

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

Wednesday, August 5, 2026

Hearing Room

6C

10:00 AM

8:26-11692 Ron Earle Herrmann

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and Ally Bank RE 2022
Mercedes Benz E-Class Sedan 4D E350

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ron Earle Herrmann

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

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6C

10:00 AM

8:26-11692 Ron Earle Herrmann

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Carvana, LLC RE 2016
Jeep Grand Cherokee

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ron Earle Herrmann

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, August 5, 2026

Hearing Room 6C

11:00 AM

8:05-17531 Victoria Peterson

Chapter 7

#3.00 Debtor's Motion for Order to Show Cause Why Creditors Jennifer Posey and Steve Tokai, and Attorney Michael Wallin and Wallin & Russell LLP Should Not Be Held in Civil Contempt for Willful Violation of the Discharge Injunction [11 U.S.C. § 524(a)(2)]

EH__

[Tele. appr. Stephen F. Lopez, rep. Debtor]

Docket 253

Tentative Ruling:

8/5/2026

PROCEDURAL BACKGROUND

On September 30, 2005, Victoria Peterson ("Debtor") filed a Chapter 7 voluntary petition. More than two years later, on November 19, 2007, the case was converted to Chapter 13. On April 3, 2008, the case was reconverted to Chapter 7. Ultimately, the Chapter 7 Trustee filed a no-asset report on March 9, 2011.

Because of a stayed adversary proceeding objecting to discharge, Debtor did not receive her discharge until November 20, 2013. That same day, the bankruptcy case was closed.

On January 23, 2026, Debtor brought an adversary proceeding against Jennifer Posey ("Posey"), Steve Tokai ("Tokai") (Posey and Tokai, collectively, "Creditors"), and Michael Wallin and Wallin & Russell LLP (collectively, the "Wallin Defendants." The adversary complaint included causes of action for: (a) willful violation of the discharge injunction; (b) violation of the Rosenthal Fair Debt Collection Practices Act; (c) financial elder abuse; (d) intentional infliction of emotional distress; and (e) negligent infliction of emotional distress. After Creditors and the Wallin Defendants filed motions to dismiss, Debtor voluntarily dismissed the proceeding.

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CONT...

Victoria Peterson

Chapter 7

On July 5, 2026, Debtor filed a contempt motion, seeking the issuance of an OSC against Creditors and the Wallin Defendants. On July 13, 2026, Creditors and the Wallin Defendants filed oppositions and the Court set the matter for hearing. On July 29, 2026, Debtor filed replies.

FACTUAL BACKGROUND

In April 2003, Creditors obtained a state court judgment against Debtor in the principal amount of \$40,000. On March 6, 2013, during the pendency of the Chapter 7 case, Creditors recorded an abstract of judgment renewing the judgment.

On July 25, 2019, Creditors sought to renew the judgment again. Debtor appears to have opposed this application and sought to "vacate" both the 2013 and 2019 renewal applications. Ultimately, the state court denied Debtor's motions and Creditors recorded a second renewal on January 24, 2020, at which point the amount owing was \$134,049.46.

In December 2024, Creditors retained the Wallin Defendants. The Wallin Defendants obtained a writ of execution on behalf of Creditors and subsequently sought to levy on Debtor's real property.

DISCUSSION

Local Rule 9020-1 provides for a two-step process for contempt proceedings. The first step is filing a motion for an issuance of an order to show cause. If the motion is granted, the Court issues an order to show cause why a party should not be held in contempt. There is no binding guidance for how the Court should evaluate a motion brought pursuant to the first step in this process. Typically, however, the Court evaluates a motion for an issuance of an order to show cause similarly to how an adversary complaint is reviewed at the pleading stage. If sufficient facts are alleged, that when taken as true, provide grounds for a contempt finding, the Court will issue an order to show cause and direct the parties to submit evidence.

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CONT...

Victoria Peterson

Chapter 7

Here, Debtor makes two arguments. The first argument is that the renewal of the judgment after the discharge is itself a violation because the lien had expired since the 2013 renewal was recorded in violation of the automatic stay. Second, Debtor argues that the request for a writ of execution violates the discharge injunction because the writ was not limited to *in rem* enforcement.

