

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room 6C

10:30 AM

8:22-11781 Ronald Love

Chapter 13

#1.00 CONT. Confirmation of Chapter 13 Plan

From: 1/5/23, 2/16/23, 3/30/23, 5/11/23, 7/20/23, 9/28/23, 10/19/23, 11/30/23

EH__

[Tele. appr. Eric Mitnick, rep. creditor, Wheatstrong Enterprises]

Docket 116

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Love

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11171 Alexander George Schulga

Chapter 13

#2.00 CONT. Confirmation of Chapter 13 Plan

From: 8/31/23, 9/28/23, 10/19/23, 11/30/23

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander George Schulga

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11438 Burt Randy Weissman and Mary Candice Weissman

Chapter 13

#3.00 CONT. Confirmation of Chapter 13 Plan

From: 9/28/23, 10/19/23, 11/30/23

EH__

[Tele. appr. Brian Soo-Hoo, rep. Debtors]

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Burt Randy Weissman

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Mary Candice Weissman

Represented By
Brian J Soo-Hoo

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11556 Steve Martinez

Chapter 13

#4.00 CONT. Confirmation of Chapter 13 Plan

From: 10/20/23, 11/30/23

EH__

[Tele. appr. Mina Tran, rep. Debtor]

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Martinez

Represented By
A Mina Tran

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11733 Sharon Kay Lee

Chapter 13

#5.00 CONT. Confirmation of Chapter 13 Plan

Also #6

From: 10/26/23, 12/7/23

EH__

[Tele. appr. Christopher Cantore, rep. Debtor]

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon Kay Lee

Represented By

Leon D Bayer

Christopher D Cantore

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11733 Sharon Kay Lee

Chapter 13

#6.00 CONT. Motion re Objection to Debtor's Claims of Exemption
(Motion filed 11/27/23)

Also #5

From: 12/14/23

EH__

[Tele. appr. Christopher Cantore, rep. Debtor]

Docket 23

Tentative Ruling:

12/14/2023

BACKGROUND

On August 25, 2023, Sharon Lee ("Debtor") filed a Chapter 13 voluntary petition. On Schedule B, Debtor listed three annuities with an aggregate value of \$148,875. On Schedule C, Debtor claimed these annuities fully exempt under CAL. CIV. PROC. CODE § 704.115.

On November 27, 2023, Trustee objected to the claimed exemptions in the annuity. Trustee appears to question whether the annuities are used for Debtor's reasonable support or whether they are used for family members. Trustee also appears to question whether § 704.115(f) applies --- although Trustee's specific argument is less than clear.

**United States Bankruptcy Court
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CONT... Sharon Kay Lee

Chapter 13

On December 4, 2023, Debtor filed her response. Debtor asserts that the accounts were funded directly from her and her spouse's 401(k). Debtor additionally contends that the annuities are necessary for her support because she is a widowed 66 year old living off social security.

DISCUSSION

As a preliminary matter, FED. R. BANKR. P. Rule 4003(c) provides: "[T]he objecting party has the burden of proving that the exemptions are not properly claimed." As such, Trustee has the burden at this hearing.

When --- as is the case here --- the trustee has not met their burden in objecting to certain claimed exemptions but there has also been a delay by the debtor in submitting documentation necessary for a thorough analysis of the material issues, then the Court deems a continuance of the matter to be appropriate.

TENTATIVE RULING

Debtor to update the Court as to efforts to obtained the documentation requested by Trustee.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sharon Kay Lee

Represented By

Leon D Bayer

Christopher D Cantore

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

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6C

10:30 AM

CONT... Sharon Kay Lee

Chapter 13

Movant(s):

Amrane (SA) Cohen (TR)

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11752 Stephen M Pantalemon

Chapter 13

#7.00 CONT. Confirmation of Chapter 13 Plan

From: 11/9/23, 11/30/23

EH__

[Tele. appr. Darlene Vigil, rep. secured creditor, Wilmington Trust, National Association]

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen M Pantalemon

Represented By
Joshua Sternberg

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11847 Scott D. Callison

Chapter 13

#8.00 CONT. Confirmation of Chapter 13 Plan

From: 11/30/23

EH__

[Tele. appr. JaVonne Phillips, rep. creditor, MidFirst Bank]

[Tele. appr. Fritz Firman, rep. Debtor]

[Tele. appr. Brian Hoops, rep. creditor, Theodora Parnavelas]

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott D. Callison

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

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6C

10:30 AM

8:23-11857 Sid L Amameda and April J Martinez

Chapter 13

#9.00 CONT. Confirmation of Chapter 13 Plan

From; 11/30/23

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sid L Amameda

Represented By
Julie J Villalobos

Joint Debtor(s):

