

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

Thursday, September 25, 2025

Hearing Room

6C

10:30 AM

8:21-12593 Damien Joseph Gomez

Chapter 13

#1.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Damien Joseph Gomez

Represented By
Nima S Vokshori

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:20-11663 Dung Ngoc Tran

Chapter 13

#2.00 Trustee's Motion to Dismiss Case for Failure to Complete the Plan

EH____

Docket 96

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 8-25-25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dung Ngoc Tran

Represented By
Phu D Nguyen

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:22-10235 Walter Enrique Zelaya Zelaya and Blanca Celia Zelaya

Chapter 13

#3.00 Trustee's Motion to Dismiss Case Under 11 U.S.C. § 1307(c)(1)

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/15/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walter Enrique Zelaya Zelaya

Represented By
Lauren M Foley

Joint Debtor(s):

Blanca Celia Zelaya

Represented By
Lauren M Foley

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:23-10635 Krista Ann Armogida

Chapter 13

#4.00 CONT. Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

EH____

From: 7-17-25, 8-28-25

[Tele. appr. Jacqueline Serrao, rep. Debtor]

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Krista Ann Armogida

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:23-10635 Krista Ann Armogida

Chapter 13

#5.00 CONT. Motion To Modify Plan or Suspend Plan Payments

EH__

From: 8-28-25

[Tele. appr. Jacqueline Serrao, rep. Debtor]

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Krista Ann Armogida

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:24-11501 Neil Abraham Mason

Chapter 13

#6.00 CONT. Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision

EH__

From: 8-21-25

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Neil Abraham Mason

Represented By
Ethan Kiwhan Chin

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:24-12506 David Samuel Shashoua

Chapter 13

#7.00 Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/27/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Samuel Shashoua

Represented By
Andy C Warshaw

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:25-12183 Arturo Sanchez

Chapter 13

#8.00 Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §§ 1307(c), 105(a), 109(g), And 349 With A 180-Day Bar To Refiling

EH__

Docket 12

Tentative Ruling:

9/25/2025

Service: Proper

Opposition: None

The UST seeks dismissal of this case with a 180-day bar to refiling. The case is already dismissed under § 1307(b), but the Court retains authority to impose a refiling bar under § 109(g). Here, Debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay, triggering § 109(g)(2). Therefore, the Court is inclined GRANT the UST's motion to the extent of imposing a 180-day bar on refiling pursuant to § 109(g).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Arturo Sanchez

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, September 25, 2025

Hearing Room

6C

10:30 AM

8:25-12478 Judith Leyva and Benjamin Arce

Chapter 7

#8.10 Lessor's Objection to Debtor's Certification and/or Debtor's Further Certification
Concerning Residential Property RE: 33 Sable Irvine CA 92618

MOVANT: Century Garden Realty

EH__

[Tele. appr. Tim Wei Lam, rep. Movant]

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Judith Leyva

Pro Se

Joint Debtor(s):

Benjamin Arce

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

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

Thursday, September 25, 2025

Hearing Room

6C

10:30 AM

8:25-12478 Judith Leyva and Benjamin Arce

Chapter 7

#8.11 Debtors Ex Parte Motion to Confirm and Enforce 30-Day Stay of Eviction Under 11 U.S.C. § 362(1)

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Judith Leyva

Pro Se

Joint Debtor(s):

Benjamin Arce

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

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

Thursday, September 25, 2025

Hearing Room 6C

10:30 AM

8:23-12381 Teresa Arteaga and Jose Mario Perez Arteaga

Chapter 13

#8.20 Trustee's Motion to Dismiss Case Failure To Make Plan Payments.

EH__

[Tele. appr. D. Justin Harelik, rep. Debtor]

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa Arteaga

Represented By
D Justin Harelik

Joint Debtor(s):

Jose Mario Perez Arteaga

Represented By
D Justin Harelik

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:24-10692 Paul Ronnie Adams

Chapter 13

#9.00 CONT. Confirmation of Chapter 13 Plan

EH__

From: 1/9/25; 2/13/25, 8/1/25, 8/28/25

**[Tele. appr. Kirsten Martinez, rep. Creditor Nissan Motor Acceptance
Company LLC]**

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

Docket 106

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Ronnie Adams

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11413 German Guerrero

Chapter 13

#10.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 7-31-25

[Tele. appr. Onyinye Anyama, rep. Debtor]

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

German Guerrero

Represented By
Onyinye N Anyama

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11477 Rosa Lilian Franco

Chapter 13

#11.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 7-31-25, 8-21-25

[Tele. appr. Porfirio Rodriguez, rep. Debtor]

