

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

**Thursday, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11138 Farhad Kalvakhi**

**Chapter 13**

**#1.00** CONT. Motion RE: Objection to Claim Number 2 by Claimant Shadi Akhavan.

From: 8/29/24, 9/26/24

EH\_\_

Docket 42

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farhad Kalvakhi

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11138 Farhad Kalvakhi**

**Chapter 13**

**#2.00 CONT. Confirmation of Chapter 13 Plan**

From: 6/27/24, 8/29/24, 9/26/2024

EH\_\_

Docket 23

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farhad Kalvakhi

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11707 Chris Martinez**

**Chapter 13**

**#3.00 CONT. Confirmation of Chapter 13 Plan**

From: 9/26/2024, 10/10/24

EH\_\_

Docket 27

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chris Martinez

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11726 Martin Folch and Berenice Rodriguez**

**Chapter 13**

**#4.00** Motion to determine whether the permanent injunction is to be entered upon the confirmation of the first amended plan

EH\_\_

**[Tele. appr. Michael H. Colmenares, rep. Debtor]**

Docket 37

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martin Folch

Represented By  
Michael H Colmenares

**Joint Debtor(s):**

Berenice Rodriguez

Represented By  
Michael H Colmenares

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11726 Martin Folch and Berenice Rodriguez**

**Chapter 13**

**#5.00 CONT. Confirmation of Chapter 13 Plan**

From: 9/26/2024

EH\_\_

**[Tele. appr. Michael H. Colmenares, rep. Debtor]**

Docket 27

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martin Folch

Represented By  
Michael H Colmenares

**Joint Debtor(s):**

Berenice Rodriguez

Represented By  
Michael H Colmenares

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11885 Jose Dolores Hernandez**

**Chapter 13**

**#6.00 CONT. Confirmation of Chapter 13 Plan**

From: 10/10/24

EH\_\_

**[Tele. appr. Mariano A. Alvarez, rep. Debtor]**

Docket 31

**Tentative Ruling:**

- NONE LISTED -

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

Jose Dolores Hernandez

Represented By  
Mariano A Alvarez

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11933 Norma Amelia Valenzuela**

**Chapter 13**

**#7.00 CONT. Confirmation of Chapter 13 Plan**

From: 10/10/24

EH\_\_

**[Tele. appr. Sofya Davtyan, rep. Debtor]**

**[Tele. appr. Reilly Wilkinson, rep. creditor, FF Investorco Grantor Trust]**

Docket 41

**Tentative Ruling:**

- NONE LISTED -

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

Norma Amelia Valenzuela

Represented By  
Michael Jay Berger

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12081 Cameron Malin Davis**

**Chapter 13**

**#8.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Fritz Firman, rep. Debtor]**

Docket 16

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Cameron Malin Davis

Represented By  
Joseph A Weber  
Fritz J Firman

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12082 Shanese Elaine Mumford**

**Chapter 13**

**#9.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 12

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shanese Elaine Mumford

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12083 Joseph Dean Hrubovcak**

**Chapter 13**

**#10.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Arnold Graff, rep. Compass Alternative Investments LLC]**

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joseph Dean Hrubovcak

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12111 Anita De Barge**

**Chapter 13**

**#11.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 0

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 9/9/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anita De Barge

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12127 Ignacio Ramirez**

**Chapter 13**

**#12.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 0

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 9/12/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ignacio Ramirez

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12131 Erik Hunter Wilson and Kristi Lee Wilson**

**Chapter 13**

**#13.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 0

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 9/12/24**

**Tentative Ruling:**

- NONE LISTED -

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

Erik Hunter Wilson	Pro Se
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**Joint Debtor(s):**

Kristi Lee Wilson	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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12138 Charles Richard Savage**

**Chapter 13**

**#14.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Charles Richard Savage

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12146 Matthew Timothy McCarthy and Dana Lynn McCarthy**

**Chapter 13**

**#15.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 2

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Matthew Timothy McCarthy

Represented By  
Andy Nguyen

**Joint Debtor(s):**

Dana Lynn McCarthy

Represented By  
Andy 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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12157 Abu Noman Hossain**

**Chapter 13**

**#16.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Anthony B. Vigil, rep. Debtor]**

Docket 2

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Abu Noman Hossain

Represented By  
Anthony B Vigil

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12168 Mehrdad Nikamalfard and Parisa Nikamalfard**

**Chapter 13**

**#17.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Sanaz Sarah Bereliani, rep. Debtors]**

Docket 24

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mehrdad Nikamalfard

Represented By  
Sanaz Sarah Bereliani

**Joint Debtor(s):**

Parisa Nikamalfard

Represented By  
Sanaz Sarah Bereliani

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12181 Ian Kristopher Barnette**

