

**United States Bankruptcy Court  
Central District of California  
Riverside  
Mark Houle, Presiding  
Courtroom 301 Calendar**

**Wednesday, February 12, 2025**

**Hearing Room 301**

10:00 AM

**6:24-16901 Albert Ivan Napitupulu**

**Chapter 7**

**#0.10** CONT. Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation re: 2020 Toyota Camry, in the amount of \$ 10,085.76

EH\_\_\_\_

From: 2/5/25

Docket 11

**Tentative Ruling:**

- NONE LISTED -

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

Albert Ivan Napitupulu

Represented By  
Caroline S Kim

**Trustee(s):**

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Courtroom 301 Calendar**

**Wednesday, February 12, 2025**

**Hearing Room 301**

11:00 AM

**6:23-11954 Robert Shaft and Denise Shaft**

**Chapter 7**

**#1.00 Notice of Trustee's Final Report and Applications for Compensation**

EH\_\_

**[Tele. appr. Arturo Cisneros, rep. Trustee]**

Docket 34

**Tentative Ruling:**

**2/12/2025**

Service: Proper  
Opposition: None

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee's Fees: \$ 3,150.00

Trustee's Expenses: \$ 48.80

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**Party Information**

**Debtor(s):**

Robert Shaft

Represented By  
Christopher Hewitt

**Joint Debtor(s):**

Denise Shaft

Represented By  
Christopher Hewitt

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Central District of California  
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11:00 AM

**CONT... Robert Shaft and Denise Shaft**

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, February 12, 2025**

**Hearing Room 301**

11:00 AM

**6:24-16170 Shaun W Solomon**

**Chapter 7**

**#2.00** Trustee's Motion to Dismiss Case with a Bar to Refiling or Alternatively, to Extend Dismissal and Discharge Deadlines

EH\_\_

**[Tele. appr. Everett L. Green, rep. U.S. Trustee]**

Docket 12

**Tentative Ruling:**

2/12/2025

**BACKGROUND:**

On October 15, 2024, Shaun Solomon ("Debtor") filed a voluntary Chapter 7 bankruptcy petition, with a deadline for objecting to discharge set for January 21, 2025. In Debtor's petition, Debtor lists Albert Knowles as an individual debtor used to prepare his petition, schedules, and case commencement documents.

On November 19, 2024, at the first meeting of creditors, the United States Trustee's office ("U.S. Trustee") questioned Debtor about the services Debtor received from Albert Knowles, the amount Debtor paid Albert Knowles, and the collection of the filing fee. U.S. Trustee asked Debtor to produce documents of the payments Debtor made to Albert Knowles, and the meeting of creditors was continued.

On January 21, 2025, U.S. Trustee filed this motion. U.S. Trustee alleges Debtor failed to provide the requested documents and failed to appear at the continued meeting of creditors on both December 17, 2024 and January 14, 2025. U.S. Trustee asks that this court dismiss this case for cause, with a 180-day bar to refiling for bankruptcy in any chapter without an order from this Court authorizing Debtor to refile within that period. Alternatively, if the Court does not grant U.S. Trustee's motion, U.S. Trustee asks that the Court issue an order extending the discharge deadline by 90 days to allow U.S. Trustee to complete further investigation, including formal discovery and a Rule 2004 examination.

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**CONT... Shaun W Solomon**

**Chapter 7**

**DISCUSSION:**

**I. DISMISSAL**

U.S. Trustee has asked that the Court dismiss this case for Debtor's failure to appear at the meeting of creditors. Per 11 U.S.C. § 707(a), courts may "dismiss a case under this chapter only after notice and a hearing and only for cause," including "unreasonable delay by the debtor that is prejudicial to creditors." In the Ninth Circuit, the types of conduct that constitute cause is a question of law, but the types of conduct enumerated in § 707(a) are not an exclusive list of what constitutes cause. *See In re Padilla*, 222 F.3d 1184, 1191 (9th Cir. 2000) (partially superseded by statute on other grounds, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. 109-8, 119 Stat. 23).