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa Lilian Franco

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, September 25, 2025

Hearing Room 6C

11:00 AM

8:25-11543 Anthony Farias

Chapter 13

#12.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-21-25

[Tele. appr. Porfirio Rodriguez, rep. Debtor]

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Farias

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, September 25, 2025

Hearing Room 6C

11:00 AM

8:25-11550 Jeremy Julian Duran and Brenda Lynne Dintino Duran

Chapter 13

#13.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-21-25

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Julian Duran

Represented By
Chris T Nguyen

Joint Debtor(s):

Brenda Lynne Dintino Duran

Represented By
Chris T Nguyen

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11562 Arnold Patena Wee Eng and Precious Angeli Wee Sia

Chapter 13

#14.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-21-25

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arnold Patena Wee Eng

Represented By
Nicholas W Gebelt

Joint Debtor(s):

Precious Angeli Wee Sia

Represented By
Nicholas W Gebelt

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11583 Anthony Toan Cao

Chapter 13

#15.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-21-25

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Toan Cao

Represented By
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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11644 Atanacio Stephen Serraoon Santiago

Chapter 13

#16.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-28-25

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Atanacio Stephen Serraoon Santiago	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11658 Vanessa Allison Tunks

Chapter 13

#17.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-28-25

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vanessa Allison Tunks

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11686 Mayola Ramos Blando

Chapter 13

#18.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-28-25

[Tele. appr. Bert Briones, rep. Debtor]

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mayola Ramos Blando

Represented By
Bert Briones

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11691 Robert Q. Rodriguez

Chapter 13

#19.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-28-25

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Q. Rodriguez

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11759 Tony Nguyen

Chapter 13

#20.00 CONT. Confirmation Of Chapter 13 Plan

EH__

From: 8-28-25

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

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tony Nguyen

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11961 Susana Cabello and Gerardo Cabello

Chapter 13

#21.00 Confirmation Of Chapter 13 Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Cabello

Represented By
Christopher P. Walker

Joint Debtor(s):

Gerardo Cabello

Represented By
Christopher P. Walker

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11968 Alma Fabiola Martinez

Chapter 13

#22.00 Confirmation Of Chapter 13 Plan

EH__

[Tele. appr. Kirsten Martinez, rep. Creditor U.S. Bank National Association]

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Fabiola Martinez

Represented By
Tuan Le

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-11979 Chi Chia Chang

Chapter 13

#23.00 Confirmation Of Chapter 13 Plan

EH__

[Tele. appr. Robert Chen, rep. Debtor]

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chi Chia Chang

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12006 Marco Antonio Barragan

Chapter 13

#24.00 Confirmation Of Chapter 13 Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Antonio Barragan

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12035 Hussam Fayiz Darwish

Chapter 13

#25.00 Confirmation Of Chapter 13 Plan

EH__

[Tele. appr. Renee Parker, rep. Creditor Real Time Resolutions, Inc.]

[Tele. appr. Joseph C. Delmotte, rep. Creditor]

[Tele. appr. Coby Halavais, rep. Creditor Akram Diab]

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hussam Fayiz Darwish

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12055 Daniel John Sroka

Chapter 13

#26.00 Confirmation Of Chapter 13 Plan

EH__

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

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel John Sroka

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12058 Jaclyn Paulina Richards

Chapter 13

#27.00 Confirmation Of Chapter 13 Plan

EH__

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

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaclyn Paulina Richards

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12066 Hoa Vu

Chapter 13

#28.00 Confirmation Of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED ON 8/15/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hoa Vu

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12073 Christopher Lincoln Perry

Chapter 13

#29.00 Confirmation Of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED ON 8/18/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Lincoln Perry

Represented By
Joseph Arthur Roberts

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, September 25, 2025

Hearing Room 6C

11:00 AM

8:25-12096 Shea Christian Reiter

Chapter 13

#30.00 Confirmation Of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED ON 8/18/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shea Christian Reiter

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12107 Jessica Belmont

Chapter 13

#31.00 Confirmation Of Chapter 13 Plan

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jessica Belmont

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, September 25, 2025

Hearing Room 6C

11:00 AM

8:25-12111 David Doyle Schmidt and Megan Marie Van Patten

Chapter 13

#32.00 Confirmation Of Chapter 13 Plan

EH__

[Tele. appr. Robert Chen, rep. Debtor]

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Doyle Schmidt

Represented By
Julie J Villalobos

Joint Debtor(s):

Megan Marie Van Patten

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, September 25, 2025

Hearing Room

6C

11:00 AM

8:25-12112 Dhennis Malabanan Tolentino

Chapter 13

#33.00 Confirmation Of Chapter 13 Plan

EH__

[Tele. appr. Robert Chen, rep. Debtor]

