

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Martin R. Barash, Presiding  
Courtroom 303 Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 303**

10:00 AM

1: -

**Chapter**

**#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.**

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

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

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**Video/audio web address: <https://cacb.zoomgov.com/j/1614051806>**

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**Judge Barash 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 screen name, or by advising the judge or courtroom deputy.**

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10:00 AM  
**CONT...**

**Chapter**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
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Courtroom 303 Calendar**

**Tuesday, January 10, 2023**

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10:00 AM

**1:19-10125 Debra Jean Beach and Andrew Goodman**

**Chapter 13**

**#1.00** Motion for relief from stay [RP]

U.S. BANK TRUST NATIONAL ASSOCIATION

fr. 11/2/22(stip); 11/30/22

**Stip to continue filed 1/6/23**

Docket 91

**\*\*\* VACATED \*\*\* REASON: Hearing continued to 2/21/23 at 10:00 AM  
per order entered 1/9/23.**

**Tentative Ruling:**

**Ruling on 11/30/22:**

Continue to January 10, 2023 at 10:00 a.m. for parties to draft apo.Movant fo file notice of continued hearing.

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

**Debtor(s):**

Debra Jean Beach

Represented By  
Larry D Simons

**Joint Debtor(s):**

Andrew Goodman

Represented By  
Larry D Simons

**Movant(s):**

U.S. Bank Trust National

Represented By  
Kelli M Brown

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Hearing Room 303

10:00 AM

1:19-10457 Gerardo Melendez and Maribel Melendez

Chapter 13

#2.00 Motion for relief from stay [RP]

WELLS FARGO BANK NA

fr. 9/7/22(stip); 10/4/22(stip); 11/2/22(stip); 11/30/22(stip)

Docket 112

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 1/3/23

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerardo Melendez

Represented By  
Shai S Oved

**Joint Debtor(s):**

Maribel Melendez

Represented By  
Shai S Oved

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Nancy L Lee  
Gwendolyn C McClain  
Melissa A Anderson - INACTIVE -  
Sherry Crouell  
Tavon Taylor

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 10, 2023**

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10:00 AM

**1:19-12968 Kevin Frederick Montague**

**Chapter 13**

**#3.00 Motion for relief from stay [RP]**

HSBC BANK USA

fr. 11/30/22

Docket 42

**\*\*\* VACATED \*\*\* REASON: Order approving stipulation for adequate protection ent. 12/23/22**

**Tentative Ruling:**

**Ruling on 11/30/22:**

Continue to January 10, 2023 at 10:00 a.m. for parties to enter apo.

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

**Debtor(s):**

Kevin Frederick Montague

Represented By  
Scott Kosner

**Movant(s):**

HSBC Bank USA,

Represented By  
Sean C Ferry  
Eric P Enciso  
Fanny Zhang Wan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Tuesday, January 10, 2023

Hearing Room 303

10:00 AM

1:21-11314 Rolando M Rodriguez

Chapter 13

#4.00 Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION

fr. 11/30/22

Docket 62

**\*\*\* VACATED \*\*\* REASON: Order approving stipulation for adequate protection ent. 12/23/22**

**Tentative Ruling:**

**Ruling on 11/30/22:**

Continue to 1/10/22 at 10 a.m. to allow parties to enter apo.

**Tentative Ruling for November 30, 2022**

Grant. No opposition filed; **appearances waived**. The moving party shall lodge a conforming order no later than December 7, 2022.

**Party Information**

**Debtor(s):**

Rolando M Rodriguez

Represented By  
Nathan A Berneman

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Joseph C Delmotte  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Martin R. Barash, Presiding  
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Tuesday, January 10, 2023

Hearing Room 303

10:00 AM

1:21-11414 Lecia Kay Westerman

Chapter 13

#5.00 Motion for relief from stay [RP]

HSBC BANK USA, NA

fr. 11/30/22

Docket 70

**\*\*\* VACATED \*\*\* REASON: Order approving stipulation for adequate protection ent. 12/23/22**

**Tentative Ruling:**

**Ruling on 11/30/22:**

Continue to 1/10/23 at 10:00 a.m. for parties to enter apo.

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

**Debtor(s):**

Lecia Kay Westerman

Represented By  
Kevin T Simon

**Movant(s):**

HSBC Bank USA, National

Represented By  
Fanny Zhang Wan  
Sean C Ferry  
Theron S Covey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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10:00 AM

**1:22-10554 Farhad Farhadian and Michele Tran-Farhadian**

**Chapter 7**

**#6.00** Motion for relief from stay [PP]

NISSAN INFINITI LT

fr. 11/30/22

Docket 39

**Tentative Ruling:**

**Ruling for November 30, 2022**

Continue to 1/10/23 at 10:00 am. Parties entering stipulation.