April J Martinez

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11972 Jason John Rothbard

Chapter 13

#10.00 CONT. Confirmation of Chapter 13 Plan

From: 12/7/23

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason John Rothbard

Represented By
Kevin Tang

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12038 Timothy Kyungmin Pyon

Chapter 13

#11.00 CONT. Confirmation of Chapter 13 Plan

From: 12/7/23

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Kyungmin Pyon

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12128 Diane Margaret Love

Chapter 13

#12.00 CONT. Confirmation of Chapter 13 Plan

From: 12/14/23

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diane Margaret Love

Represented By
Michael E Clark

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12143 Robyn Lynn Travis

Chapter 13

#13.00 CONT. Confirmation of Chapter 13 Plan

From: 12/14/23

EH__

[Tele. appr. Sheryl lth, rep. creditor, CarMax Business Services LLC]

[Tele. appr. Rex Tran, rep. Debtor]

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robyn Lynn Travis

Represented By
Rex Tran

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12167 Jaime Jose Quintana Pinillos

Chapter 13

#14.00 CONT. Confirmation of Chapter 13 Plan

From: 12/14/23

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Jose Quintana Pinillos

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-10113 Darlene Futrel

Chapter 13

#15.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or
suspend plan payments
(Motion filed 12/5/23)

EH__

Docket 62

***** VACATED *** REASON: CASE DISMISSED 12/14/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlene Futrel

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-11462 Richard Garcia

Chapter 13

#16.00 Motion For Sanctions for Violation of the Automatic Stay
(Motion filed 12/20/23)

EH__

**[Tele. appr. David Prince, rep. interested party, Stephen Edwards, Trustee
of the Stephen Edwards Trust]**

[Tele. appr. Andrew Bison, rep. Debtor]

Docket 104

Tentative Ruling:

1/11/2024

TENTATIVE RULING

Having reviewed the docket at length, it appears Debtor had a prior case, 8:23-bk-11462, dismissed within one year of the filing of this case. As such, not having timely sought to continue the stay pursuant to §362(c)(3), it appears there is no stay in this case, by the latest, as of September 20, 2023 (30 days after petition date not including days in which the case was dismissed). As such, there being apparently no stay in place during the time complained of in the motion, as a preliminary matter it appears there can be, by definition, no stay violation. On this basis, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

CONT... Richard Garcia

Chapter 13

Debtor(s):

Richard Garcia

Represented By
Andrew S Bisom

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12122 Danny Morris

Chapter 13

#17.00 Motion Objecting to Claim of Exemption
(Motion filed 12/13/23)

EH__

Docket 20

Tentative Ruling:

1/11/2024

BACKGROUND

On October 15, 2023, Danny Morris ("Debtor") filed a Chapter 13 voluntary petition. On October 30, 2023, Debtor filed his schedules. On Schedule B, Debtor listed "Morris v. Allegiant Air" and valued the claim at \$5,000,000 (the "Action"). On Schedule C, Debtor exempted the Action in its entirety pursuant to CAL. CODE CIV. P § 704.140.

On December 13, 2023, Trustee objected to the claimed exemption in the Action. Trustee's objection notes that the objection is rather vague. Specifically, Trustee notes that: (1) the cause of action may be exempted in its entirety if it is for personal injury; and (2) the proceeds can only be exempted to the "extent necessary for the support of the judgment debtor and the spouse and dependents."

DISCUSSION

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 11, 2024

Hearing Room 6C

10:30 AM

CONT... Danny Morris

Chapter 13

As a preliminary matter, FED. R. BANKR. P. Rule 4003(c) provides: "[T]he objecting party has the burden of proving that the exemptions are not properly claimed." As such, Trustee has the burden at this hearing.

When --- as is the case here --- the trustee does not appear to have met its burden in objecting to certain claimed exemptions but Debtor has not submitted documentation necessary for a thorough analysis of the material issues, then the Court deems a continuance of the matter to be appropriate.

The Court considers Schedule B to be sufficiently clear that the exemption in the Action relates to a cause of action rather than proceeds. If Debtor were to obtain proceeds, this would have to be separately exempted in an amended Schedule C.

If Debtor amends his schedules to assert an exemption in proceeds, it appears an objection at that time may be appropriate.

On that basis, the Court inclined to DENY the objection without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Danny Morris

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12189 Neena Ram Singh Mehta

Chapter 13

#18.00 Trustee's Objection to Debtor's Homestead Exemption
(Motion filed 12/14/23)

Also #19

EH__

[Tele. appr. Russ Strong, rep. Debtor]

[Tele. appr. Todd Curry, rep. creditor WVJP 2014-4 LP]

Docket 22

Tentative Ruling:

1/11/2024

BACKGROUND

On October 24, 2023, Neena Mehta ("Debtor") filed a Chapter 13 voluntary petition. On the voluntary petition, Debtor stated that she lived at 5540 Stratford Cir., Buena Park, CA 90621 (the "Buena Park Property"); Debtor listed her mailing address as 12227 Iron Stone Dr., Rancho Cucamonga, CA 91739 ("Rancho Cucamonga Property"). On Schedule C, Debtor exempted the Rancho Cucamonga Property in the amount of \$678,391.