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dhennis Malabanan Tolentino

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, September 25, 2025

Hearing Room

6C

1:30 PM

8:20-12311 Almada Ginnia Tristan and Todd T. Tristan

Chapter 13

#34.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 65 Regal, Irvine, CA 92620

MOVANT: NEWREZ LLC

EH__

From: 7-31-25, 8-28-25

Docket 112

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 9-23-25**

Tentative Ruling:

Party Information

Debtor(s):

Almada Ginnia Tristan

Represented By
Andrew S Bisom

Joint Debtor(s):

Todd T. Tristan

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, September 25, 2025

Hearing Room 6C

1:30 PM

8:24-12980 John Joseph Stoffel and April Dawn Stoffel

Chapter 13

#35.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 10271 Kukui Drive, Huntington Beach, CA 92646

MOVANT: NEWREZ LLC

EH__

From: 8-21-25

Docket 40

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 9/24/25**

Tentative Ruling:

Party Information

Debtor(s):

John Joseph Stoffel

Represented By
Thomas E Brownfield

Joint Debtor(s):

April Dawn Stoffel

Represented By
Thomas E Brownfield

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, September 25, 2025

Hearing Room 6C

1:30 PM

8:24-13309 Paul Alan Leedy

Chapter 13

#36.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Leo Ricci v. Paul A. Leedy, Case No.: 20STFL11522, Superior Court of California, County of Los Angeles, Stanley Mosk Division

MOVANT: PAUL A. LEEDY

EH__

[Tele. appr. Martina A. Slocomb, rep. Debtor]

Docket 72

Tentative Ruling:

9/25/2025

On December 31, 2024, Paul Leedy ("Debtor") filed a Chapter 13 voluntary petition. On April 4, 2025, Debtor's Chapter 13 plan was confirmed.

On August 29, 2025, Debtor filed a motion for relief from the automatic stay, in order to return to state court to seek to amend a divorce judgment. Debtor states that he files the motion out of an "abundance of caution" because the "law is unclear."

On September 16, 2025, Leo Ricci ("Ex-Spouse") filed a late opposition. The first part of the substance of the opposition is less than clear. On September 18, 2025, Debtor filed a reply.

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

Thursday, September 25, 2025

Hearing Room

6C

1:30 PM

CONT...

Paul Alan Leedy

Chapter 13

"The automatic stay under 11 U.S.C. § 362(a)(1) for judicial proceedings against the debtor does not apply to suits brought by the debtor." *McDonough Assocs., Inc. v. Grunloh*, 722 F.3d 1043, 1048 n.3 (7th Cir. 2013). Importantly, however, "whether a case is subject to the automatic stay is determined 'from an examination of the debtor's status at the *initial* proceeding.'" *Farley v. Henson*, 2 F.3d 273, 275 (8th Cir. 1993) (collecting cases); *see also Ingersoll-Rand Fin. Corp. v. Miller Min. Co., Inc.*, 817 F.2d 1424, 1426 (9th Cir. 1987) (same). For the reasons outlined in *Farley* and cases in accord, because the automatic stay would have applied to the proceeding *ab initio*, it would also apply to Debtor's discrete request to modify the divorce judgment. *See, e.g., Association of St. Croix Condominium Owners v. St. Croix Hotel Corp.*, 682 F.2d 446, 449 (3rd Cir. 1982) ("Thus, whether a case is subject to the automatic stay must be determined at its inception.").

Turning to the merits of Debtor's request, when considering a motion for relief from the automatic stay to continue litigation in another forum, the Court typically applies the *Curtis* factors. The *Curtis* factors are the following:

1. Whether the relief will result in a partial or complete resolution of the issues;
2. The lack of any connection with or interference with the bankruptcy case;
3. Whether the foreign proceeding involves the debtor as a fiduciary;
4. Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases;
5. Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation;
6. Whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceedings in question;
7. Whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties;
8. Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c);

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9. Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f);
10. The interests of judicial economy and the expeditious and economical determination of litigation for the parties;
11. Whether the foreign proceedings have progressed to the point where the parties are prepared for trial, and
12. The impact of the stay on the parties and the "balance of hurt,"

See, e.g., In re Advanced Med. Spa Inc., 2016 WL 6958130 at *4 (B.A.P. 9th Cir. 2016).

The district court has previously opined:

While the *Curtis* factors are widely used to determine the existence of "cause," not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, "the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit.

In re Roger, 539 B.R. 837, 845 (C.D. Cal. 2015) (quotations and citations omitted); *see also In re Advanced Med. Spa Inc.* at *4 ("In weighing the relevant factors, the bankruptcy court is not required to give equal weight to all factors. In fact, the balancing of potential harm to the creditor on the one hand and to the debtor and the bankruptcy estate on the other hand frequently is dispositive.").

