

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

Tuesday, November 4, 2025

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.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

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

Video/audio web address: <https://cacb.zoomgov.com/j/1606345310>

Meeting ID: 160 634 5310

Password: 335166

Telephone Conference Lines: 1 (669) 254-5252 or 1 (646) 828-7666

Meeting ID: 160 634 5310

Password: 335166

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

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

Tuesday, November 4, 2025

Hearing Room 302

10:00 AM

CONT...

Chapter

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 Motion for Remand Pursuant to 28 U.S.C. § 1447 and
For Award of Attorney's Fees Pursuant to 28 U.S.C. § 1447(c)

Docket 5

Tentative Ruling:

This is related to the motion to enforce the discharge injunction filed by Mr. Ciaraulo in the main bankruptcy case - 10-16948. The facts are the same. Based on that tentative ruling, the Court will remand the unlawful detainer case to the Superior Court.

The request for attorney fees and costs will not be granted at this time. The missed rent due to the delay caused by the remand will be handled as part of the Superior Court case. It is possible that the Superior Court will find grounds to award fees and costs.

Given the Court's ruling on the legal status of discharge of post-petition rent, should there be 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.

The Court will prepare the remand order, but KFT is to deal with the bankruptcy clerk's office to comply with 28 USC §1447(c): "A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case."

Party Information

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

Tuesday, November 4, 2025

Hearing Room 302

10:00 AM

CONT... Nunzio Donato Ciaraulo

Chapter 7

Debtor(s):

Nunzio Donato Ciaraulo

Represented By
Michael Jay Berger
Kevin Tang

Defendant(s):

Nunzio Donato Ciaraulo

Pro Se

Plaintiff(s):

KFT Properties, LLC

Represented By
Joshua Kopple

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

1:10-16948 Nunzio Donato Ciaraulo

Chapter 7

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

#2.00 Order To Show Cause Why This Removed Unlawful Detainer
Case Should Not Be Remanded To The Los Angeles Superior
Court (case number 25STUD07793) And Dismissed

advanced fr. 11/18/25

Docket 2

Tentative Ruling:

See calendar #1.

Party Information

Debtor(s):

Nunzio Donato Ciaraulo

Represented By
Michael Jay Berger
Kevin Tang

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

Tuesday, November 4, 2025

Hearing Room 302

10:00 AM

CONT... Nunzio Donato Ciaraulo

Chapter 7

Defendant(s):

Nunzio Donato Ciaraulo Pro Se

Plaintiff(s):

KFT Properties, LLC Pro Se

Trustee(s):

David Keith Gottlieb (TR) Pro Se

1:10-16948 Nunzio Donato Ciaraulo

Chapter 7

**#3.00 Debtor's Motion to Enforce Discharge Injunction as to Post-Financial
Obligations Under Pre-Petition Lease and For Sanctions**

advanced fr. 11/18/25

Docket 64

Tentative Ruling:

On June 9, 2010, Mr. Ciaraulo filed his petition under chapter 7. He received a discharge on September 10, 2010. At the time of the filing of this bankruptcy case, he lived at 14545 Margate St., Van Nuys, but his mailing address was 1520 N. Hayward Ave, #11, Los Angeles. [Doc. #1] In his schedule G, he showed a month-to-month lease for commercial space located at 1520 N. Hayworth Ave., Apr. 11, Los Angeles for \$1,893. The landlord was listed as Kopple Family Trust, 212 26th St., Suite 286, Santa Monica, CA. [Doc. #11]. Kopple Family Trust is not listed as a creditor. In this motion, Mr. Ciaraulo asserts that the lease was rejected because it was not assumed.

On July 22, 2025, KFT Properties, LLC filed an unlawful detainer complaint in the Los Angeles Superior Cour (Case # 25STUD07793) seeking \$16,079.46 in unpaid rent for the period from January 2025 to July 2025. Mr. Ciaraulo claims that these charges arise under the pre-petition lease and are therefore discharged obligations.

The opposition seems to believe that this is a residential situation, but

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

Tuesday, November 4, 2025

Hearing Room 302

10:00 AM

CONT... Nunzio Donato Ciaraulo

Chapter 7

cites to some commercial lease cases. In fact, this is a commercial lease as noted by the petition. But that is not really relevant. The key factor is that this is a month-to-month lease, beginning on August 15, 2026 and ending on August 14, 2007. Under the terms of the lease, paragraph 26(d), a holdover without the owner's consent is a trespass, but a holdover with the owner's written consent "unless otherwise agreed, shall be a month-to-month tenancy subject to all covenants and conditions of the Lease. A thirty day notice from Renter is required to terminate any such holdover tenancy."

It appears that in this case KFT has been agreeing to the continuation of this month-to-month tenancy each time that it accepted rent payments - thus through 2024. But unless there is a written agreement to the contrary, when Mr. Ciaraulo failed to make his January 2025 payment, the lease terminated. This is a question of state law, not of bankruptcy law.

Upon rejection of the lease, it was no longer property of the bankruptcy estate. Upon discharge, any prepetition rent owing was discharged (here there was no prepetition rent owing). But this does not excuse post-petition action under the lease or under California law as to the failure to pay post-petition rent or the decision by the landlord to no longer extend the month-to-month term of the lease.

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.

Deny the motion to enforce the discharge injunction as to post-petition obligations concerning the rental at 1520 N. Hayward Ave, #11, Los Angeles.

Upon the termination of the appeal period, this case will be closed.

Party Information

Debtor(s):

Nunzio Donato Ciaraulo

Represented By
Michael Jay Berger
Kevin Tang

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

Tuesday, November 4, 2025

Hearing Room 302

10:00 AM

CONT... Nunzio Donato Ciaraulo

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se