**Party Information**

**Debtor(s):**

Farhad Farhadian

Represented By  
Kevin T Simon  
David B Lally

**Joint Debtor(s):**

Michele Tran-Farhadian

Represented By  
Kevin T Simon  
David B Lally

**Movant(s):**

Nissan Infiniti, LT, as serviced by

Represented By  
Austin P Nagel

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



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**Tuesday, January 10, 2023**

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10:00 AM

**1:22-10622 Gloria Janeth Orellana**

**Chapter 13**

**#7.00** Motion for relief from stay [AN]

DOMINGO ROGELIO ORTIZ

fr. 11/30/22

**Stipulation for relief filed 12/3/22**

Docket 40

**Tentative Ruling:**

**Tentative Ruling for January 10, 2023**

**Appearances by counsel for Mr. Ortiz and Ms. Orellano required.**

The order lodged on December 19, 2022, is inadequate as it fails to address the issues raised by the Court at hearings on November 9, 2022 and November 30, 2022. Based on the representation of counsel for Mr. Ortiz that the Family Court had not entered a property division order prior to the Petition Date of May 24, 2022, the Court will enter an order lifting the automatic stay which states:

- The automatic stay is lifted to allow the trial to proceed in Family Court to final judgment (including any appeals) in accordance with nonbankruptcy law subject to the conditions below;
- The automatic stay is lifted (to the extent it applies) to allow the Family Court to enter orders and judgments:
  - Characterizing marital property and marital liabilities;
  - Adjudicating the amount of any claims Mr. Ortiz and Ms. Orellana have against each other;
  - Determining domestic support obligations;
  - Dissolving the marriage; and
  - Determining child custody or visitation.
- The automatic stay is not lifted to:
  - Divide or allocate community property or the separate property of Ms. Orellana as the Family Court lacks jurisdiction over the community property (and Ms. Orellana's separate property) to divide

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**Gloria Janeth Orellana**

**Chapter 13**

it, allocate it, or enter orders regarding possession or liquidation of it. *In re Mantle*, 153 F.3d 1082, 1085 (9th Cir. 1998) ("[A]ll community property not yet divided by a state court at the time of the bankruptcy filing is property of the bankruptcy estate"); *In re Keller*, 185 B.R. 796, 799-800 (BAP 9th Cir. 1995) ("When a bankruptcy petition is filed prior to the final disposition of property between divorcing spouses, the community property comes within the jurisdiction of the bankruptcy court to assure fairness to the creditors of the individual spouses and the marital estate. Where the bankruptcy court has exclusive jurisdiction over its distribution, division of property by the state court is precluded"); and

- Enter orders regarding the possession or liquidation of community property or the separate property of Ms. Orellana.
- Mr. Ortiz is permitted to enforce a final judgment only against Ms. Orellana as to property or earnings that are not property of this bankruptcy estate.
- The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

The parties' stipulation filed on December 3, 2022, states that "resolution of the Family Court Case will bear on the claim to be paid by the Debtor in her Chapter 13 plan and may also resolve the issues in the related adversary proceeding filed in this bankruptcy court by [Mr. Ortiz] against the Debtor (1:22-ap-01053-MB) . . ." Case Dkt. 60 at 2. Mr. Ortiz' adversary complaint asserts claims against Ms. Orellana under §§523(a)(4) and 523(a)(5). Is it the parties intention that the Family Court resolve the §§523(a)(4) and 523(a)(5) claims? The Family Court has concurrent jurisdiction to adjudicate claims under §523(a)(5) but this Court has exclusive jurisdiction to adjudicate claims under §523(a)(4):

Exceptions to discharge under § 523 fall into two major categories: debts over which the bankruptcy court has exclusive jurisdiction to determine dischargeability, and those that it does not. See 11 U.S.C. § 523(c).

Bankruptcy courts have exclusive jurisdiction to determine dischargeability of debts under § 523(a)(2) (fraud or deception); (a)(4) (fiduciary fraud, embezzlement, or larceny); and (a)(6) (willful and malicious injury to person or property). *Id.*; see *In re*

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CONT...

**Gloria Janeth Orellana**

**Chapter 13**

*Aldrich*, 34 B.R. at 781 (explaining that claims that debts are nondischargeable under § 523(a)(2), (4) and (6) "may not be pursued in the state court as a result of the exclusive jurisdiction granted to the bankruptcy court by the bankruptcy code"); *see also Grogan v. Garner*, 498 U.S. 279, 284 n. 10, 111 S.Ct. 654, 112 L.Ed.2d 755 (1991) ("The 1970 amendments took jurisdiction over certain dischargeability exceptions, including the exceptions for fraud, away from the state courts and vested jurisdiction exclusively in the bankruptcy courts.") (citations omitted). With respect to all other subsections of § 523(a), bankruptcy courts have concurrent rather than exclusive jurisdiction to determine whether a debt is excepted from discharge. *In re Aldrich*, 34 B.R. at 780.