Here, the situation is atypical. There is a final judgment ---- issued by the state court more than one year ago --- and Debtor would not have the ability to bring his motion for reconsideration in this court. Noting that:

- (a) the specific request at issue would not create any interference with the

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bankruptcy case;

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(b) the issue raised must be heard by the state court; and

(c) Ex-Spouse --- who has the burden of proof pursuant to § 362(g) --- has not raised any legal reason why the automatic stay should not be lifted

The Court is inclined to:

- GRANT relief from the automatic stay pursuant to § 362(d)(1);
- GRANT waiver of Rule 4001(a)(3) stay; and
- GRANT request under ¶ 2.

Regarding Debtor's request for annulment of the automatic stay, here it is not exactly clear what actions were taken by Debtor. Debtor has attached a notice of hearing to the underlying motion, although there is no file stamp showing that it was filed in state court.

Ninth Circuit caselaw states:

Many courts have focused on two factors in determining whether cause exists to grant relief from the stay: (1) whether the creditor was aware of the bankruptcy petition; and (2) whether the debtor engaged in unreasonable or inequitable conduct, or prejudice would result to the creditor. *See, e.g., Easley v. Pettibone Mich. Corp.*, 990 F.2d 905, 911 (6th Cir.1993) (suggesting that the stay does not apply "where the debtor unreasonably withholds notice of the stay and the creditor would be prejudiced if the debtor is able to raise the stay as a defense, or where the debtor is attempting to use the stay unfairly as a shield to avoid an unfavorable result"); *In re Confidential Investigative Consultants, Inc.*, 178 B.R. 739, 752 (Bankr.N.D.Ill.1995) ("Although there is no bright line rule, the general trend has been to evaluate two key factors: whether the creditor had notice of the bankruptcy, and how long the debtor delayed in asserting the automatic stay as a defense.").

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Here, because it is Debtor seeking relief from stay, the terms "creditor" and "debtor" would be reversed in the above citation. In this situation, (a) Debtor clearly was aware of the bankruptcy petition; (b) Ex-Spouse did not engage in any unreasonable or inequitable conduct; and (c) Debtor would not appear to be prejudiced by this Court declining to annul the stay.

Instead, Debtor's position seems to be that because the case is an unusual situation, the stay should be annulled. Unfortunately, for the automatic stay to have the intended force, the Court expects parties to error on the side of seeking relief from stay, rather than moving forward outside of bankruptcy court, and then seeking permission afterwards. Noting that the request at issue here very clearly fails the standard Ninth Circuit test for annulment of the automatic stay, the Court is inclined to DENY the request.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Paul Alan Leedy

Represented By

Bert Briones

Martina A Slocomb

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:25-10404 America Maria Hernandez

Chapter 13

#37.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1460 Pamela Lane, La Habra, CA 90631

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

Docket 69

***** VACATED *** REASON: CASE DISMISSED 8-22-25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

America Maria Hernandez

Represented By
Onyinye N Anyama

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:25-10881 Ashrafalsadat Harati

Chapter 13

#38.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 863 S. Sapphire Lane., Anaheim, CA 92807

MOVANT: John Whates

EH__

[Tele. appr. Andy C. Warshaw, rep. Debtor]

[Tele. appr. Luke Daniels, rep. Movant]

Docket 31

Tentative Ruling:

9/25/25

Service: Proper

Opposition: Yes – Limited Opposition by Debtor

Having reviewed the motion and Debtor's limited opposition, service being proper, and good cause appearing, the Court is inclined to:

- GRANT relief from the stay under §§ 362(d)(1) and (d)(2);
- GRANT waiver of 4001(a)(3) stay; and
- GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ashrafalsadat Harati

Represented By
Andy C Warshaw

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CONT... Ashrafalsadat Harati

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Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:25-11471 Bradley James Von Sprecken

Chapter 7

#39.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Ram 1500, VIN: 1C6SRFLT0LN402414

MOVANT: Santander Consumer USA Inc., dba Chrysler Capital

EH__

From: 9-3-25

[Tele. appr. Sheryl K. Ith, rep. Movant]

Docket 18

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/24/25**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bradley James Von Sprecken

Represented By
Michael D Franco

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:25-12468 Stephen Ray McClain

Chapter 13

#39.10 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate: 21716
Rushford Dr, Lake Forest, CA 92630

EH__

Docket 12

Tentative Ruling:

9/25/25

Service: Improper

Opposition: None

Regarding notice, the Court notes that Debtor has elected to set this hearing on shortened notice. The Court notes that it permits certain categories of relief from stay motions to be set for hearing on shortened notice without Court order.

