

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

**Wednesday, July 10, 2024**

**Hearing Room 301**

10:00 AM

**6:24-11303 Susana Guerrero**

**Chapter 7**

**#1.00 Pro se Reaffirmation Agreement Between Debtor and Ford Motor Credit Company, LLC, in the amount of \$35,631.55, re: 2022 Ford Escape**

EH\_\_

Docket 15

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Susana Guerrero

Represented By  
Marlin Branstetter

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

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**6:24-11933 Omar Esparza-Rodriguez**

**Chapter 7**

**#2.00** Pro se Reaffirmation Agreement Between Debtor and TwinStar Credit Union, in the amount of \$3,350.76, re: 2014 Hyundai Tucson

EH\_\_

Docket 15

**Tentative Ruling:**

- NONE LISTED -

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

Omar Esparza-Rodriguez

Pro Se

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

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**6:24-11970 Blanca Nely Briseno Gonzalez**

**Chapter 7**

**#3.00 Pro se Reaffirmation Agreement Between Debtor and TOYOTA MOTOR CREDIT CORPORATION, in the amount of \$30,833.53 re: 2022 Toyota Corolla**

EH\_\_

Docket 16

**Tentative Ruling:**

- NONE LISTED -

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

Blanca Nely Briseno Gonzalez

Represented By  
Christopher J Lauria

**Trustee(s):**

Charles W Daff (TR)

Pro Se

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**6:24-12476 Brandon Martice Gardner**

**Chapter 7**

**#4.00** Pro se Reaffirmation Agreement Between Debtor and Global FCU f/k/a Alaska USA FCU, in the amount of \$34,578.23, re: 2019 Chevrolet Silverado

EH\_\_

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

Brandon Martice Gardner

Represented By  
Neil R Hedtke

**Trustee(s):**

Charles W Daff (TR)

Pro Se

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**6:08-18612 Robert Emmett Carey**

**Chapter 7**

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

EH\_\_

Docket 31

**Tentative Ruling:**

**7/10/2024**

**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: \$ 1,517.21

Trustee Expenses: \$ 9.23

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):**

Robert Emmett Carey

Represented By

Jenny L Doling

**Trustee(s):**

Karl T. Anderson

Pro Se

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**6:21-11547 Larissa Marie Mindiola**

**Chapter 7**

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

EH\_\_

**[Tele. appr. Anthony A. Friedman, rep. chapter 7 trustee]**

**[Tele. appr. Larry Simons, trustee 7 trustee]**

Docket 58

**Tentative Ruling:**

**7/10/2024**

**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: \$ 6,250

Trustee Expenses: \$ 47.71

Attorney Fees: \$ 38,192.36\_

Attorney Expenses: \$ 1,821.66

Accountant Fees: \$ 3,057

Accountant Expenses: \$ 41.28

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**CONT... Larissa Marie Mindiola Chapter 7**

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):**

Larissa Marie Mindiola

Represented By  
Michael T Reid

**Trustee(s):**

Larry D Simons (TR)

Represented By  
Anthony A. Friedman

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6:22-14723 Better Nutritionals, LLC

Chapter 7

#7.00 Trustee's Motion for Order Approving Compromise with Goli Nutrition, Inc. (Canada); Memorandum of Points and Authorities; and Declaration of Larry D. Simons in Support; with Proof of Service (Motion filed 6/19/24)

EH\_\_

Docket 1053

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/31/24 BY ORDER  
ENTERED 7/1/24**

**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):**

Larry D Simons (TR)

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

**Trustee(s):**

Larry D Simons (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang



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

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Michael A Sweet  
Daniel A Lev

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**6:23-13579 Starkeisha Sharnay Jester**

**Chapter 7**

**#8.00** Motion Objecting to Debtor's Exemptions  
(Motion filed 6/7/24)

EH\_\_

**[Tele. appr. Larry Simons, trustee 7 trustee]**

Docket 27

**Tentative Ruling:**

07/10/2024

**BACKGROUND**

On August 10, 2023, Starkeisha Sharnay Jester ("Debtor") filed a Chapter 7 voluntary petition. The Debtor filed her schedules along with her bankruptcy petition on August 10, 2023 (collectively the "Bankruptcy Petition"). Among the assets listed on Schedule A/B was a certain claim against third parties, a workers' compensation lawsuit<sup>i</sup>. On Schedule C, Debtor claimed an exemption in the Claim noting the amount as 'unknown' and claimed it in its entirety. On November 20, 2023, Debtor received a discharge.