**Chapter 13**

**#18.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ian Kristopher Barnette

Represented By  
Norma Duenas

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12189 Jedediah I Smith and Lucia Smith**

**Chapter 13**

**#19.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 23

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jedediah I Smith

Represented By  
Krystina T Tran

**Joint Debtor(s):**

Lucia Smith

Represented By  
Krystina T 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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12205 Robert Hesse**

**Chapter 13**

**#20.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Sofya Davtyan, rep. Debtor]**

Docket 18

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert Hesse

Represented By  
Michael Jay Berger

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-11222 Hans George Nearhoff**

**Chapter 13**

**#21.00** Application for Compensation Application of Attorney for Debtor for Allowance of Fees and Expenses Following Dismissal or Conversion of Chapter 13 Case Subject to a Rights and Responsibility Agreement; Declaration of Matthew D. Resnik in support thereof, with proof of service for Matthew D. Resnik, Debtor's Attorney, Period: to, Fee: \$7989.00, Expenses: \$0.  
(Motion filed 7/25/24)

EH\_\_

**[Tele. appr. Russell Stong, rep. the firm]**

Docket 49

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hans George Nearhoff

Represented By  
Matthew D. Resnik

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

**#22.00** Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision  
(Motion filed 10/2/24)

EH\_\_

Docket 146

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
11/4/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:19-14446 Jose Manuel Cisneros**

**Chapter 13**

**#23.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 10/3/24)

EH\_\_

Docket 101

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
10/29/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Manuel Cisneros

Represented By  
Daniel King

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:20-10017 Almazella Northington**

**Chapter 13**

**#24.00** Trustee's Motion to Dismiss Case failure to make plan payments

EH \_\_\_\_

Docket 203

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
10/29/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Almazella Northington

Represented By  
Norma Duenas

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:20-11197 Jose Luis Solis and Reina Maria Solis**

**Chapter 13**

**#25.00** CONT. Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 8/1/24)

From: 9/12/24, 10/10/24

EH\_\_

Docket 111

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
11/6/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose Luis Solis

Represented By  
Barry E Borowitz  
Nancy B Clark

**Joint Debtor(s):**

Reina Maria Solis

Represented By  
Barry E Borowitz  
Nancy B Clark

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:21-12025 Jose Luis Aguirre**

**Chapter 13**

**#26.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 10/3/24)

EH\_\_

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

Docket 48

**Tentative Ruling:**

- NONE LISTED -

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

Jose Luis Aguirre

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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-10486 Maria Elena Alba Hermosillo**

**Chapter 13**

**#27.00** CONT. Debtor's Motion for Hardship Discharge Pursuant to 11 USC Section 1368(b)

Also #28

From: 10/10/24

EH \_\_\_\_

**[Tele. appr. Daniel King, rep. Debtor]**

Docket 40

**Tentative Ruling:**

10/10/2024

**BACKGROUND**

On March 23, 2022, Maria Hermosillo ("Debtor") filed a Chapter 13 voluntary petition. On August 30, 2019, a stipulation to hold the claim of Coast Restaurant Group, Inc. to be non-dischargeable was approved by the Court. On June 16, 2022, Debtor's Chapter 13 plan was confirmed with a 100% distribution to unsecured creditors. On August 1, 2024, the Chapter 13 trustee filed a motion to dismiss, indicating that Debtor was 3 months delinquent on her plan payments.

On September 12, 2024, Debtor filed a motion for a hardship discharge. Debtor asserts that her husband had a stroke in May 2024 and is no longer working leading to a substantial drop in come. Debtor further attached updated Schedules I & J showing a negative \$3,488.84 in disposable monthly income.

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

**Thursday, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**CONT... Maria Elena Alba Hermosillo**

**Chapter 13**

On January 17, 2024, the Chapter 13 trustee filed comments indicating approval of Debtor's motion for a hardship discharge conditioned upon submission of limited further information.

**DISCUSSION**

11 U.S.C. § 1328(b) states:

(b) Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if –

(1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

(2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

(3) modification of the plan under section 1329 of this title is not practicable.