Regarding service, the Court notes that for motions to continue or impose the stay under Section 362(c)(3) or (c)(4)), the Court requires that secured creditors receive notice pursuant to FRBP 7004 and also requires notice to counsel for secured creditors, if known. Here, counsel for secured creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing was served with electronic notice. Debtor, however, did not serve notice pursuant to FRBP 7004 as to secured creditors Shellpoint Mortgage Servicing and World Business Leaders, LLC. Notice to secured creditors pursuant to FRBP 7004 having not been provided, service of the Motion was not proper.

Regarding the merits, Debtor explains a very significant change in income by merely alluding to lack of communication with prior counsel. This explanation is insufficient to satisfy the clear and convincing statutory standard.

For these reasons, the Court's intention is to DENY the motion.

APPEARANCES REQUIRED.

Party Information

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CONT... Stephen Ray McClain

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Debtor(s):

Stephen Ray McClain

Represented By
Thomas B Ure

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:25-12519 Alexander George Schulga

Chapter 13

#39.20 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Personal Property

EH__

[Tele. appr. Porfirio Rodriguez, rep. Debtor]

[Tele. appr. Kiara Robles Chavez, rep. Creditor Smart Stop Self Storage Reit, Inc.]

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander George Schulga

Represented By
Kevin Tang

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:25-12165 Gaurav Bajaj and Brenda Singh Bajaj

Chapter 7

#39.30 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: RESIDENTIAL REAL PROPERTY RE: 70 City Stroll, Irvine, CA 92620

MOVANT: ROBERT C. RUIZ AS TRUSTEE OF THE RUIZ FAMILY TRUST

EH____

[Tele. appr. Larry Rothman, rep. Movant]

Docket 20

Tentative Ruling:

9/25/2025

Service: Improper

Opposition: None

On September 10, 2025, Robert C. Ruiz as Trustee of the Ruiz Family Trust ("Movant") filed a motion for relief from the automatic stay (the "Motion") as well as an accompanying application for a hearing on shortened time (the "Application"). The Application stated that "[s]ome judges allow residential unlawful detainer motions for relief from the automatic stay to be heard on shorten notice without an application." Indeed, as can be identified by looking at the Court's website, Judge Houle is one of those judges. The Court denied the application referencing the applicable statement on the Court's website and stated: "Movant may follow the applicable self-calendaring procedures to set the matter for hearing."

On September 18, 2025, Movant set the matter for hearing but again appears to have not reviewed the Court's self-calendaring procedures. Specifically, Judge Houle requires telephonic notice of the hearing to be given to debtors in this situation, which was not done here. Additionally, the notice of the page of the motion does not contain an opposition deadline and incorrectly states that the Application was granted by the Court.

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CONT... Gaurav Bajaj and Brenda Singh Bajaj

Chapter 7

Given these procedural defects, the Court is inclined to DENY the motion without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gaurav Bajaj

Pro Se

Joint Debtor(s):

Brenda Singh Bajaj

Pro Se

Movant(s):

Robert C. Ruiz As Trustee of the

Represented By
Larry Rothman

Trustee(s):

Richard A Marshack (TR)

Pro Se

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8:24-10539 Adrienne Seleste Weir

Chapter 13

Adv#: 8:24-01081 Prolacta Bioscience, Inc. v. Weir

#40.00 Motion for Leave to File First Amended Complaint

EH__

[Tele. appr. William C. Beall, rep. Plaintiff]

[Tele. appr. Halli Heston, rep. Defendant]

Docket 36

Tentative Ruling:

9/25/2025

ISSUE PRESENTED

Whether Plaintiff Prolacta Bioscience, Inc. should be granted leave to amend its adversary complaint under Rule 15(a)(2) and Bankruptcy Rule 7015 to expand factual allegations and add new statutory grounds for nondischargeability.

BACKGROUND

Plaintiff filed the original adversary complaint on May 17, 2024, seeking nondischargeability of debts allegedly owed by Defendant Adrienne Weir under § 523(a)(6). The complaint alleged that Weir, a former employee and shareholder Prolacta, willfully and maliciously misappropriated confidential information and trade secrets and interfered with Prolacta's business relationships.

Defendant filed her answer and affirmative defenses on September 24, 2024. A scheduling order entered on March 17, 2025, set July 31, 2025, as the discovery cutoff and August 18, 2025, as the dispositive motion deadline. The matter was assigned to mediation, which was unsuccessful.

On August 28, 2025, after the discovery cutoff and dispositive motion deadline had passed, Plaintiff moved for leave to file a First Amended Complaint. The proposed amendment elaborates on the factual allegations, adds details concerning Elena Medo ("Medo") and Medolac as competitors, and asserts claims under § 523(a)(2)(A) for

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CONT... Adrianne Seleste Weir

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fraud and false pretenses instead of under § 523(a)(6). Defendant opposes the motion, arguing that amendment is untimely, prejudicial, and futile. Plaintiff has replied, and the matter is fully briefed.