On January 22, 2024, University of Southern California ("USC") filed a motion to reopen the bankruptcy case, asserting that Debtor did not list USC as a creditor in her bankruptcy schedules for its claim against her in an embezzlement case that was instituted against her by USC. On January 25, 2024, the Court ordered USC's motion to reopen the bankruptcy case. On February 15, 2024, USC initiated its nondischargeability adversary case against the Debtor. On the same day Debtor filed her amended schedules.<sup>ii</sup> The Court notes that Debtor in her amended schedule A/B in paragraph 33 added her claim against USC (the "Undisclosed Claim") Debtor listed the value of Undisclosed Claim as unknown and claimed an exemption under Cal. Code of Civ. Proc. §703.140(b)(5) and §703.150 in the amount of \$30,500.

On March 14, 2024, Trustee filed a motion requesting extension of the deadline for

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any objection to the exemption, which the Court granted on April 18, 2024 (the "Order"). The Order extended the deadline for objections through June 14, 2024. On June 7, 2024, Trustee filed the present motion objecting to Debtor's exemption in the Claim.

Debtors has not filed any opposition.

**DISCUSSION**

**A. Objection to Exemption is Timely Filed**

FED. R. BANKR. P. Rule 4001(b)(1) states, in relevant part:

Except as provided in paragraphs (2) and (3), a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after any amendment to list or supplemental schedules is filed, whichever is later.

Here, the Debtor filed an amendment to her schedules on February 15, 2024. Based on the amended schedules, Trustee filed a motion requesting extension of deadline to file objections to the exemption, which the Court granted the Order on April 18, 2024.

The Order extended the deadline for objections through June 14, 2024. Trustee filed the instant objection to exemption on June 7, 2024, which is within the stipulated deadline.

**B. Standard to Amend Schedules in Reopened Case**

FED. R. BANKR. P. Rule 1009(a) states, in relevant part:

A voluntary petition, list, schedule, or statement may be amended by the debtor as a matter of course at any time before the case is closed. The debtor

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shall give notice of the amendment to the trustee and to any entity affected thereby. On motion of a party in interest, after notice and a hearing, the court may order any voluntary petition, list, schedule, or statement to be amended and the clerk shall give notice of the amendment to entities designated by the court.

Here, the Trustee contends that the Debtor has not satisfied the applicable excusable neglect standard allowing her to amend her schedules in a reopened case, and that she is precluded from now claiming the exemption. Trustee discusses three splits in the circuits as to whether or not a debtor can amend their schedules in a reopened case (broad, middle, and narrow approaches).

The Court does not consider the reasoning in *In re Goswani*, 304 B.R. 386, 392 (B.A.P. 9<sup>th</sup> Cir. 2003) to be persuasive. As noted by *In re Dollman*, 583 B.R. 268, 271-273 (Bankr. D.N.M. 2017), three different approaches to this issue have been developed.

First, the broad approach, as articulated in *In re Goswani*, essentially concludes that there is no difference between an open (never closed) case and a re-opened case. However, "[r]eading Rule 1009(a) to permit a debtor to amend schedules in a reopened case anytime as a matter of course before the case is re-closed would make the limiting clause, "at any time before the case is closed," inoperative and superfluous because schedules can be amended only in an open case." *Dollman*, at 272. Based on the reasoning in *Dollman*, the Court concludes that Rule 1009(a) does impose a deadline – the closing of the case – and rejects the broad approach's attempt to reverse time and undo the passing of that deadline.

Second, the Court rejects the narrow approach, which prohibits any amendment to schedules after a case is closed, then reopened, for the simple reason that this approach does not explain why Rule 9006(b)(1) is inapplicable to the instant situation. *Id.* ("The Court finds the narrow approach too restrictive. It fails to recognize or apply Rule 9006(b)(1) allowing enlargement of time under certain circumstances if the period has expired before the motion to enlarge time is filed.").