On December 13, 2023, Trustee objected to the claimed homestead exemption. Trustee notes that the petition indicated that Debtor did not live at the Rancho Cucamonga Property. Trustee further noted that the amount of the exemption claim exceeded the statutory limit.

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

CONT... Neena Ram Singh Mehta

Chapter 13

On December 21, 2023, WVJP 2021-4, LP filed a joinder to Trustee's objection.

DISCUSSION

As a preliminary matter, FED. R. BANKR. P. Rule 4003(c) provides: "[T]he objecting party has the burden of proving that the exemptions are not properly claimed." As such, Trustee has the burden at this hearing.

Here, noting that Debtor indicated on the voluntary petition that she lived at the Buena Park Property, and noting that Debtor did not oppose the objection, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h),

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW the homestead exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Neena Ram Singh Mehta

Represented By
Matthew D. Resnik

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

CONT... Neena Ram Singh Mehta

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:23-12189 Neena Ram Singh Mehta

Chapter 13

#19.00 Secured Creditor's Objection to Debtor's Claim of Homestead Exemption,
Including Joinder to chapter 13 Trustee's Objections
(Filed 12/21/23)

EH__

[Tele. appr. Russ Strong, rep. Debtor]

[Tele. appr. Todd Curry, rep. creditor WVJP 2014-4 LP]

Docket 25

Tentative Ruling:

1/11/2024

BACKGROUND

On October 24, 2023, Neena Mehta ("Debtor") filed a Chapter 13 voluntary petition. On the voluntary petition, Debtor stated that she lived at 5540 Stratford Cir., Buena Park, CA 90621 (the "Buena Park Property"); Debtor listed her mailing address as 12227 Iron Stone Dr., Rancho Cucamonga, CA 91739 ("Rancho Cucamonga Property"). On Schedule C, Debtor exempted the Rancho Cucamonga Property in the amount of \$678,391.

On December 13, 2023, Trustee objected to the claimed homestead exemption. Trustee notes that the petition indicated that Debtor did not live at the Rancho Cucamonga Property. Trustee further noted that the amount of the exemption claim exceeded the statutory limit.

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

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6C

10:30 AM

CONT... Neena Ram Singh Mehta

Chapter 13

On December 21, 2023, WVJP 2021-4, LP filed a joinder to Trustee's objection.

DISCUSSION

As a preliminary matter, FED. R. BANKR. P. Rule 4003(c) provides: "[T]he objecting party has the burden of proving that the exemptions are not properly claimed." As such, Trustee has the burden at this hearing.

Here, noting that Debtor indicated on the voluntary petition that she lived at the Buena Park Property, and noting that Debtor did not oppose the objection, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h),

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW the homestead exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Neena Ram Singh Mehta

Represented By
Matthew D. Resnik

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

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6C

10:30 AM

CONT...

Neena Ram Singh Mehta

Chapter 13

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:19-10440 Stephen B Fuller and Renee M Fuller

Chapter 13

#19.10 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or
suspend plan payments
(Motion filed 11/28/23)

[Placed on calendar by order entered 1/2/24]

EH__

Docket 241

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen B Fuller

Represented By
Richard G. Heston

Joint Debtor(s):

Renee M Fuller

Represented By
Richard G. Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:19-10483 Emil Peter Joros

Chapter 13

#20.00 Trustee's Motion to Dismiss Case failure to make plan payments

EH__

Docket 114

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emil Peter Joros

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:19-11357 John T. Bishop

Chapter 13

#21.00 Trustee's Motion to Dismiss Case failure to make plan payments

EH__

[Tele. appr. Fritz Firman, rep. Debtor]

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John T. Bishop

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:19-13722 Lester Franklin Stevens, Jr. and Nancy Ashley Stevens

Chapter 13

#22.00 CONT. Trustee's Motion to Dismiss Case failure to make plan payments

Also #22.10

From: 11/9/23, 12/7/23

EH__

Docket 108

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 1/10/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester Franklin Stevens Jr.

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Nancy Ashley Stevens

Represented By
Jacqueline D Serrao

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:19-13722 Lester Franklin Stevens, Jr. and Nancy Ashley Stevens

Chapter 13

#22.10 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Notice of Motion and Proof of Service (Motion filed 11/9/23)

EH__

Docket 111

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 1/10/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester Franklin Stevens Jr.