*In re Eber*, 687 F.3d 1123, 1128 (9th Cir. 2012). The parties should be prepared at the hearing to clarify whether they are stipulating to the Family Court adjudicating the §523(a)(5) cause of action or whether they are stipulating only to the Family Court determining whether Ms. Orellana is liable to Mr. Ortiz for breach of fiduciary duty (and if so, the amount of any damages) and whether any of Ms. Orellana's obligations to Mr. Ortiz are domestic support obligations under California law, with all nondischargeability determinations to be made by this Court.

**Ruling on 11/30/22:**

Continue to 1/10/23 at 10:00 a.m. Parties have entered a stipulation. Counsel Iwuchuku ordered to appear at hearing.

**Party Information**

**Debtor(s):**

Gloria Janeth Orellana

Represented By  
Donald E Iwuchuku

**Movant(s):**

Domingo Rogelio Ortiz

Pro Se

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10:00 AM

**CONT... Gloria Janeth Orellana**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:22-10954 Chinecherem Eze LLC**

**Chapter 11**

**#8.00** Status conference re: Motion for relief from stay [RP]

HERMOSA FINANCIAL SERVICE  
MANAGEMENT LLC

fr. 12/14/22

Docket 32

**\*\*\* VACATED \*\*\* REASON: Will be heard today at 1:30 pm**

**Tentative Ruling:**

**Ruling on 12/14/22**

Continue to 1/10/23 for a status conference. Parties are thinking about a neutral appraiser to value the property. If unable to come to agreement, court may hold an in-person evidentiary hearing on value of property. Dispute over who is in first position. Mr. Pena is not a party to the motion and the Court's findings will not be res judicata to his client. Mr. Pena will do research and see whether he needs to intervene in the motion.

**Party Information**

**Debtor(s):**

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Onyinye N Anyama

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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**1:22-10954 Chinecherem Eze LLC**

**Chapter 11**

**#9.00** Motion for relief from stay [PP]

TD BANK, N.A.

Docket 35

**\*\*\* VACATED \*\*\* REASON: Will be heard today at 1:30 pm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Onyinye N Anyama

**Movant(s):**

TD Bank, N.A. successor in interest

Represented By  
Randall P Mroczynski

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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10:00 AM

**1:22-11383 Hongsang Ahn**

**Chapter 7**

**#10.00** Motion for relief from stay [PP]

HYUNDAI CAPITAL AMERICA dba KIA MOTORS

Docket 9

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hongsang Ahn

Represented By  
Jaenam J Coe

**Movant(s):**

Hyundai Capital America d/b/a Kia

Represented By  
Sheryl K Ith

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 10, 2023**

**Hearing Room 303**

11:00 AM

**1:22-10070 Demar Construction Inc**

**Chapter 7**

**#11.00** Trustee's Final Report and Hearing on  
Applications for Compensation

DIANE C WEIL, CHAPTER 7 TRUSTEE

Docket 17

**Tentative Ruling:**

**Tentative Ruling for January 10, 2023**

Approve requested fees and expenses, and authorize proposed payments. No objections filed. The trustee shall lodge a conforming order no later than January 17, 2023. **Appearances waived.**

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

**Debtor(s):**

Demar Construction Inc

Represented By  
Sydell B Connor

**Trustee(s):**

Diane C Weil (TR)

Pro Se



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**Tuesday, January 10, 2023**

**Hearing Room 303**

11:00 AM

**1:22-10511 Jose Sanchez**

**Chapter 7**

**#11.01 Motion to Avoid Judicial Lien**

fr. 8/24/22; 8/31/22; 12/7/22(court's own mtn); 1/3/23

Docket 10

**Tentative Ruling:**

**Ruling for 1/3/23**

Continue to 1/10/23 at 11:00 am. Plaintiff states that a settlement was in place but has not heard from Mr. Burton since November. Mr. Burton did not appear.

**Ruling for August 31, 2022**

Continued to 12/7/22 at 1:30 p.m. to trail the adversary proceeding status conference.

**Ruling for August 24, 2022**

Continued to 8/31/22 at 1:30 p.m. to trail the adversary proceeding *Ascension v. Sanchez*.