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Consequently, the Court finds the middle approach to be the appropriate approach. And as such in applying the approach we rely on *In re Benjamin* (Bankr.D.N.J. 2018) 580 B.R. 115, 117-118. To wit:

"The middle approach, adopted in both *Dollman* and *Awan*, applies Rule 9006(b)(1) and allows a debtor to amend schedules in a reopened case only if the debtor establishes that the failure to amend before the closure was the result of excusable neglect."

The evidence on record indicates that the Debtor has been involved in the arbitration action with USC since as early as September 13, 2022. The Court also notes that the Debtor filed her Bankruptcy Petition on August 10, 2023. Thus it does not appear that the Debtor did not know about the claim or did not know that she was required to mention the claim in the Bankruptcy Petition, since she had done so for another litigation claim.

Finally, Debtor has not opposed the requested relief, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h).

**TENTATIVE RULING**

Based on the foregoing, the Court is inclined to SUSTAIN Trustee's objection to Debtor's claim of exemption in the amount of \$30,500.00.

APPEARANCES REQUIRED.

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

Starkeisha Sharnay Jester

Represented By

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Steven A Alpert

**Chapter 7**

**Trustee(s):**

Larry D Simons (TR)

Pro Se

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**6:24-11533 Jose Francisco Garcia Cortez**

**Chapter 7**

**#9.00** Motion of United States Trustee Pursuant to 11 U.S.C. Section 110 to Impose Fines and Award Damages Against Bankruptcy Petition Preparer Ransome Carl McKissick, Jr., Memorandum of Points and Authorities; and Declaration of Abram S. Feuerstein In Support of Motion with Proof of Service (Motion filed 6/4/24)

EH\_\_

**[Tele. appr. Abram Feuerstein, rep. U.S. Trustee, Peter Anderson]**

Docket 15

**Tentative Ruling:**

**BACKGROUND**

On January 3, 2024, Jose Francisco Garcia Cortez ("Debtor") filed a pro se Chapter 7 voluntary petition, case number 6:24-10022 (the "Previous Case"). Ransome Carl McKissick Jr. ("McKissick") is a bankruptcy petition preparer who assisted Debtor with his forms. On February 28, 2024, the case was dismissed for failure to attend the 341 meeting. On March 27, 2024, Debtor filed another pro se Chapter 7 voluntary petition, case number 6:24-11533 (the "Instant Case"). On June 4, 2024, in the Instant Case, the U.S. Trustee (the "U.S. Trustee") filed a motion pursuant to 11 U.S.C. § 110 to Impose Fines and Award Damages Against a Bankruptcy Petition Preparer (the "Fines Motion"). On June 21, 2024, in the Previous Case, the U.S. Trustee filed a motion to reopen the Previous Case. On June 24, 2024, the Court granted the motion to reopen the Previous Case. On July 2, 2024, in the Previous Case, the U.S. Trustee filed a motion pursuant to 11 U.S.C. § 110 to impose fines and award damages against a bankruptcy petition preparer in the Previous Case. This motion for the Previous Case was set for hearing on July 31, 2024.

In the Fines Motion, the U.S. Trustee argues that McKissick violated 11 U.S.C. § 110 when McKissick failed to include his entire Social Security number on Debtor's bankruptcy petition documents and when McKissick used the word "legal" in advertising for his services. The U.S. Trustee argues that McKissick committed five

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violations of 11 U.S.C. § 110(c) by failing to include his entire Social Security number on the: (1) Voluntary Petition; (2) Statement of Financial Affairs; (3) Debtor's Schedules; (4) Disclosure of Compensation of Bankruptcy Petition Preparer; and (5) Declaration and Signature of Bankruptcy Petition Preparer. The U.S. Trustee requests that McKissick be fined up to \$500 for each of these five failures pursuant to 11 U.S.C. § 110(l)(1). Additionally, 11 U.S.C. § 110(l)(2) contains a tripling provision that requires the court to triple the fines assessed against the bankruptcy petition preparer when the court finds that the bankruptcy petition preparer fails to adequately disclose their identity. Therefore, the U.S. Trustee argues that McKissick should be fined up to \$7,500 for failing to include his entire Social Security number on Debtor's documents for filing.

