

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

Wednesday, December 3, 2025

Hearing Room

6C

10:00 AM

8:25-11748 Maria J. Olivera

Chapter 7

#1.00 CONT. Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation RE 2015 Toyota 4Runner

EH__

From: 11-4-25

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria J. Olivera

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

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10:00 AM

8:25-11869 Tiana C Harris

Chapter 7

#2.00 CONT. Pro se Reaffirmation Agreement Between Debtor and CARMAX AUTO
FINANCE RE 2022 Hyundai Kona

EH__

From: 11-5-25

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tiana C Harris

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, December 3, 2025

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6C

10:00 AM

8:25-12322 Adrian Sanchez Ramirez

Chapter 7

**#3.00 CONT. Pro se Reaffirmation Agreement Between Debtor and Toyota Motor
Credit Corporation RE 2020 Toyota Tacoma**

EH__

From: 11-5-25

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Sanchez Ramirez

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:25-12582 Devin Marcel Hamilton

Chapter 7

**#4.00 CONT. Reaffirmation Agreement Between Debtor and LBS Financial Credit
Union RE 2018 Mercedes-Benz CLA 250**

EH__

From: 11-5-25

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Devin Marcel Hamilton

Represented By
Anthony J Rothman Esq

Trustee(s):

Richard A Marshack (TR)

Pro Se

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11:00 AM

8:25-13045 James Joseph Gruca

Chapter 7

#4.10 Order to Show Cause re Dismissal for Failure to Comply with Rule 1006(B) -
Installments RE: First Installment Amount: \$84.00 due by 11/13/2025

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Joseph Gruca

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

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11:00 AM

8:25-12808 Jesus Alonso Bustos

Chapter 7

#4.20 Order to Show Cause re Dismissal for Failure to Comply with Rule 1006(B) -
Installments RE: Third Installment Payment of \$84.00 due by 11/14/2025

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Alonso Bustos

Pro Se

Trustee(s):

Karen S Naylor (TR)

Pro Se

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2:00 PM

8:25-10797 Pierre Sawaya

Chapter 7

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

#5.00 Status Conference re: Complaint by Plaintiff: Tarek Othman against Defendant: Pierre Sawaya . Nature of Suit: (62 (Dischargeability- 523(a)(2) pretenses, false representation, actual fraud)) ,(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO JANUARY 28, 2026 AT
2:00 PM PER ALIAS SUMMONS**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pierre Sawaya

Pro Se

Defendant(s):

Pierre Sawaya

Pro Se

Plaintiff(s):

Tarek Othman

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

8:25-11270 Juana Martinez Pacheco

Chapter 7

Adv#: 8:25-01257 Alday Inc. v. Martinez Pacheco

#6.00 CONT. Motion For Default Judgment Under LBR 7055-1

EH__

From: 11-12-25

[Tele. appr. Michael Wallin, rep. Movant Alday Inc.]

Docket 8

Tentative Ruling:

12/03/2025

BACKGROUND

On August 21, 2025, Alday Inc. ("Plaintiff") filed a complaint ("Complaint") commencing this adversary proceeding. Complaint at 1. Plaintiff seeks a determination that a debt owed by debtor-defendant Juana Martinez Pacheco ("Defendant") is nondischargeable under 11 U.S.C. § 523(a)(2)(A). Compl. at 4–5. The Complaint alleges that Defendant sold Plaintiff a restaurant business in June 2018 based on materially inflated gross sales figures and other fraudulent misrepresentations, and failed to disclose substantial defects, including non-compliant ADA bathrooms, that ultimately caused the business to be shut down by the City of Tustin. Compl. at 2–6; Reyes Decl. at 8–10; State Court Cross-Complaint, Ex. A.

The Complaint further alleges that, after the restaurant failed, Defendant filed a lawsuit against Plaintiff in Orange County Superior Court, Case No.

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Juana Martinez Pacheco

Chapter 7

30-2020-01141170. Compl. at 2–6. Plaintiff counter-sued for fraudulent misrepresentation and fraudulent concealment. Compl. at 6; Cross-Compl. Following a trial in September 2022, the state court entered judgment in favor of Plaintiff on its cross-claims, awarding \$120,000 in damages plus prejudgment interest and subsequently \$31,853.50 in costs and attorney’s fees, for a total judgment of \$156,953.50. State Court Judgment, Ex. B; Motion at 4.

On August 22, 2025, the summons was issued, and service was effected by mail. *See* Proof of Service, Dkt. 3. Defendant did not answer or otherwise respond. On September 29, 2025, the clerk entered Defendant’s default.

On October 17, 2025, Plaintiff filed the present Motion for Default Judgment under LBR 7055-1. Mot. at 1. The Motion seeks a determination that the State Court Judgment debt is nondischargeable under § 523(a)(2)(A), both under principles of collateral estoppel and based on the factual allegations independently pleaded in the Complaint. Mot. at 4–6.

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default." Fed. R. Civ. P. 55(a).

Here, the clerk entered default on September 29, 2025.

