

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Geraldine Mund, Presiding
Courtroom 302 Calendar**

Tuesday, February 10, 2026

Hearing Room 302

10:00 AM

1:00-00000

Chapter

#0.00 The 10:00 am calendar will be conducted remotely, using ZoomGov video and audio.

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Judge Mund seeks to maintain a courtroom in which all persons are treated with dignity and respect, irrespective of their gender identity, expression or preference. To that end, individuals are invited to identify their preferred pronouns (he, she, they, etc.) and their preferred honorific (Mr., Miss, Ms., Mrs., Mx, M, etc.) in their

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screen name, or by advising the judge or courtroom deputy.

Docket 0

Tentative Ruling:

- NONE LISTED -

1:10-16948 Nunzio Donato Ciaraulo

Chapter 7

Adv#: 1:25-01062 KFT Properties, LLC v. Ciaraulo

#1.00 Plaintiff's Motion for Attorney's Fees Pursuant to 28 U.S.C. § 1447

Docket 33

Tentative Ruling:

Mr. Ciaraulo removed a state court unlawful detainer case to this court based on his contention that eviction for failure to pay rent in 2025 was barred by the discharge that he received in his chapter 7 bankruptcy case that was filed in 2010. On 10/6/25, KFT Properties filed its motion to remand and sought fees of \$8,750 pursuant to 28 USC §1447(c):

"My current hourly rate is \$700.00. I have spent 9.5 hours in researching, preparing, drafting, and revising the Motion, Declaration, Request for Judicial Notice and Application for Order Shortening Time. I anticipate that I will spend at least 3 hours to research, prepare, and draft a reply brief. As such, I am requesting that the Court order Defendant to pay \$8,750 to Plaintiff as attorney's fees incurred in connection with the Motion." (dkt. 5-1)

On 11/4/25, the court remanded the removed case to the superior court. In the remand order, I stated: "Given the Court's ruling on the legal status of discharge of post-petition rent, should there be [sic] further attempts

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by Mr. Ciaraulo to delay eviction by use of his previous bankruptcy discharge, the Court will reconsider the just award of fees and costs at that time." (dkt.18)

Thereafter, the case proceeded to judgment in the superior court. After my order of 11/4/25, Mr. Ciaraulo triggered three actions in the bankruptcy court:

- (1) preparing an amended order of remand due to two typographical errors (dkt. 22),
- (2) an ex parte application for a temporary restraining order to stay the state court eviction judgment based on the 2010 discharge order (dkt. 24), and
- (3) an appeal of my remand order (dkt. 27).

This motion is brought under 28 USC §1447(c), which states in part: "An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal."

The intent of my previous order on attorney fees is clear. It does not apply to actions in the superior court, which is perfectly capable of awarding fees due to the delays caused by Mr. Ciaraulo's actions. It appears that this motion for fees is limited to the actions that occurred prior to the remand because it seeks the same amount (\$8,750) and has no list of services provided. [It should be noted that the fee application of 10/6/25 also has no time records.]

Section §1447(c) specifically deals with a remand order and costs and fees incurred as a result of the removal. It does not cover an appeal of the remand order, which is to be dealt with in the appellate court. It does not concern correcting the remand order, which did - in fact - have errors. And it does not involve motions or arguments in the court to which the case was remanded.

The only action that might be relevant to this motion is the application to enforce the discharge injunction and for a temporary restraining order due to the discharge injunction. (dkt. 24). This was filed on December 17, 2025 at

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3:34 p.m. and emailed to Plaintiff's Counsel that day. The Court denied it on December 18, 2025, at 10:56 a.m. (dkt. 25). The order stated:

"Given the Court's ruling on the legal status of discharge of post-petition rent, should there be (sic) further attempts by Mr. Ciaraulo to delay eviction by use of his previous bankruptcy discharge, the Court will reconsider the just award of fees and costs at that time."

Section 1447(c) does not apply to the motion for a TRO. It is not a remand, but a stand-alone motion to enforce the discharge. The motion for a TRO was clearly abusive. While I might award fees under an appropriate motion for sanctions, the present motion for fees is not brought under such a provision. As to the fees for filing the motion for a TRO, the order denying it was entered so quickly that no written response was filed with the court. I am not even sure that plaintiff incurred any fees for this, but this motion is not seeking any.

Anyway, I am not determining whether there are grounds for fees for all the actions in the bankruptcy court. But this motion has no basis in the law that it depends on 28 USC §1447(c). Therefore the motion will be denied without prejudice as discussed below.

It appears that it is time to review the entire action that has happened within the bankruptcy court in case the Plaintiff seeks fees as a sanction or on some basis other than 28 USC §1477(c).

First Mr. Ciaraulo had the court reopen his 2010 bankruptcy case (10-16948, dkt. 42, 44). He requested sanctions for violation of the discharge injunction as to Shellpoint Mortgage Servicing Co. seeking insurance proceeds for damages on a property that had nothing to do with KFT or the unlawful detainer action in his removal case.

Then he filed a motion to enforce the discharge injunction as to KFT (10-16948, dkt. 64) and a few weeks later (on 9/22/25) he filed this adversary proceeding to remove the state court eviction case (25-01062). The motion to enforce the discharge injunction as to KFT was denied on 11/4/25 (10-16948,

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dkt. 71), but the removal adversary proceeding went forward.

In the ruling denying the motion to enforce the discharge injunction, the court held:

"Mr. Ciaraulo seems to believe that a bankruptcy discharge relieves him of all post-petition obligations. This is incorrect. It only concerns prepetition ones. And this rental had no prepetition debts owing. There are no bankruptcy issues to be resolved. This court need not and will not decide whether the failure to pay rent is actionable by eviction."
(10-16948, dkt. 70).

This ruling was entered on 11/4/25 and was not appealed.

Nonetheless, Mr. Ciaraulo has continued to argue that the discharge injunction prevents eviction for failure to pay rent in 2025 and that such rent is discharged. The adversary proceeding has continued and on 11/4/25 (the same day as the ruling in the bankruptcy case made it clear that the bankruptcy discharge did not relieve Mr. Ciaraulo of post-petition rent), the court entered its order for remand in the adversary proceeding. An appeal was filed and is pending.

Since 11/4/25, the only matters that have been filed in this court are the three described above. As noted, only the motion for a TRO to enforce discharge (dkt. 24) deals with the claim that the post-petition rent has been discharged. So that is the only one that I might award fees for - if there is a proper motion under the correct legal provisions and if attorney fees were actually incurred for preparing a response (which was never filed).

Party Information

Debtor(s):

Nunzio Donato Ciaraulo

Represented By
Michael Jay Berger
Kevin Tang

Defendant(s):

Nunzio Donato Ciaraulo

Pro Se

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Movant(s):

KFT Properties, LLC

Represented By
Joshua Kopple

Plaintiff(s):

KFT Properties, LLC

Represented By
Joshua Kopple

Trustee(s):

David Keith Gottlieb (TR)

Pro Se