McKissick advertises his bankruptcy petition preparation services on his website. Two YouTube commercials appear on McKissick's website, both of which use the word "legal." McKissick's website includes a biography section. In his biography, McKissick states that in addition to being a bankruptcy petition preparer, he is a "*Legal Document Assistant*" (emphasis added). McKissick also references his legal education in his biography and states that he is "in his 4th and final year at California School of Law."

In the Fines Motion, the U.S. Trustee also argues that McKissick should also be fined \$500 because his advertising violates 11 U.S.C. § 110(f). The U.S. Trustee argues that McKissick includes the word "legal" in his advertising on his website, McKissick touts his legal education, and McKissick included his J.D. designation on Debtor's bankruptcy petition. The U.S. Trustee argues that McKissick's advertising could mislead consumers. Therefore, the U.S. Trustee argues that McKissick should be fined \$500. Further, in the Fines Motion, the U.S. Trustee argues that McKissick should pay \$2,000 in damages to Debtor pursuant to 11 U.S.C. § 110(i)(1). The U.S. Trustee argues that McKissick violated 11 U.S.C. § 110(c) and (f), so the court is required to award Debtor \$2,000 in damages. Finally, in the Fines Motion, the U.S. Trustee requests that the Court order McKissick to forfeit the \$150 that McKissick charged Debtor for McKissick's services pursuant to 11 U.S.C. § 110(h)(3)(B). The U.S. Trustee also called attention to the Court's previous determination that McKissick had violated 11 U.S.C. § 110 in a previous case. In sum, in the Fines Motion, the U.S. Trustee requests up to \$8,000 in fines against McKissick, \$2,000 in damages against McKissick, and for McKissick to forfeit the \$150 that he charged



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Debtor.

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On June 20, 2024, McKissick filed his Opposition ("Opposition") to the Fines Motion. In his Opposition, McKissick states that he was approached by Debtor's sister, Ana Moran, to assist with Debtor's Chapter 7 petition in late 2023. On January 3, 2024, Debtor's prior bankruptcy case was filed. On February 28, 2024, this prior case was dismissed because Debtor did not attend the 341 meeting. McKissick states that Debtor reused forms that McKissick had prepared for a previous bankruptcy case without McKissick's knowledge.

In his Opposition, McKissick states that he never represented that he is authorized to practice law in California. Additionally, McKissick argues that the YouTube videos on his website are "archaic and obsolete." McKissick states that he does not use the word "legal" in advertising and that his legal document assistant business is adequately separated from his bankruptcy petition preparation business to be compliant with 11 U.S.C. § 110. In the Opposition, McKissick argues that \$8,000 in fines is excessive when the issue can be fixed with an amendment to the petition. McKissick also argues that \$2,000 in damages should not be awarded to Debtor because Debtor has not suffered monetary damages. McKissick attached his unofficial transcript for California School of Law which appears to indicate that he received his Juris Doctor on August 31, 2023.

On July 3, 2024, the U.S. Trustee filed a Reply Brief in Support of the Fines Motion ("Reply Brief"). In the Reply Brief, the U.S. Trustee argues that McKissick admitted that he violated 11 U.S.C. § 110 in his Opposition. The U.S. Trustee highlights that McKissick that he redacted his Social Security number in the Opposition. Additionally, the U.S. Trustee highlights that McKissick admitted that the two YouTube videos were still present on McKissick's website. The U.S. Trustee argues that McKissick cannot cure his failure to disclose his entire Social Security number via an amendment. *See In re Carrier*, 363 B.R. 247, 252 (Bankr. M.D. Fla. 2006). The U.S. Trustee argues that it is not relevant that Debtor reused the documents without McKissick's knowledge because 11 U.S.C. § 110(a) does not distinguish between a "filed" case and a "re-filed" case. The U.S. Trustee concludes by requesting that the Court impose fines in an amount up to \$8,000 and that the Court order McKissick to pay Debtor \$2,000 in damages and return his \$150 fee. If the Court is unable to grant the relief requested, or if the Court thinks it prudent, the U.S. Trustee requests that the

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Court continue the hearing to July 31, 2024.

On July 8, 2024, Debtor received a discharge.