The first and third standard are discretionary standards. The second standard is a mechanical standard referred to as the "best interests of creditors test". Regarding this second standard, the Court notes that a review of the Debtor's schedules in this case demonstrates that Debtor had no unexempt equity in any property to distribute to creditors in a hypothetical liquidation. Therefore, Debtor has satisfied 11 U.S.C. § 1328(b)(2).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Mark Houle, Presiding  
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**Thursday, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**CONT... Maria Elena Alba Hermosillo**

**Chapter 13**

Regarding 11 U.S.C. § 1328(b)(1) & (3), the Court notes Trustee has provided comments requesting a response regarding: (a) the attached exhibit to updated Schedule I that listed employment as a dishwasher; and (b) the details of the \$769 monthly car payment.

Having reviewed the record, the Court does not consider a response to these issues to be critical. Specifically, the Court notes that the negative disposable income submitted to the Court far exceeds the amount of the monthly car payment. Additionally, it appears that the inclusion of the dishwasher employment on Schedule I is a holdover from the original Schedule I and Debtor's declaration submitted in support of the motion unambiguously asserts that joint debtor no longer works.

Nevertheless, the Court notes that the motion and attached declaration only contain very minimal detail. The Court has been presented with no evidence regarding joint debtor's age or health, and whether --- and when --- an individual could return to work following a stroke is a highly fact-dependent issue. Furthermore, it is not clear whether joint debtor may be entitled to some disability income or other source of replacement income that could potentially fund a modified plan.

APPEARANCES REQUIRED.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Elena Alba Hermosillo

Represented By  
Daniel King

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-10486 Maria Elena Alba Hermsillo**

**Chapter 13**

**#28.00** CONT. Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 8/1/24)

From: 9/12/24, 10/10/24

EH\_\_

**[Tele. appr. Daniel King, rep. Debtor]**

Docket 33

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria Elena Alba Hermsillo

Represented By  
Daniel King

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-10887 Rachael Lieberman**

**Chapter 13**

**#29.00** CONT. Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision  
(Motion filed 8/27/24)

From: 9/27/24

EH\_\_

Docket 44

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
10/29/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rachael Lieberman

Represented By  
Matthew D. Resnik

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-11310 Barbara Jo O'Brien**

**Chapter 13**

**#30.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 10/17/24)

EH\_\_

Docket 73

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Barbara Jo O'Brien

Represented By  
Daniel King  
Dana OBrien

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-10219 Richard William Sawicky**

**Chapter 13**

**#31.00** CONT. Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 6/6/24)

From: 7/11/24, 8/15/24, 9/12/24

EH\_\_

**[Tele. appr. Russell Stong, rep. Debtor]**

Docket 60

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard William Sawicky

Represented By  
Matthew D. Resnik

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-11752 Stephen M Pantalemon**

**Chapter 13**

**#32.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 10/3/24)

EH\_\_

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

Docket 78

**Tentative Ruling:**

- NONE LISTED -

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

Stephen M Pantalemon

Represented By  
Joshua Sternberg

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-10154 Joshua J. Pratt**

**Chapter 13**

**#33.00** Trustee's Motion to Dismiss Case failure to make plan payments

EH \_\_\_\_

**[Tele. appr. Richard Sturdevant, rep. Debtor]**

Docket 28

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joshua J. Pratt

Represented By  
Amanda G. Billyard

**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, November 7, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-12367 Jose Morales**

**Chapter 13**

**#34.00** Notice Of Motion And 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; Points And Authorities; And Declaration Of Michael Hauser And Exhibits  
(Motion filed 10/2/24)

EH\_\_

Docket 11

**Tentative Ruling:**

11/7/2024

**BACKGROUND**

On September 18, 2024, Jose Morales ("Debtor") filed a *pro se* Chapter 13 voluntary petition. Debtor had previously filed three *pro se*, skeletal Chapter 13 voluntary petitions which were dismissed for failure to file information in August 2010, June 2022, and February 2024. After the filing of the petition, Debtors appears to not have taken any action to prosecute the case.

On October 2, 2024, UST filed a motion to dismiss the case with a 180-day refiling bar.

**DISCUSSION**

The Court notes that dismissal of the case is clearly appropriate. In fact, absent the

**United States Bankruptcy Court  
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**Thursday, November 7, 2024**

**Hearing Room**

**6C**

10:30 AM

**CONT... Jose Morales**

**Chapter 13**

UST's motion, the case would have already been dismissed for failure to file case commencement documents.

The court notes that it empowered to impose a refiling bar under 11 U.S.C. § 349(a). As COLLIER notes, courts' analysis of this section is somewhat confused due to confounding "dismissal with prejudice" with "dismissal with injunction against future filings." COLLIER ON BANKRUPTCY ¶ 349.02[3]. At a minimum, however, the Court is empowered to impose a refiling bar under § 349(a) for the reasons set forth in § 109(g) --- including "failure to appear before the court in proper prosecution of the case" and "failure of the debtor to abide by orders of the court."