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Nancy Ashley Stevens

Represented By
Jacqueline D Serrao

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

Hearing Room

6C

10:30 AM

8:20-10944 Patrick Lee Hawkins

Chapter 13

#23.00 Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision
(Motion filed 11/9/23)

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Lee Hawkins

Represented By
Daniel King

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#24.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2 Halsey Ave. Laguna Niguel, CA 92677
(Motion filed 10/19/23)

From: 11/9/23, 11/30/23

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

[Tele. appr. Theron Covey, rep. creditor, U.S. Bank National Association]

Docket 224

Tentative Ruling:

Having reviewed the motion, service being proper, good cause appearing, and subject to any opposition made at the hearing, the Court is inclined to:

- GRANT relief from stay pursuant to § 362(d)(1);
- GRANT waiver of Rule 4001(a)(3) stay;
- GRANT request under ¶¶ 2, 3;
- DENY request under ¶13 as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Julio Cesar Torres

Represented By
Anthony B Vigil

Joint Debtor(s):

Norma Giselle Torres

Represented By
Anthony B Vigil

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
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Thursday, January 11, 2024

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6C

11:30 AM

CONT... Julio Cesar Torres and Norma Giselle Torres

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:18-13334 Elena Alba

Chapter 13

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 921 South Lemon Street, Anaheim, CA 92805-5547 (Motion filed 12/21/23)

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

[Tele. appr. Darlene Vigil, rep. moving party, U.S. Bank National Association]

Docket 91

Tentative Ruling:

1/11/2024

Service: Proper

Opposition: None

Having reviewed the motion, service being proper, no opposition having been filed, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h) and § 362(g)(2), and good cause appearing, the Court is inclined to:

- GRANT relief from stay pursuant to § 362(d)(1);
- GRANT relief from § 1301(a) co-debtor stay;
- GRANT waiver of Rule 4001(a)(3) stay;
- GRANT requests under ¶¶ 2, 3, and 12;
- DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elena Alba

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

CONT...

Elena Alba

Chapter 13

R Grace Rodriguez

Bryn C Deb

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:23-10316 John Braddock and Parmena Del Rio

Chapter 13

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2022 MAZDA CX-30 2.5 S AWD (Motion filed 11/30/23)

MOVANT: TOYOTA LEASE TRUST

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/9/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Braddock

Represented By
Amanda G. Billyard

Joint Debtor(s):

Parmena Del Rio

Represented By
Amanda G. Billyard

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:23-10924 Elmer Morales

Chapter 13

#27.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2021 Honda Accord Sedan
(Motion filed 10/31/23)

From; 11/30/23

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 45

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 12/15/23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elmer Morales

Represented By
Sundee M Teeple

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:23-11387 Jesse Contreras and Andrea Contreras

Chapter 13

#28.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14792 Riata St, Midway City, CA 92655 (Motion filed 12/14/23)

MOVANT: PNC BANK, NATIONAL ASSOCIATION

EH__

[Tele. appr. Matthew Sanford, rep, moving party, PNC Bank National Association]

Docket 43

Tentative Ruling:

1/11/2024

Service: Proper

Opposition: Debtors

Movant to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jesse Contreras

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Andrea Contreras

Represented By
Christopher J Langley
Michael Smith

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

CONT... Jesse Contreras and Andrea Contreras

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

8:23-12724 Paul Jorge Motonaga

Chapter 13

#29.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate
(Motion filed 12/26/23)

MOVANT: PAUL MOTONAGA

EH__

Docket 9

Tentative Ruling:

1/11/2024

Service: Proper

Opposition: None

11 U.S.C. § 362(c)(4)(A)(i) provides that the automatic stay did not arise in this case because Debtor had two previous cases dismissed in the preceding 1-year period. Section 362(c)(4)(D) provides that the Court can extend the automatic stay if Debtor "demonstrates that the filing of the later case is in good faith as to the creditors to be stayed." Section 362(c)(4)(D)(i)(I) provides for a presumption of bad faith when there were 2 or more cases dismissed in the prior year. Section § 362(c)(4)(D) requires that a debtor rebut the presumption of bad faith "by clear and convincing evidence."

Here, the evidence submitted by Debtor does not satisfy the "clear and convincing" standard. As to the first case, there is no evidence Debtor actually paid the \$6,257 medical bill. Further, as to the second case, the attached declaration of Debtor states that: (1) "At the time my case as dismissed I was prepared to mail out my November plan payment"; and (2) "I was unaware that an online plan payment I made in September had been rejected." Debtor apparently, however, had made 6 or so payments successfully in his first case, and four payments successfully in his second case, so it is unclear how Debtor apparently lost the knowledge of how to make his plan payments.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, January 11, 2024

Hearing Room

6C

11:30 AM

CONT... Paul Jorge Motonaga

Chapter 13

Party Information

Debtor(s):

Paul Jorge Motonaga

Represented By
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se