**DISCUSSION**

*I. Bankruptcy Petition Preparer*

A bankruptcy petition preparer is a non-attorney person who is financially compensated to prepare a document to be filed in a United States bankruptcy court. *See* 11 U.S.C. § 110(a)(1). Here, Debtor's bankruptcy petition indicates that Debtor is not represented by an attorney. Attached to Debtor's bankruptcy petition is a disclosure of compensation of bankruptcy petition preparer signed by McKissick. In the disclosure of compensation, McKissick indicated that he received \$150 for preparing documents associated with Debtor's bankruptcy. Thus, McKissick is a bankruptcy petition preparer who is subject to the constraints of 11 U.S.C. § 110.

*II. Failure to Disclose Identity*

Pursuant to 11 U.S.C. § 110(a)(2), a document for filing refers to any document associated with a debtor's bankruptcy that a bankruptcy petition preparer prepares to be filed in a United States bankruptcy court. "[T]he petition, schedules, statements, plan, certifications, motions and other documents filed in a bankruptcy case each constitute a separate 'document for filing' within the meaning of the statute." *In re Nieves*, 290 B.R. 370, 376 (Bankr. C.D. Cal. 2003). Individual bankruptcy petition preparers are required to include their entire Social Security number on each document for filing. *See* 11 U.S.C. § 110(c)(2)(A); *In re Rankin*, 320 B.R. 171, 182 (Bankr. D. Mont. 2005) (finding that bankruptcy petition preparer violated 11 U.S.C. § 110(c) when she only included the last four digits of her Social Security number).

Here, McKissick prepared the Debtor's: (1) Voluntary Petition; (2) Schedules; (3) Statement of Financial Affairs; (4) Disclosure of Compensation of Bankruptcy Petition Preparer; and (5) Bankruptcy Petition Preparer's Notice, Declaration, and Signature. The U.S. Trustee argues that all these documents are deficient and

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constitute separate violations. However, McKissick appears to have only redacted his Social Security number on (1) the Disclosure of Compensation of Bankruptcy Petition Preparer, and (2) the Bankruptcy Petition Preparer's Notice, Declaration, and Signature. Therefore, McKissick committed two violations of 11 U.S.C. § 110(c)(2) (A) when he did not include his entire Social Security number on the two documents for filing.

*III. Improper Advertising*

11 U.S.C. § 110(f) provides that a "bankruptcy petition preparer shall not use the word 'legal' or any similar term in any advertisements or advertise under any category that includes the word "legal" or any similar term." Bankruptcy petition preparers cannot practice law and their services "are strictly limited to typing bankruptcy forms." *In re Reynoso*, 477 F.3d 1117, 1120. Online advertising that emphasizes a bankruptcy petition preparer's legal education violates 11 U.S.C. § 110(f) because the advertising gives consumers the impression that the bankruptcy petition preparer will provide legal insights. *See In re Kangaroo*, 250 B.R. 115, 121; *In re Rosario*, 493 B.R. 292 (Bankr. D. Mass. 2013) (finding that a bankruptcy petition preparer's website which emphasized preparer's legal education and Juris Doctor violated 11 U.S.C. § 110(f)).

Here, McKissick's website, [www.lowcostbankrupt.com](http://www.lowcostbankrupt.com), clearly misleads consumers and violates 11 U.S.C. § 110(f). In his biography on the website, McKissick describes himself as a "*Legal Document Assistant*" (emphasis added). Also, the website includes two YouTube commercials advertising McKissick's previous company, "*Low Cost Legal Documents LLC*" (emphasis added). The use of the word "legal" in bankruptcy petition preparer advertising is expressly prohibited by 11 U.S.C. § 110(f). Also in his biography, McKissick states that he is in his "4th and final year at California School of Law." Because McKissick's website includes information about his legal education and repeatedly uses the word "legal," the website may lead consumers to believe that McKissick's services involve legal expertise. Therefore, McKissick violated 11 U.S.C. § 110(f), resulting in a \$500 fine.

*IV. Statutory Damages*

Section 110(i)(1) states:

(i)(1) If a bankruptcy petition prepared violates this section or commits any act

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that that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor-

(A) the debtor's actual damages;

(B) the greater of—

(i) \$2,000; or

(ii) twice the amount paid by the debtor to the bankruptcy petition preparer for the preparer's services; and

(C) reasonable attorneys' fees and costs in moving for damages under this subsection.