The Court notes that regarding Debtor's first argument, there appears to be a split in legal authority. On one hand, the California Court of Appeals has recently ruled that a renewal of a judgment does not violate the automatic stay. *See Rubin v. Ross*, 65 Cal. App. 5th 153, 163 (Cal. Ct. App. 2021) ("[T]he question is properly framed as whether the stay imposed by title 11 United States Code section 362 operates to prohibit the specific act of renewing a judgment as authorized under Code of Civil Procedure 683.210. We conclude that it does not."). In reaching this conclusion, the California Court of Appeals explicitly disagreed with a prior bankruptcy court decision that concluded that renewing a judgment during the pendency of a bankruptcy case was a violation of the automatic stay and void. *See In re Lobherr*, 282 B.R. 912 (Bankr. C.D. Cal. 2002) ("Since Respondent failed to obtain relief from stay before renewing the judgment, Respondent's action constituted a violation of the automatic stay, and thus, was void."). *Rubin* stated that it found the reasoning in *Lobherr* "unpersuasive."

Subsequently, the California Court of Appeals has repeatedly characterized a renewal of judgment as a ministerial act. *See, e.g., Wash v. Wash*, 2026 WL 497528 at *3 (Cal. Ct. App. 2026); *Backlund v. Stone*, 115 Cal. App. 5th 580, 590 (Cal. Ct. App. 2025); *Estate of Douglas*, 83 Cal. App. 5th 690, 696 (Cal. Ct. App. 2022). And *Rubin* itself points out the error in the bankruptcy court's reasoning:

the bankruptcy court in *Lobherr* reasoned that a renewal of judgment could not be merely ministerial because the renewal "was not an action that could have been taken ex parte, without notice" and "required service of the application for renewal on the judgment debtor."

However, as recently explained by our colleagues in the First Appellate District, a renewal of judgment is in fact an ex parte procedure: "[T]here is no statutory requirement that the notice of renewal be served on the judgment debtor in order for the renewal to be effective

65 Cal. App. 5th 153 at 165 (citation omitted). As a result, it appears that the legal

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CONT... Victoria Peterson

Chapter 7

consensus is that the renewal of the judgment was not a violation of the automatic stay.

Regarding Debtor's second argument, neither Debtor nor Creditors or the Wallin Defendants have provided any applicable caselaw regarding the proper procedure to avoid a discharge injunction violation when seeking to collect on a discharged lien. The Court notes that CAL. CODE CIV. P. § 699.510(c)(1)(A) provides for a judgment debtor's name being omitted if the judgment debtor has obtained a bankruptcy discharge. The Wallin Defendants assert that that section applies when there are multiple judgment debtors --- the Court has not identified anything in the statute or the caselaw to support that contention.

At this preliminary stage, it does not appear any *facts* are in dispute, rather there simply remains a disputed legal issue --- whether the specific manner of obtaining the writ of execution in this case constitutes a discharge injunction violation. As a result, the Court is inclined to CONTINUE the matter for supplemental briefing on this discrete legal issue.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Victoria Peterson

Represented By
Jeffrey R Menard

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Smiley, Wang, Ekvall & Strok
Reem J Bello
Jeffrey I Golden

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11:00 AM

8:25-11950 Brian Conway

Chapter 7

#4.00 CONT. Order to Show Cause Why Sequoia Equities --- Alicante Limited Partnership Should Not Be Held in Contempt of Court for Violation of the Discharge Injunction

EH__

From: 7-22-26

[Tele. appr. R. Scott Andrews, rep. Respondents/Defendants SEQUOIA EQUITIES - ALICANTE, A CALIFORNIA LIMITED PARTNERSHIP]

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian Conway

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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6C

2:00 PM

8:25-10797 Pierre Sawaya

Chapter 7

Adv#: 8:25-01296 Othman v. Sawaya

#5.00 Motion For Leave To File First Amended Complaint For Nondischargeability Of Debt And For Related Relief

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/28/26**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pierre Sawaya

Pro Se

Defendant(s):

Pierre Sawaya

Pro Se

Plaintiff(s):

Tarek Othman

Represented By
Robert E Opera

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, August 5, 2026

Hearing Room 6C

2:00 PM

8:25-13163 Sharon Liane Blank

Chapter 7

Adv#: 8:26-01017 Fine v. Blank

#6.00 CONT. Sharon Blank's Motion to Dismiss Complaint for Failure to State a Claim
Upon Relief can be Granted

EH__

From: 4-1-26, 5-27-26

Docket 5

***** VACATED *** REASON: CASE DISMISSED ON 7/8/26**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon Liane Blank

Represented By
Arlene Marie Tokarz

Defendant(s):

Sharon Liane Blank

Represented By
Fritz J Firman

Plaintiff(s):

Martin Fine

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se