DISCUSSION

LEGAL STANDARD

Rule 15(a)(2) provides that leave to amend should be freely granted "when justice so requires." Under *Foman v. Davis*, 371 U.S. 178 (1962), a court may deny leave to amend based on undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice to the opposing party, or futility of amendment. The Ninth Circuit applies this standard with "extreme liberality," but prejudice to the opposing party is the most important consideration. *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).

Where a scheduling order has been entered, however, Rule 16(b)(4) also applies. Under that rule, the movant must show "good cause" to modify the scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608–09 (9th Cir. 1992). Good cause primarily considers the diligence of the party seeking amendment.

ANALYSIS

Because the scheduling order established firm deadlines for discovery and dispositive motions, Plaintiff must demonstrate good cause under Rule 16. The motion to amend was filed on August 28, 2025, after both the July 31 discovery cutoff and the August 18 dispositive motion deadline had passed. Plaintiff has not provided a clear explanation for why amendment could not have been sought earlier. The absence of such diligence weighs strongly against amendment under Rule 16.

Even if analyzed solely under Rule 15, the motion faces substantial obstacles. The timing of the request constitutes undue delay. The case has been pending for more than a year, and Plaintiff waited until after key deadlines had expired before seeking to add new claims. The amendment would also prejudice Defendant, who has defended the case under § 523(a)(6). The addition of § 523(a)(2)(A) introduces different elements, including misrepresentation, reliance, and intent to deceive, which may necessitate reopening discovery and altering litigation strategy. Such prejudice is significant given that the case has already proceeded through discovery and mediation.

The question of futility is less clear. Section 523(c) requires complaints to determine nondischargeability to be filed within 60 days of the first creditors' meeting, but amendments may relate back under Rule 15(c) if they arise from the same transaction

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Adrianne Seleste Weir

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or occurrence as the original pleading. Courts in this circuit have allowed new § 523 subsections to relate back when based on the same nucleus of facts, reasoning that the debtor was already on notice of the conduct at issue. Here, Plaintiff's fraud allegations overlap with the same core factual allegations regarding misuse of confidential information and competition. For that reason, futility is not dispositive as the amended complaint would appear to relate back.

Nonetheless, given Plaintiff's lack of diligence in seeking amendment and the substantial prejudice to Defendant in reopening the case for additional discovery, the balance of factors under both Rule 16 and Rule 15 weighs against granting leave to amend.

Finally, the Court notes that: (a) the motion is not supported by any evidence; and (b) the proposed amended complaint still only contains claims under § 523(a)(6).

For the foregoing reasons, the Court's inclination is to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Adrianne Seleste Weir

Represented By

Halli B Heston

Caroline Djang

Jacqueline L James

Defendant(s):

Adrianne Seleste Weir

Represented By

Halli B Heston

Todd A Boock

Caroline Djang

Plaintiff(s):

Prolacta Bioscience, Inc.

Represented By

William C Beall

Ryan W Beall

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CONT... Adrianne Seleste Weir

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Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:24-10539 Adrienne Seleste Weir

Chapter 13

Adv#: 8:24-01081 Prolacta Bioscience, Inc. v. Weir

#40.10 CONT. Status Conference re Complaint by Prolacta Bioscience, Inc. against
Adrienne Seleste Weir. willful and malicious injury))

*Specially set

EH__

From 8/15/24, 9/26/24, 10/24/24, 3/13/25, 8/28/25, 9/11/25

[Tele. appr. William C. Beall, rep. Plaintiff]

[Tele. appr. Halli Heston, rep. Defendant]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrienne Seleste Weir

Represented By
Halli B Heston

Defendant(s):

Adrienne Seleste Weir

Represented By
Halli B Heston
Todd A Boock

Plaintiff(s):

Prolacta Bioscience, Inc.

Represented By
William C Beall

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Adrianne Seleste Weir

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8:25-11919 Alfred McZeal

Chapter 13

Adv#: 8:25-01251 McZeal et al v. Kilburn et al

#41.00 Motion to Dismiss Adversary Action

EH__

[Tele. appr. Larry Rothman, rep. Movant Orange Kangaroo, LLC, Yommi Won, Harrison S. Won]

[Tele. appr. Katy A. Moorer, rep. Defendants Karita Robinson & Yosemite Lopez]

[Tele. appr. Jose Solano, rep. Plaintiff]

[Tele. appr. Alfred McZeal Jr., rep. Plaintiff]

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfred McZeal	Pro Se
---------------	--------

Defendant(s):