Here, failure to attend the meeting of creditors and failure to file any of the documents required by the Code and Rules satisfies the § 349(a) and § 109(g) standard for dismissal with a re-filing bar. *See, e.g., In re Wen Hua Xu*, 386 B.R. 451, 456-57 (Bankr. S.D.N.Y. 2008) (failure to attend meeting of creditors is both failure to abide by orders of the court and failure to appear before the court in proper prosecution of the case); *see also In re Montgomery*, 37 F.3d 413 (8th Cir. 1994) ("Failure to attend a creditors meeting is a failure to obey a court order within the meaning of section 109(g)(1).").

Moreover, Debtor's failure to oppose is deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

**TENTATIVE RULING**

The Court is inclined to GRANT the motion and dismiss the case with a 180-day re-filing bar.

APPEARANCES REQUIRED.

**Party Information**

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

**Thursday, November 7, 2024**

**Hearing Room      6C**

10:30 AM

**CONT...      Jose Morales**

**Chapter 13**

**Debtor(s):**

Jose Morales

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, November 7, 2024**

**Hearing Room 6C**

11:30 AM

**8:22-11651 Marco Antonio Portillo and Alma Irene Portillo**

**Chapter 13**

**#35.00** Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6775 Dorinda Drive, Riverside, CA 92503-1140 (Motion filed 10/9/24)

MOVANT: NEWREZ LLC

EH\_\_

Docket 95

**Tentative Ruling:**

**11/7/2024**

**Service: Proper**

**Opposition: Debtors**

Parties to apprise the Court of the status of arrears and adequate protection discussions.

APPEARANCES REQUIRED.

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

Marco Antonio Portillo

Represented By  
Paul Y Lee

**Joint Debtor(s):**

Alma Irene Portillo

Represented By  
Paul Y Lee

**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, November 7, 2024

Hearing Room 6C

11:30 AM

8:24-12705 Lauryn Su

Chapter 13

#36.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 125 Baker Street East #415, Costa Mesa, CA 92626

MOVANT: BAKER BLOCK ASSOCIATES, LP

EH \_\_\_\_

**[Tele. appr. Airene Williamson, rep. moving party]**

**[Tele. appr. Krystina Tran, rep. Debtor]**

Docket 5

**Tentative Ruling:**

**11/7/2024**

**Service: Improper**

**Opposition: None**

The Court notes that notice and service of the instant motion are improper. Regarding notice, the motion provides for an opposition deadline of October 24 --- the same day that the motion was served. Regarding service, the service declaration itself directly quotes from the Court's self-calendaring instructions for setting certain motions for hearing on shortened time. In particular, those instructions state: "Telephonic notice of the date, time and place of the hearing on the motion must also be given to all parties entitled to receive notice not later than 5 court days prior to the hearing." Here, pursuant to the Federal and Local Rules, Debtor is entitled to notice of the instant motion, but no telephonic notice of the hearing was provided to Debtor.

APPEARANCES REQUIRED

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

Lauryn Su

Represented By



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

**Thursday, November 7, 2024**

**Hearing Room 6C**

11:30 AM

**CONT... Lauryn Su**

Krystina T Tran

**Chapter 13**

**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, November 7, 2024**

**Hearing Room 6C**

1:00 PM

**8:15-11398 Rosa M Harding**

**Chapter 13**

Adv#: 8:22-01048 Harding v. THE BANK OF NEW YORK MELLON et al

**#37.00** Order to Show Cause to Anerio Altman regarding Post-Petition Declarations of Rosa Harding filed by Anerio Altman

EH\_\_\_\_

**[Tele. appr. Jonathan Cahill, rep. Defendants]**

**[Tele. appr. Thomas E. Brownfield, rep. Plaintiff]**

**[Tele. appr. William J. Wall, rep. Anerio V. Altman, respondent to OSC]**

Docket 90

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Defendant(s):**

THE BANK OF NEW YORK

Represented By  
Jonathan C Cahill  
Thomas E Brownfield

NewRez LLC

Represented By  
Jonathan C Cahill  
Thomas E Brownfield

COMMUNITY LOAN

Represented By  
Jonathan C Cahill  
Thomas E Brownfield

NewRez LLC dba Shellpoint

Represented By

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

**Thursday, November 7, 2024**

**Hearing Room 6C**

1:00 PM

**CONT... Rosa M Harding**

**Chapter 13**

Jonathan C Cahill  
Thomas E Brownfield

**Plaintiff(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield  
Jonathan C Cahill

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se