

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

Wednesday, April 10, 2024

Hearing Room 301

10:00 AM

6:23-15072 Larry Hall

Chapter 7

#1.00 CONT. Pro se Reaffirmation Agreement Between Debtor and Navy Federal Credit Union, in the amount of \$15,072.00 re 2018 Chevrolet Malibu

From: 3/13/24

EH__

Docket 17

***** VACATED *** REASON: ATTORNEY SIGNATURE PROVIDED
3/14/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Hall

Represented By
Paul Y Lee

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2024

Hearing Room 301

10:00 AM

6:24-10193 David Austin Theard, Sr

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Navy Federal Credit Union, in the amount of \$18,638.49, re: 2016 Dodge Durango

EH__

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Austin Theard Sr

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2024

Hearing Room 301

10:00 AM

6:24-10294 Guadalupe Laborin

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC (2020 Ford F150), in the amount of \$34,725.58

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Laborin

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2024

Hearing Room 301

10:00 AM

6:24-10714 Morena Lakesia Santiago

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Navy Federal Credit Union, in the amount of 412,264.21, re: 2018 Honda Accord

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Morena Lakesia Santiago

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 301

11:00 AM

6:15-21082 Cameron Richard De Smidt

Chapter 7

#6.00 Motion to Reconsider reopening of case
(Motion filed 2/27/24)

EH__

[Tele. appr. Christine Hehir, rep. Nationstar Mortgage LLC]

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cameron Richard De Smidt

Represented By
Ronald H Freshman

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, April 10, 2024

Hearing Room 301

11:00 AM

6:16-15813 John E. Tackett and Ellen O. Tackett

Chapter 7

#7.00 Application for Compensation First Interim Application for Compensation and Reimbursement of Expenses of Goe Forsythe & Hodges LLP; Declarations of Robert P. Goe and Larry D. Simons in Support Thereof with proof of service for Goe Forsythe & Hodges LLP, Trustee's Attorney, Period: 8/1/2016 to 1/31/2024, Fee: \$170,000.00, Expenses: \$2,895.85.
(Motion filed 3/20/24)

Also #8

EH__

[Tele. appr. Robert Goe, rep. chapter 7 trustee]

Docket 133

Tentative Ruling:

4/10/2024

Background:

On June 29, 2016, John E. Tackett along with Ellen O. Tackett ("Debtors") filed a voluntary Chapter 7 petition.

On August 5, 2016, the then chapter 7 trustee, Steven M. Speier, filed an application for order authorizing employment of Goe Forsythe & Hodges LLP (the "Firm") as general counsel for the estate. [Dkt. No. 10]. On August 24, 2016, the Court entered an order approving the employment of the Firm. [Dkt. No. 16].

On March 20, 2024, the Firm filed an application for compensation, requesting \$172,895.85 on an interim basis, which consists of \$170,000.00 in professional fees and \$2,895.85 in expenses for the period of 8 years from August 1, 2016, to January 31, 2024 ("Service Period"). No objection has been filed.

[**Note: Total Fees are 315,850.35, comprised of \$312,954.50 in fees and \$2,895.85 in expenses for the Service Period.]

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CONT... John E. Tackett and Ellen O. Tackett

Chapter 7

Discussion:

Here, the Court notes that no party has opposed the Firm's application for compensation, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h). The Court, having reviewed the application for compensation, finds that the services provided were necessary and beneficial to the administration of the estate, adequately documented, and reasonable pursuant to the standards of § 330(a)(3).