Paige Kilburn	Pro Se
Andrew Kilburn	Pro Se
CVSBA, LLC	Pro Se
Orange Kangaroo, LLC	Represented By Larry Rothman
Yoomi Won	Pro Se
Harrison S Won	Pro Se

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CONT... Alfred McZeal

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Yosemite Lopez

Pro Se

Karita Robinson

Pro Se

Plaintiff(s):

Alfred McZeal

Pro Se

Jose R Solano

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:24-12353 Darlyne Elaine Lucchesi

Chapter 13

Adv#: 8:24-01146 Lucchesi v. US Bank, N A et al

#42.00 CONT. Motion to Dismiss Second Amended Complaint by Defendants U.S. Bank N.A., as Trustee, Successor in Interest to Bank of America, N.A., as Trustee, Successor by Merger to LaSalle Bank N.A., as Trustee for Washington Mutual Mortgage Pass-Through Certificates Wmalt Series 2006-AR4 Trust erroneously sued as U.S. Bank NA, (WMMSC: WMALT AR-4) and Nationstar Mortgage, LLC

EH__

From: 7-31-25

Docket 77

Tentative Ruling:

7/31/2024

BACKGROUND

On September 17, 2024, Darlyne Lucchesi ("Debtor") filed a Chapter 13 voluntary petition. On November 21, 2024, the bankruptcy case was dismissed. On January 31, 2025, the dismissal order was vacated. On May 23, 2025, the bankruptcy case was dismissed again after a confirmation hearing held the prior day.

On November 7, 2024, Debtor commenced an adversary proceeding against: (1) U.S. Bank, N.A.; (2) Nationstar Mortgage, LLC; (3) Aldridge Pit, LLP; (4) Clear Recon Corp; (5) Joseph Delmotte; (6) The Mortgage Law Firm; (7) Bank of America, N.A.; (8) Jafarnia Merjaud; and (9) Albertelli Law. The adversary proceeding was commenced *pro se*. On April 29, 2025, Bank of America, N.A. was dismissed by request of Debtor. On June 2, 2025, Albertelli Law and Merdadu Jafarnia were dismissed from the action by Court approval of a stipulation. On July 23, 2025, Aldridge Pite LLP and Joseph Delmotte were dismissed pursuant to stipulation. As a result, there appear to be three remaining defendants: U.S. Bank, N.A., Nationstar Mortgage, LLC, and The Mortgage Law Firm.

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On June 13, 2025, Debtor filed her second amended complaint. The complaint contains causes of action for: (1) declaratory judgment; (2) determination of lien validity and extent; (3) willful violation of the automatic stay (two counts). The second amended complaint does not even identify the defendants to the complaint and makes a variety of accusations against judges, attorneys, and various institutions.

On July 3, 2025, Nationstar Mortgage LLC and US Bank, N.A. (collectively, "Movants") filed a motion to dismiss (the "Motion"). Debtor filed a late opposition to the Motion on July 24, 2025. Movants filed a reply on the same day.

DISCUSSION

The Court, having reviewed the motion, the opposition and the reply, as well as the record in the case, notes that the Motion relies on extensive factual information outside the scope of the complaint, as well as affirmative defenses. In fact, the majority of the legal argument in the Motion is based on affirmative defenses. One treatise has discussed the use of affirmative defenses in 12(b)(6) motions as follows:

[F]or these defenses to be raised in a Rule 12(b)(6) motion to dismiss, the complaint must clearly show on its face that the affirmative defense is applicable and bars the action. If a Rule 12(b)(6) motion to dismiss based on an affirmative defense requires the use of matters outside the record, the motion must be treated as a Rule 56 motion for summary judgment, in accordance with the provisions of Rule 12(b).

61A Am. Jur. 2d Pleading § 480 *Raising affirmative defenses on motion to dismiss under* FED. R. CIV. P. RULE 12(b) (footnotes omitted) (collecting cases). The Court notes that the instant motion does not comply with the heightened procedural requirements applicable to motions for summary judgment.

The Court also notes that the underlying bankruptcy case was dismissed. After dismissal of the underlying bankruptcy case, the Court generally has discretion to retain jurisdiction, but the default rule is that related adversary proceedings are dismissed. *See, e.g., In re Porges*, 44 F.3d 159, 162-63 (2nd Cir. 1995). As a result, it

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would appear appropriate for the Court to dismiss the actions which do not arise under Title 11 for lack of jurisdiction.

Debtor does, however, bring claims for automatic stay violations. The automatic stay in the instant bankruptcy case appears to have been in effect from September 17 to November 27, 2024. The second amended complaint does not appear to identify action actions that occurred during this period. As set forth in the Motion, "Plaintiff fails to identify action actions by Defendants that may be considered willful violations of the automatic stay." [Dkt. No. 77, pg. 21, lines 20-21].