**Party Information**

**Debtor(s):**

Jose Sanchez

Represented By  
Nathan A Berneman

**Movant(s):**

Jose Sanchez

Represented By  
Nathan A Berneman

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 10, 2023**

**Hearing Room 303**

11:00 AM

**1:22-10511 Jose Sanchez**

**Chapter 7**

Adv#: 1:22-01023 Ascencion v. Sanchez

**#11.02 Status conference**

fr. 8/31/22; 12/7/22(court's own mtn); 1/3/23

Docket 1

**Tentative Ruling:**

**Ruling for 1/3/23**

Continue to 1/10/23 at 11:00 am. Plaintiff states that a settlement was in place but has not heard from Mr. Burton since November. Mr. Burton did not appear.

**Ruling for August 31, 2022**

Deadline for Plaintiff to amend her complaint is 10/31/22. The deadline for the Dtr to respond to any amended complaint is governed by FRCivP 15(a).

Continue the status conference to 12/7/22 at 1:30 p.m. The parties to file a joint status report by 11/30/22.

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

**Debtor(s):**

Jose Sanchez

Represented By  
Nathan A Berneman

**Defendant(s):**

Jose Sanchez

Pro Se

**Plaintiff(s):**

Patricia Ascencion

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 10, 2023**

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1:30 PM

**1:19-12261 Ilda Eduwiges Alvarez**

**Chapter 11**

**#12.00** Second And Final Fee Application For Compensation  
for Law Offices of Lionel E. Giron, Debtor's Attorney

Period: 4/8/2020 to 12/9/2022

Fees: \$29,732.50, Expenses: \$284.80

Docket 167

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ilda Eduwiges Alvarez

Represented By  
Lionel E Giron  
Joanne P. Sanchez

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Tuesday, January 10, 2023

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1:30 PM

**1:20-11233 Super Calidad Auto Sales, Inc.**

**Chapter 7**

Adv#: 1:22-01033 Seror v. Espino et al

**#13.00** Status conference

fr. 9/14/22; 11/16/22(stip)

**Stip to continue filed 1/5/23**

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order approving stip entered. Hearing is continued to 3/28/23 at 1:30 PM.**

**Tentative Ruling:**

**Ruling for September 14, 2022**

Continued to 11/16/22 @ 1:30 p.m. Parties to file joint status report by 11/9/22; if the parties believe they need more time to discuss resolution before Rule 16 deadlines are set, the status report may be a brief one-page statement. If disputes remain to be litigation, the parties should file the usual joint status report.

**Party Information**

**Debtor(s):**

Super Calidad Auto Sales, Inc.

Represented By  
Louis J Esbin

**Defendant(s):**

Cipriano Espino

Pro Se

Super Calidad Auto Sales, Inc., a

Pro Se

Hal Berman

Pro Se

B Berman Car Company, Inc., a

Pro Se

**Plaintiff(s):**

David Seror

Represented By  
Steven T Gubner  
Ryan Coy

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1:30 PM

**CONT... Super Calidad Auto Sales, Inc.**

**Chapter 7**

Jason B Komorsky

**Trustee(s):**

David Seror (TR)

Pro Se

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1:30 PM

**1:22-10954 Chinecherem Eze LLC**

**Chapter 11**

**#14.00 Debtor's Objection to Claim Number 2  
by Claimant Anthony Moultrie**

Docket 38

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Onyinye N Anyama

**Movant(s):**

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Gary S Saunders  
Gary S Saunders  
Gary S Saunders  
Gary S Saunders  
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**CONT... Chinecherem Eze LLC**

**Chapter 11**

Onyinye N Anyama  
Onyinye N Anyama  
Onyinye N Anyama  
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Onyinye N Anyama  
Onyinye N Anyama

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se

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1:30 PM

**1:22-10954 Chinecherem Eze LLC**

**Chapter 11**

**#15.00** Status conference re: Motion for relief from stay [RP]

HERMOSA FINANCIAL SERVICE  
MANAGEMENT LLC

fr. 12/14/22

Docket 32

**Tentative Ruling:**

**Ruling on 12/14/22**

Continue to 1/10/23 for a status conference. Parties are thinking about a neutral appraiser to value the property. If unable to come to agreement, court may hold an in-person evidentiary hearing on value of property. Dispute over who is in first position. Mr. Pena is not a party to the motion and the Court's findings will not be res judicata to his client. Mr. Pena will do research and see whether he needs to intervene in the motion.

**Party Information**

**Debtor(s):**

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Onyinye N Anyama

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se



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1:30 PM

**1:22-10954 Chinecherem Eze LLC**

**Chapter 11**

**#16.00** Motion for relief from stay [PP]

TD BANK, N.A.

Docket 35

**Tentative Ruling:**

- NONE LISTED -

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

Chinecherem Eze LLC

Represented By  
Gary S Saunders  
Onyinye N Anyama

**Movant(s):**

TD Bank, N.A. successor in interest

Represented By  
Randall P Mroczynski

**Trustee(s):**

John-Patrick McGinnis Fritz (TR)

Pro Se