TENTATIVE RULING

The Court is inclined to APPROVE the application, awarding the Firm \$170,000.00 in professional fees and \$2,895.85 in expenses.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Trustee(s):

Larry D Simons (TR)

Represented By
Brandon J. Iskander
Robert P Goe

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Hearing Room 301

11:00 AM

6:16-15813 John E. Tackett and Ellen O. Tackett

Chapter 7

#8.00 Application for Compensation for Karl T. Anderson, Accountant, Period: 11/9/2017 to 3/23/2022, Fee: \$6510.00, Expenses: \$1153.86.
(Motion filed 3/20/24)

EH__

[Tele. appr. Robert Goe, rep. chapter 7 trustee]

Docket 136

Tentative Ruling:

4/10/2024

Here, the Court notes that no party has opposed the Firm's application for compensation, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h). The Court, having reviewed the application for compensation, finds that the services provided were: (1) authorized; (2) necessary or beneficial to the administration of the estate; (3) adequately documented; and generally reasonable pursuant to the standards of § 330(a)(3).

Based on the foregoing, the Court is inclined to APPROVE the application in its entirety, awarding the Firm requesting \$6,510.00 in fees and \$1,153.86 in expenses.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

John E. Tackett

Represented By

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CONT... John E. Tackett and Ellen O. Tackett

Chapter 7

Stefan R Pancer

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Trustee(s):

Larry D Simons (TR)

Represented By
Brandon J. Iskander
Robert P Goe

**United States Bankruptcy Court
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Wednesday, April 10, 2024

Hearing Room 301

11:00 AM

6:20-15860 Christopher Bachman and Angelica Bachman

Chapter 7

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

EH__

Docket 78

Tentative Ruling:

4/10/24

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 and the applications of the associated professionals, and noting the absence of opposition, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h), the Court is inclined to APPROVE the proposed distribution and the following administrative expenses:

Trustee Fees: \$6,675.25

Trustee Expenses: \$53.37

Attorney Fees: \$35,600

Attorney Expenses: \$397.57

Accountant Fees: \$3,915

Accountant Expenses: \$878.90

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Christopher Bachman

Represented By

Jenny L Doling

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11:00 AM

CONT... Christopher Bachman and Angelica Bachman

Chapter 7

Joint Debtor(s):

Angelica Bachman

Represented By
Jenny L Doling

Trustee(s):

Karl T Anderson (TR)

Represented By
Amy L Goldman
Maria L Garcia

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2024

Hearing Room 301

11:00 AM

6:22-14723 Better Nutritionals, LLC

Chapter 7

#10.00 CONT. First and Final Application for Award of Compensation and Reimbursement of Expenses of Danning, Gill, Israel & Krasnoff, LLP, as Former General Bankruptcy Counsel to Debtor in Possession; and Declarations of John N. Tedford, IV, and Sharon Hoffman in Support Thereof [Covering the period from December 20, 2022, through March 30, 2023] with Proof of Service for Danning Gill Israel & Krasnoff LLP, Debtor's Attorney, Period: 12/20/2022 to 3/30/2023, Fee: \$715,266.50, Expenses: \$18,714.25. (Motion filed 9/28/23)

Also #11

From: 11/1/23, 2/5/24, 2/28/24

EH__

Docket 642

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Better Nutritionals, LLC

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

Movant(s):

Danning Gill Israel & Krasnoff LLP

Represented By
Aaron E. DE Leest
John N Tedford IV

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
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11:00 AM

CONT... Better Nutritionals, LLC

Chapter 7

D Edward Hays
David Wood
Tinho Mang
Michael A Sweet

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2024

Hearing Room 301

11:00 AM

6:22-14723 Better Nutritionals, LLC

Chapter 7

#11.00 CONT. Application for Compensation First and Final Application of Fox Rothschild LLP as Counsel to The Official Committee of Unsecured Creditors for Payment of Fees and Reimbursement of Expenses for the Period January 20, 2023 Through March 30, 2023; Declaration of Keith C. Owens in Support Thereof for Official Committee of Unsecured Creditors, Creditor Committee, Period: 1/20/2023 to 3/30/2023, Fee: \$327,060.00, Expenses: \$2391.36 (Motion filed 9/29/23)

From: 11/1/23, 2/5/24, 2/28/24

EH ____

[Tele. appr. Keith Owens, rep. Official Committee of Unsecured Creditors]

Docket 669

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Better Nutritionals, LLC

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

Movant(s):