Regarding the claims related to automatic stay violations, it does not appear that Plaintiff has sufficiently alleged a claim. "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Ashcroft v. Iqbal*, 556 U.S. 662 679 (2009). Here, it does not appear that Debtor has offered any allegations that would suggest a violation of the automatic stay, although the Court notes dismissal with leave to amend may be appropriate.

Regarding Debtor's other causes of action, the Court is inclined to issue an ORDER TO SHOW CAUSE as to why the remainder of the case should not be dismissed for lack of jurisdiction.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Darlyne Elaine Lucchesi

Pro Se

Defendant(s):

US Bank, N A

Represented By
Jillian A Benbow

Nationstar Mortgage LLC

Represented By
Jillian A Benbow

Aldridge Pite LLP

Represented By
Jillian A Benbow

Clear Recon Corp

Pro Se

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Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Thursday, September 25, 2025

Hearing Room

6C

2:00 PM

CONT... Darlyne Elaine Lucchesi

Chapter 13

Joseph Delmotte

Represented By
Jillian A Benbow

The Mortgage Law Firm

Pro Se

Jafarnia Merjaud

Represented By
Merdaud Jafarnia

Albertelli Law

Represented By
Merdaud Jafarnia

BANK OF AMERICA, N.A.

Represented By
Adam F Summerfield

Plaintiff(s):

Darlyne Elaine Lucchesi

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, September 25, 2025

Hearing Room

6C

2:00 PM

8:24-12353 Darlyne Elaine Lucchesi

Chapter 13

Adv#: 8:24-01146 Lucchesi v. US Bank, N A et al

#43.00 CONT. Status Conference re Second Amended Complaint by Darlyne Elaine Lucchesi against Albertelli Law , Aldridge Pite LLP , BANK OF AMERICA, N.A. , Clear Recon Corp , Jafarnia Merjaud , Nationstar Mortgage LLC , The Mortgage Law Firm , US Bank, N A . Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)), (71 (Injunctive relief - reinstatement of stay)), (72 (Injunctive relief - other)), (91 (Declaratory judgment))
(Alias Summons issued 3/26/25)
(Bank of America N.A. Dismissed on 4/29/25)
(Albertelli Law Dismissed on 6/2/25)
(Merdaud Jarfarnia Dismissed on 6/2/25)
(Aldridge Pite LLP Dismissed on 7/23/25)
(Joseph Delmotte Dismissed on 7/23/25)
(2nd Amended Complaint filed 6/13/25)

EH__

From: 5/22/25, 7/31/25

[Tele. appr. Joseph C. Delmotte, rep. Defendant]

[Tele. appr. Jillian A. Benbow, rep. Creditor]

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlyne Elaine Lucchesi

Pro Se

Defendant(s):

US Bank, N A

Represented By
Jillian A Benbow

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

Thursday, September 25, 2025

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6C

2:00 PM

CONT... Darlyne Elaine Lucchesi

Chapter 13

Nationstar Mortgage LLC

Represented By
Jillian A Benbow

Aldridge Pite LLP

Represented By
Jillian A Benbow

Clear Recon Corp

Pro Se

Joseph Delmotte

Represented By
Jillian A Benbow

The Mortgage Law Firm

Pro Se

Jafarnia Merjaud

Represented By
Merdaud Jafarnia

Albertelli Law

Represented By
Merdaud Jafarnia

BANK OF AMERICA, N.A.

Represented By
Adam F Summerfield

Plaintiff(s):

Darlyne Elaine Lucchesi

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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6C

2:00 PM

8:24-12353 Darlyne Elaine Lucchesi

Chapter 13

Adv#: 8:24-01146 Lucchesi v. US Bank, N A et al

#44.00 Order To Show Cause Why Case Should Not Be Dismissed For Lack Of Jurisdiction

EH__

[Tele. appr. Jillian A. Benbow, rep. Creditor]

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlyne Elaine Lucchesi

Pro Se

Defendant(s):

US Bank, N A

Represented By
Jillian A Benbow

Nationstar Mortgage LLC

Represented By
Jillian A Benbow

Aldridge Pite LLP

Represented By
Jillian A Benbow

Clear Recon Corp

Pro Se

Joseph Delmotte

Represented By
Jillian A Benbow

The Mortgage Law Firm

Pro Se

Jafarnia Merjaud

Represented By
Merdaud Jafarnia

Albertelli Law

Represented By

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

Thursday, September 25, 2025

Hearing Room

6C

2:00 PM

CONT... Darlyne Elaine Lucchesi

Chapter 13

Merdaud Jafarnia

BANK OF AMERICA, N.A.

Represented By
Adam F Summerfield

Plaintiff(s):

Darlyne Elaine Lucchesi

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se