U.S. Trustee argues dismissal is appropriate because Debtor's refusal to attend his meeting of creditors suspends investigation of the case while discharge and dismissal deadlines continue to run, thus constituting an undue delay prejudicial to creditors. U.S. Trustee has cited 11 U.S.C. § 343. This statute requires that debtors "appear and submit to examination under oath at the meeting of creditors under section 341(a) of this title." The Central District of California's Local Bankruptcy Rule 1017-2(b), as U.S. Trustee also points out, states that the "failure of a chapter 7 debtor to appear at the initial meeting of creditors and any continuance thereof is cause for dismissal of the case."

Debtor did not appear at the continued meeting of creditors. Given the language of both 11 U.S.C. § 343 and Local Bankruptcy Rule 1017-2(b), and given Debtor's actions, there appears to be sufficient grounds to find cause to dismiss this case.

**II. BAR AGAINST REFILING**

U.S. Trustee argues that dismissal without a re-filing bar is insufficient because Debtor has not complied with his obligations under bankruptcy code, and thus requests the Court bar Debtor from re-filing for 180 days. In support, U.S. Trustee cites 11 U.S.C. § 349 and § 105(a).

According to § 349, unless a case is dismissed for cause, dismissal of a bankruptcy is generally without prejudice. Thus, when a court finds cause, the court has authority to

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**CONT... Shaun W Solomon**

**Chapter 7**

"sanction a debtor... by imposing a bar against refiling." *In re Mitchell*, 357, B.R. 142, 157 (Bankr. C.D. Cal. 2006) (internal quotation omitted). Similarly, § 105(a) grants the court the power to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." *See also In re Leavitt*, 171 F.3d at 1226 ("the issue of the length of the bar is a matter for the Court's discretion.").

Given that the Court has found cause to dismiss and given Debtor's repeated failure to comply or appear at the meeting of creditors, there likewise appears to be sufficient grounds for the Court to grant U.S. Trustee's request for a 180-day bar to Debtor's refiling, unless Debtor receives permission from the Court to refile within that time.

Therefore, service being proper, there being no opposition, and having found cause from Debtor's failure to attend the continued meeting of creditors, the Court is inclined to

- GRANT U.S. Trustee's Motion to Dismiss
- GRANT U.S. Trustee's request for a 180-day bar to Debtor's refiling
- DENY U.S. Trustee's request to extend the discharge deadline as moot.

APPEARANCES REQUIRED

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

Shaun W Solomon

Pro Se

**Trustee(s):**

Larry D Simons (TR)

Pro Se

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**6:24-17512 Lupe Espinoza**

**Chapter 7**

**#3.00** ORDER to show cause re dismissal for failure to comply with rule 1006(B) - installments

EH\_\_

Docket 14

**\*\*\* VACATED \*\*\* REASON: INSTALLMENT PAID ON 2/10/25**

**Tentative Ruling:**

- NONE LISTED -

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

Lupe Espinoza

Pro Se

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, February 12, 2025**

**Hearing Room 301**

2:00 PM

**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

Adv#: 6:24-01033 Harco National Insurance Company v. Simmons et al

**#4.00** CONT. Amended Motion to Dismiss Adversary Proceeding [Defendants' Motion to Dismiss Complaint and/or For More Definite Statement Pursuant to Fed. R. Civ. Proc. 12; Memorandum of Points and Authorities in Support Thereof] (with Hearing Notice) filed by Defendant Sharon Hoffman, Defendant Odelya Hoffman)  
(Motion filed 6/5/24)

(Holding date)

From: 7/10/24, 9/11/24, 11/13/24

EH\_\_

Docket 11

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO FEBRUARY 19, 2025 AT 2:00PM**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Defendant(s):**

Larry D Simmons

Represented By  
Tinho Mang

Sharon Hoffman

Pro Se

Odelya Hoffman

Pro Se

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**CONT... Better Nutritionals, LLC**

**Chapter 7**

**Movant(s):**

Sharon Hoffman Pro Se

Odelya Hoffman Pro Se

**Plaintiff(s):**

Harco National Insurance Company Represented By  
Robert A Hyatt

**Trustee(s):**

Larry D Simons (TR) Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

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**6:22-14723 Better Nutritionals, LLC**