Here, McKissick violated 11 U.S.C. § 110(c)(2)(A) by failing to include his entire Social Security number on Debtor's documents for filing. Additionally, McKissick violated 11 U.S.C. § 110(f) by using misleading advertising on his website. A bankruptcy petition preparer's violation of 11 U.S.C. § 110(f) is sufficient to trigger liability under § 110(i)(1). *See, e.g., In re Wojcik*, 560 B.R. 763, 770 (B.A.P. 9th Cir. 2016) ("The bankruptcy court did not find that Strickland's conduct was fraudulent, unfair or deceptive. But she did nonetheless violate § 110(f), which is enough to mandate damages under § 110(i)(1).").

Therefore, the Court is inclined to order McKissick to pay \$2,000 in damages to Debtor. McKissick's argument that Debtor did not suffer any financial damages is unavailing. The plain language of 11 U.S.C. § 110(i)(1) is clear that Debtor need not have suffered financial damages.

*V. Fines and Disgorgement*

11 U.S.C. § 110(l)(1) provides that "[a] bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than \$500 for each such failure." The court must triple the fine assessed under 11 U.S.C. § 110(l)(1) when a bankruptcy petition preparer prepares a document for filing in a manner that fails to disclose the identity of the bankruptcy petition preparer. *See* 11 U.S.C. § 110(l)(2). Here, the U.S. Trustee having demonstrated that

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**Jose Francisco Garcia Cortez**

**Chapter 7**

McKissick deficiently prepared two of Debtor's documents for filing, a fine of \$1,000 is appropriate. Pursuant to 11 U.S.C. § 110(l)(2), the Court must triple the fines assessed against McKissick because McKissick did not adequately disclose his identity on the deficient documents, which brings McKissick's fine for failing to include his entire Social Security number to \$3,000.

McKissick's website clearly misleads consumers and violates 11 U.S.C. § 110(f) by misleading them to believe that McKissick's services involve legal expertise, warranting a \$500 fine for this violation.

A court may require a bankruptcy petition preparer to forfeit their fee when "the bankruptcy petition preparer fails to comply with . . . subsection (b), (c), (d), (e), (f), or (g)." *See* 11 U.S.C. § 110(h)(3)(B). Here, McKissick violated 11 U.S.C. § 110(c)(2) (A) by failing to include his entire Social Security number on Debtor's documents for filing. McKissick also violated 11 U.S.C. § 110(f) by utilizing advertising that uses the word "legal" and that could mislead consumers into believing that McKissick's services involve legal expertise. Therefore, the conclusion that McKissick impermissibly implied that his services involve legal expertise compels the conclusion that the disgorgement of fees is appropriate. *See generally In re Bagley*, 433 B.R. 325 (Bankr. D. Mont. 2010) (disgorging fees as a matter of law for failure to comply with the statutorily enumerated sections). The U.S. Trustee having demonstrated that McKissick failed to comply with multiple of the enumerated subsections, forfeiture of the \$150 paid by Debtor is appropriate.

**TENTATIVE RULING**

The Court is inclined to GRANT the motion, ordering McKissick to: (1) pay the U.S. Trustee a fine totaling \$3,500; (2) disgorge \$150 to Debtor; and (3) pay Debtor \$2,000 in damages.

APPEARANCES REQUIRED.

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

Jose Francisco Garcia Cortez

Pro Se

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

**Wednesday, July 10, 2024**

**Hearing Room 301**

11:00 AM

**CONT... Jose Francisco Garcia Cortez**

**Chapter 7**

**Movant(s):**

United States Trustee (RS)

Represented By

Abram Feuerstein esq

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

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

Wednesday, July 10, 2024

**Hearing Room 301**

11:00 AM

**6:22-14513 Brenda Rodriguez**

**Chapter 7**

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

EH\_\_

**[Tele. appr. Howard Grobstein, chapter 7 trustee]**

Docket 37

**Tentative Ruling:**

**7/10/2024**

**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: \$ 1,400

Trustee Expenses: \$ 78.74

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

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

Brenda Rodriguez

Represented By

Michael Gouveia

**Trustee(s):**

Howard B Grobstein (TR)

