* and excludes benefits received on account of payment to victims of international or domestic terrorism."

2. Sufficiency of the Documentation

There is a state court judgment which substantiates a portion of the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. That said, the amount of the claim representing attorneys fees relating to the appeal have not yet been determined by the state court. There is a pending motion for relief from stay to seek such a determination set for August 2, 2018.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room      5A**

---

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Movant(s):**

    Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

    Jeffrey I Golden (TR)                                      Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#46.00** Hearing RE: Motion of Educational Credit Management Corporation to Vacate the Discovery Completion Deadline, the Deadline to Attend Mediation and the Pre-trial Conference

Docket 13

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Education Credit Management Represented By  
Scott A Schiff

The Education Resources Institute Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

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

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-12499 Katrina Barrientos and James Wee

Chapter 13

#47.00 Hearing RE: Debtors' Objection to Claim Number 2 of TD Auto Finance LLC and Motion for Order Disallowing Claim

Docket 42

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal and Withdrawal of Objection to Claim of TD Auto Finance, LLC (Claim 2) and Motion for Order Disallowing Claim, filed 10/22/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal and Withdrawal of Objection to Claim of TD Auto Finance, LLC (Claim 2) and Motion for Order Disallowing Claim, filed 10/22/2018 - td (10/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Katrina Barrientos

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Joint Debtor(s):**

James Wee

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12606 Michelle Renee Gillespie**

**Chapter 13**

**#48.00** Hearing RE: Debtor's Objection to Claim of AmeriCredit Financial Services, Inc. dba GM Financial (Claim No. 1) and Motion for Order Disallowing Claim

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion, except that if Creditor does not amend or withdraw the proof of claim within 30 days of entry of the the order granting the Motion, the arrearage amount only will be deemed disallowed (not the entire claim as requested in the Motion). Deny request for attorneys fees.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing will not be required and Debtor shall lodge an order consistent with the same within 7 days of the hearing.***

**Party Information**

**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12606 Michelle Renee Gillespie**

**Chapter 13**

**#49.00** Hearing RE: Debtor's Objection to Claim of Santander Consumer USA, Inc  
(Claim No. 2) and for Order Disallowing Claim

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion, except that the request for attorneys fees is denied.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing will not be required and Debtor shall lodge an order consistent with the same within 7 days of the hearing.***

<b>Party Information</b>
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**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11727 VV Hospitality LLC**

**Chapter 7**

**#49.10** Hearing RE: Trustee's Motion to Compel Debtor's Appearance at Continued 11 U.S.C. Section 341(a) Meeting of Creditors

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Continue hearing to December 20, 2018 at 10:30 a.m. to allow Movant to file supplemental pleading by December 13, 2018 explaining why the trustee seeks to administer a seemingly insolvent estate with no unsecured creditors.

According to the schedules, Debtor owns two parcels of property worth about \$1.4M with secured debt against them of approximately \$1.8M. Both properties appear to be underwater. Further, other than the secured creditor, the only other creditor listed on the schedules is the County of San Bernardino for unpaid property taxes of an unknown amount. There are no unsecured creditors listed. The Motion is completely silent as to why the trustee has continued the 341a meeting six times in what appears to be an insolvent case with no creditors rather than seek dismissal of the case. An explanation is required.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

<b>Party Information</b>
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**Debtor(s):**

VV Hospitality LLC

Represented By  
Yoon O Ham

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... VV Hospitality LLC**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe



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

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-14221 Taylor Tech Inc.**

**Chapter 7**

**#49.20** Hearing RE: Chapter 7 Trustee's Motion for Order Approving Management Agreement with BAW LLC Pursuant to 11 U.S.C. Section 363(b)  
**(OST Entered 11/30/18)**

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion if unopposed.

<b>Party Information</b>
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**Debtor(s):**

Taylor Tech Inc.

Represented By  
Anthony A Friedman

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Beth Gaschen  
Jeffrey I Golden

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-11594 George Carl Natzic**

**Chapter 7**

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

**#50.00** Hearing RE: Defendants' Motion to Dismiss Complaint of Add2Net, Inc., for Failure to State a Claim Upon Which Relief Can Be Granted

Docket 5

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/2019 AT 2:00 P.M.,  
PER ORDER ENTERED 11/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing is Continued to 1/24/2019 at 2:00 p.m., Per Order  
Entered 11/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Defendant(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Plaintiff(s):**

Add2Net, Inc.

Represented By  
Kevin Meek

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

**Thursday, December 6, 2018**

**Hearing Room 5A**

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2:00 PM

**CONT... George Carl Natzic**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se