Official Committee of Unsecured

Represented By
Keith C Owens
Michael A Sweet

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays
David Wood

**United States Bankruptcy Court
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CONT... Better Nutritionals, LLC

Tinho Mang
Michael A Sweet

Chapter 7

**United States Bankruptcy Court
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Hearing Room 301

11:00 AM

6:23-12773 Matthew James Rissman

Chapter 7

#12.00 Motion to Avoid Lien Judicial Lien with Jim Rissman and Vicki Rissman
(Motion filed 2/22/24)

EH__

**[Tele. appr. Andrew Moher, rep. Jim and Vicki Rissman, creditor and
respondent to motion]**

[Tele. appr. Sundee Teeple, rep. Debtor]

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew James Rissman

Represented By
H Christopher Coburn
Sundee M Teeple

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, April 10, 2024

Hearing Room 301

11:00 AM

6:23-15107 Roberto Morin and Maria Elena Chavez

Chapter 7

#13.00 Chapter 7 Trustee's Notice of Objection to Debtors' claim of exemption
(Motion filed 3/19/24)

EH__

[Tele. appr. Carmela Pagay, rep. chapter 7 trustee]

[Tele. appr. James Beirne, rep. Debtors]

Docket 26

Tentative Ruling:

4/10/2024

DISCUSSION

"Exemption rights in bankruptcy are ordinarily determined as of the date the petition is filed." *In re Yau*, 115 B.R. 245, n.4 (Bankr. C.D. Cal. 1990); *see also White v. Stump*, 266 U.S. 310 (1924); *In re Combs*, 101 B.R. 609, 614 (9th Cir. BAP 1989).

Here, on the date the instant petition was filed, Debtors claimed sole interest and a homestead exemption in the entire Property. However, at that date, Daughter actually held one-third interest in the Property. Therefore, on the date of the instant petition, Debtors held two-thirds interest in the Property.

Debtors could circumvent this by satisfying § 522(g). However, the Court finds that the Trustee has established the factors evaluating § 522(g) set forth in *In re Glass*. *See* 164 B.R. 759, 765 (9th Cir. BAP 1994), *aff'd* 60 F.3d 565 (9th Cir. 1995). The point of contention between the parties appears to be the third *Glass* factor, which states that a

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CONT... Roberto Morin and Maria Elena Chavez

Chapter 7

trustee can prevail on an objection to an exemption under § 522(g)(1) if the trustee presents evidence that "the property was returned to the estate as a result of the trustee's efforts." *Ibid.* Here, Debtors argue that the Trustee's efforts did not motivate their decision to recover the one-third interest in the Property. However, the timing of the events undermines this argument. On December 7, 2023, Debtors admitted the one-third transfer of property held by Daughter at the 341(a) meeting. On December 8, 2023, Debtors assert they began preparing the grant deed to reconvey the transferred interest back to Debtors. On December 15, 2023, Trustee sent an email to Debtors, putting them on notice that he intended to object to the claim of exemption and file an adversary proceeding. On December 18, 2023, the grant deed was signed, and the following day, the grant deed was recorded. Although Debtors argue they intended to re-transfer the property before they received the Trustee's email, the Court notes that the transfer was not listed in the Schedule of Financial Affairs, and Debtors' schedules list they are holding a 100% interest in the Property. As such, the Debtors' rationale for re-transferring lacks credibility in light of the surrounding circumstances.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN Trustee's objection to Debtors' claim of exemption in the 33% interest in the Property that was reconveyed by Debtors to their daughter.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Roberto Morin

Represented By
James G. Beirne

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CONT... Roberto Morin and Maria Elena Chavez

Chapter 7

Joint Debtor(s):

Maria Elena Chavez

Represented By
James G. Beirne

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
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Hearing Room 301

11:00 AM

6:23-16058 Arturo Escobedo Zazueta

Chapter 7

#14.00 Motion for 2004 Examination of the Debtor
(Motion filed 3/19/24)

[Placed on calendar by order entered 3/22/24]

EH__

Docket 10

Tentative Ruling:

4/10/2024

BACKGROUND

On December 29, 2023, Arturo Zazueta ("Debtor") filed a Chapter 7 voluntary petition. This is a no-asset case.