Pro Se

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

Wednesday, July 10, 2024

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

**#10.00** 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)

EH\_\_

Docket 11

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/24 BY ORDER  
ENTERED 7/2/24**

**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

Represented By  
Ryan D O'Dea

Odelya Hoffman

Represented By  
Ryan D O'Dea

**Movant(s):**

Sharon Hoffman

Represented By



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

**Wednesday, July 10, 2024**

**Hearing Room 301**

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2:00 PM

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

**Chapter 7**

Odelya Hoffman

Ryan D O'Dea

Represented By  
Ryan D O'Dea

**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

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

**Wednesday, July 10, 2024**

**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

**#11.00** 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))

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/9/24 BY ORDER  
ENTERED 7/3/24**

**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

Represented By  
Ryan D O'Dea

Odelya Hoffman

Represented By  
Ryan D O'Dea

**Plaintiff(s):**

Harco National Insurance Company

Represented By  
Robert A Hyatt

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

**Wednesday, July 10, 2024**

**Hearing Room 301**

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2:00 PM

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

**Chapter 7**

**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  
Central District of California  
Riverside  
Mark Houle, Presiding  
Courtroom 301 Calendar**

**Wednesday, July 10, 2024**

**Hearing Room 301**

2:00 PM

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

**Chapter 7**

Adv#: 6:24-01015 Simons, Chapter 7 Trustee v. Hoffman et al

**#12.00** CONT. Motion to Dismiss Adversary Proceeding; Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss Complaint Pursuant to Fed. R.Civ. Proc. 12(b)(6) (with Hearing Notice)  
(Motion filed 3/19/24)

From: 5/1/24, 5/15/24

EH\_\_

**[Tele. appr. Jack Praetzellis, rep. chapter 7 trustee]**

**[Tele. appr. Larry Simons, plaintiff]**

Docket 6

**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):**

Sharon Hoffman

Represented By  
Leonard M Shulman  
Ryan D O'Dea

Odelya Hoffman

Represented By  
Leonard M Shulman  
Ryan D O'Dea

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

**Wednesday, July 10, 2024**

**Hearing Room 301**

2:00 PM

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

**Chapter 7**

**Movant(s):**

Sharon Hoffman

Represented By  
Leonard M Shulman  
Ryan D O'Dea

Odelya Hoffman

Represented By  
Leonard M Shulman  
Ryan D O'Dea

**Plaintiff(s):**

Larry D. Simons, Chapter 7 Trustee

Represented By  
Michael A Sweet  
Tinho Mang  
Keith C Owens  
Jack Praetzellis

**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  
Central District of California  
Riverside  
Mark Houle, Presiding  
Courtroom 301 Calendar**

**Wednesday, July 10, 2024**

**Hearing Room 301**

2:00 PM

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

**Chapter 7**

Adv#: 6:24-01015 Simons, Chapter 7 Trustee v. Hoffman et al

**#13.00** CONT. Status Conference re Complaint by Larry D. Simons, Chapter 7 Trustee against Sharon Hoffman, Odelya Hoffman. (2) Breach of Fiduciary Duty - Duty of Care; (3) Breach of Duty of Good Faith and Fair Dealing; (4) Breach of Fiduciary Duty to Creditors - Trust Fund Doctrine; (5) Aiding and Abetting - Breach of Fiduciary Duty; and (6) Equitable Subordination Nature of Suit: (14 (Recovery of money/property - other))

From: 5/1/24, 5/15/24

EH\_\_

**[Tele. appr. Jack Praetzellis, rep. chapter 7 trustee]**

**[Tele. appr. Larry Simons, plaintiff]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

Better Nutritionals, LLC

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

**Defendant(s):**

Sharon Hoffman

Represented By  
Leonard M Shulman  
Ryan D O'Dea

Odelya Hoffman

Represented By  
Leonard M Shulman

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

**Wednesday, July 10, 2024**

**Hearing Room 301**

2:00 PM

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

**Chapter 7**

Ryan D O'Dea

**Plaintiff(s):**

Larry D. Simons, Chapter 7 Trustee

Represented By  
Michael A Sweet  
Tinho Mang  
Keith C Owens  
Jack Praetzellis

**Trustee(s):**

Larry D Simons (TR)

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