**Chapter 7**

Adv#: 6:24-01033 Harco National Insurance Company v. Simmons et al

**#5.00** CONT. Status Conference re Adversary case 6:24-ap-01033. Complaint by Harco National Insurance Company against Larry D Simmons, Sharon Hoffman, Odelya Hoffman. 2023 letter from Trustee's counsel # 9 Exhibit Exhibit I - March 28, 2024 Letter to Casal # 10 Exhibit Exhibit J - March 5, 2024 Letter to Casal) Nature of Suit: (91 (Declaratory judgment))

From: 7/10/24, 10/9/24, 11/13/24

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO FEBRUARY 19, 2025 AT  
2:00 PM**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Better Nutritionals, LLC

Represented By  
John N Tedford IV  
Aaron E. De Leest  
Danielle R Gabai

**Defendant(s):**

Larry D Simmons

Represented By  
Tinho Mang

Sharon Hoffman

Pro Se

Odelya Hoffman

Pro Se

**Plaintiff(s):**

Harco National Insurance Company

Represented By

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**CONT... Better Nutritionals, LLC**

**Chapter 7**

Robert A Hyatt

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang  
Michael A Sweet  
Daniel A Lev

**United States Bankruptcy Court  
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**6:23-14868 Trinity Dedicated Line T.D.L INC**

**Chapter 7**

Adv#: 6:24-01098 Simons (TR) v. Essex Mortgage Company

**#6.00** Status Conference re: Complaint by Larry D Simons (TR) against Essex Mortgage Company. (\$350.00 Fee Charge To Estate). Nature of Suit: (14 (Recovery of money/property - other))

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO FEBRUARY 19, 2025 AT  
2:00 PM**

**Tentative Ruling:**

- NONE LISTED -

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

Trinity Dedicated Line T.D.L INC

Represented By  
Jaime A Cuevas Jr.

**Defendant(s):**

Essex Mortgage Company

Pro Se

**Plaintiff(s):**

Larry D Simons (TR)

Pro Se

**Trustee(s):**

Larry D Simons (TR)

Pro Se

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2:00 PM

**6:23-15109 Juana Erika Velasquez**

**Chapter 7**

Adv#: 6:24-01009 Velasquez v. UNITED STATES DEPARTMENT OF EDUCATION et al

**#7.00** CONT. Status Conference re: Complaint by Juana Erika Velasquez against United States Department of Education

From: 7/17/24, 11/13/24

(Alias Summons issued 4/12/24)

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO FEBRUARY 19, 2025 AT  
2:00 PM**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juana Erika Velasquez

Represented By  
Lauren M Foley

**Defendant(s):**

UNITED STATES DEPARTMENT

Pro Se

U.S. Department of Education

Represented By  
Elan S Levey

**Plaintiff(s):**

Juana Erika Velasquez

Represented By  
Lauren M Foley

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

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2:00 PM

**6:24-12509 German A Velasco**

**Chapter 7**

Adv#: 6:24-01066 Golden Kendrew, LLC v. Velasco et al

**#8.00** CONT. Status Conference re: Complaint by Golden Kendrew, LLC against German A Velasco, Melissa Velasco. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 10/16/24

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO FEBRUARY 19, 2025 AT  
2:00 PM**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

German A Velasco

Represented By  
Todd L Turoci

**Defendant(s):**

German A Velasco

Represented By  
Todd L Turoci

Melissa Velasco

Represented By  
Todd L Turoci

**Joint Debtor(s):**

Melissa Velasco

Represented By  
Todd L Turoci

**Plaintiff(s):**

Golden Kendrew, LLC

Represented By  
Kathleen A Cashman-Kramer

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**CONT... German A Velasco**

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court  
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**6:24-15601 Daricsa Castaneda**

**Chapter 7**

Adv#: 6:24-01099 Simons (TR) v. Castaneda

**#9.00** Status Conference re: Complaint by Larry D Simons (TR) against Juan Manuel Castaneda. (\$350.00 Fee Charge To Estate). Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer))

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/12/25 AT 2:00 PM -  
ALIAS SUMMONS ISSUED**

**Tentative Ruling:**

- NONE LISTED -

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

Daricsa Castaneda

Represented By

William J Campbell Jr

**Defendant(s):**

Juan Manuel Castaneda

Pro Se

**Plaintiff(s):**

Larry D Simons (TR)

Pro Se

**Trustee(s):**

Larry D Simons (TR)

Pro Se