On January 31, 2024, the 341(a) meeting of the creditors ("341(a) Meeting") was held.

On March 19, 2024, creditor Merchants Acquisition Group LLC filed a motion to examine a diamond bridal set ("Collateral") under Federal Rules of Bankruptcy Procedure 2004. The attached declaration and exhibit requested examination of any and all documents and records relating to the Collateral's possession, location, and disposition.

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CONT... Arturo Escobedo Zazueta

Chapter 7

On March 22, 2024, the matter was set for hearing.

On April 3, 2024, Merchants filed a supplement to the motion.

On April 8, 2024, an order of discharge was entered.

DISCUSSION

According to FRBP 2004, the Court may order the examination of any entity on motion of any party in interest. The scope of FRBP 2004 is rather broad. *See* 10 Levin and Sommer, *Collier on Bankruptcy*, ¶ 2004.01. Though the language in this rule is rather vague and the scope of the rule is exceptionally broad, the Court notes that Rule 2004 cannot be used for "purposes of abuse or harassment." *In re Mittco, Inc.*, 44 B.R. 35, 36 (Bankr. E.D. Wis. 1984); *see also* 10 Levin and Sommer, *Collier on Bankruptcy*, ¶ 2004.01.

Though this is a no-asset case and Debtor has been discharged, the Court is inclined to allow an examination of the Collateral under FRBP 2004 based on the rule's expansive language and broad scope.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the motion to authorize an

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CONT... **Arturo Escobedo Zazueta**
examination under FRBP 2004.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Arturo Escobedo Zazueta

Represented By
James Patrick Doan

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:23-14749 Hussein Abd Wehbe

Chapter 7

#14.10 CONT. Order to Show Cause why Rajiv Jain should not be held in contempt for violating the Court's orders

From: 2/28/24, 3/27/24

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hussein Abd Wehbe

Represented By
Rajiv Jain

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 301

2:00 PM

6:23-14683 Misty Lin Christ

Chapter 7

Adv#: 6:23-01115 Christ v. United States Department Of Education

#15.00 CONT. Adversary case 6:23-ap-01115. Complaint by Misty Lin Christ against United States Department Of Education. (\$350.00 Fee Not Required). Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

From: 1/17/24

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misty Lin Christ	Pro Se
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Defendant(s):

United States Department Of	Pro Se
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Plaintiff(s):

Misty Lin Christ	Pro Se
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Trustee(s):

Robert Whitmore (TR)	Pro Se
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**United States Bankruptcy Court
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2:00 PM

6:23-14977 Gricelda Carolina Campos

Chapter 7

Adv#: 6:24-01011 Daff v. Aguilar Campos

#16.00 Status Conference re Complaint by Charles W. Daff against Angel De Jesus Aguilar Campos. (\$350.00 Fee Charge To Estate). for: 1) Avoid and Recover Intentional Fraudulent Transfer; 2) Avoid and Recover Constructive Fraudulent Transfer; 3) Disallow Claims; and 4) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other)),(91 (Declaratory judgment))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/12/24 BY ORDER
ENTERED 3/27/24**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gricelda Carolina Campos

Represented By
Daniel Moaddel

Defendant(s):

Angel De Jesus Aguilar Campos

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Lynda T Bui

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui

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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

#17.00 Complaint by Juana Erika Velasquez against UNITED STATES DEPARTMENT OF EDUCATION

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Erika Velasquez

Represented By
Lauren M Foley

Defendant(s):

UNITED STATES DEPARTMENT

Pro Se

Plaintiff(s):

Juana Erika Velasquez

Represented By
Lauren M Foley

Trustee(s):

Arturo Cisneros (TR)

Pro Se