B. Motion for Default Judgment

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Juana Martinez Pacheco

Chapter 7

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Plaintiff submitted a proof of service reflecting that Defendant was served at her address of record. There is no indication service was improper. The Court finds service adequate.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Plaintiff seeks nondischargeability under § 523(a)(2)(A), which excepts from discharge debts obtained by: "false pretenses, a false representation, or actual fraud." Compl. at 4–5; Mot. at 5–6. To prevail, Plaintiff must establish: (1) misrepresentation, fraudulent omission, or deceptive conduct; (2) knowledge of falsity; (3) intent to deceive; (4) justifiable reliance; and (5) resulting damage. *See In re Harmon*, 250 F.3d 1240, 1246 (9th Cir. 2001). Plaintiff advances two independent theories: (1) collateral

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Chapter 7

estoppel based on the State Court Judgment; and (2) direct satisfaction of § 523(a)(2)(A)'s elements through the facts pleaded in the Complaint. Mot. at 5–7; Reyes Decl. at 8–10.

Collateral Estoppel

Bankruptcy courts apply California issue-preclusion law to determine whether a prior state judgment establishes nondischargeability. *See In re Lopez*, 367 B.R. 99, 103 (9th Cir. BAP 2007). Under California law, collateral estoppel applies when:

- (1) the issue sought to be precluded is identical to that decided in the prior proceeding;
- (2) the issue was actually litigated;
- (3) the issue was necessarily decided;
- (4) the decision was final and on the merits; and
- (5) preclusion is consistent with public policy.

See Lucido v. Superior Court, 51 Cal. 3d 335, 341 (1990).

The record includes the State Court Judgment, awarding Plaintiff \$120,000 in damages on causes of action for fraudulent misrepresentation and fraudulent concealment, plus interest and fees. *See State Court Judgment*, Ex. B. The judgment reflects that the matter proceeded to trial, evidence and argument were presented, and the court made explicit findings in favor of Plaintiff on fraud-based claims. *Id.*

The elements of fraudulent misrepresentation under California law substantially mirror the elements required under § 523(a)(2)(A). *See Lazar v. Superior Court*, 12 Cal. 4th 631, 638 (1996) (explaining that the elements of fraud are "are (1) misrepresentation (false representation, concealment, or nondisclosure), (2) knowledge of falsity (or 'scienter'), (3) intent to defraud (i.e., to induce reliance), (4) justifiable reliance, and (5) resulting damage"). Because the state court necessarily found the presence of fraud, its findings satisfy each element of § 523(a)(2)(A), which indicates the issue to be precluded is identical. Further, the issue was actually litigated, necessarily decided, and reduced to a final judgment. The Court finds the

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CONT... Juana Martinez Pacheco

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collateral-estoppel requirements satisfied.

Accordingly, the State Court Judgment establishes that the debt is nondischargeable.

§ 523(a)(2)(A)

Even apart from collateral estoppel, the well-pleaded allegations independently satisfy the elements of § 523(a)(2)(A), as indicated above.

The Complaint alleges that Defendant:

- (1) intentionally misrepresented the restaurant's annual sales as "well over \$400,000";
- (2) inflated income figures to induce Plaintiff to purchase the business;
- (3) failed to disclose that the bathrooms were not ADA compliant and required extensive and costly renovation; and
- (4) concealed pending code-enforcement issues material to the operation of the restaurant. Compl. at 2–6; Reyes Decl. at 8–10.

Plaintiff further alleges it relied on these representations in purchasing the restaurant for \$150,000 and incurred additional losses after the premises were closed by the City of Tustin. *See id.* These allegations must be accepted as true for purposes of default judgment. The facts as pleaded establish misrepresentation, intent, reliance, and damages.

Thus, Plaintiff has independently stated a valid claim for nondischargeability under § 523(a)(2)(A).

TENTATIVE RULING

The Court is inclined to GRANT the motion entering judgment in favor of Plaintiff for the §

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Chapter 7

523(a)(2)(A) cause of action.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juana Martinez Pacheco

Pro Se

Defendant(s):

Juana Martinez Pacheco

Pro Se

Plaintiff(s):

Alday Inc.

Represented By
Michael A Wallin
Hillary C McDonald
Daniel Wall

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:25-11270 Juana Martinez Pacheco

Chapter 7

Adv#: 8:25-01257 Alday Inc. v. Martinez Pacheco

#7.00 CONT. Status Conference re Complaint by Alday Inc. against Juana Martinez Pacheco. false pretenses, false representation, actual fraud))

EH__

From: 10-22-25, Advanced from 12-4-25

[Tele. appr. Michael Wallin, rep. Plaintiff Alday Inc.]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Martinez Pacheco

Pro Se

Defendant(s):

Juana Martinez Pacheco

Pro Se

Plaintiff(s):

Alday Inc.

Represented By
Michael A Wallin

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:25-11919 Alfred McZeal

Chapter 7

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

#8.00 CONT. Plaintiffs' Motion To Withdraw The Reference Under 28 U.S.C. § 157(d)

EH__

From: 10-23-25

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

[Tele. appr. Larry Rothman, rep. Defendants Orange Kangaroo, LLC, Harrison Won, Yoomi Won]

[Tele. appr. Jose Solano, Plaintiff]

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

Docket 12

Tentative Ruling:

TENTATIVE RULING

12/03/2025

The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

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CONT... Alfred McZeal

Chapter 7

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

Yosemite Lopez

Represented By
Olivier J Labarre

Karita Robinson

Represented By
Olivier J Labarre

Plaintiff(s):

Alfred McZeal

Pro Se

Jose R Solano

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:25-11919 Alfred McZeal

Chapter 7

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

#9.00 CONT.Motion to Dismiss Adversary Action by Orange Kangaroo, LLC, Yoomi Won, Harrison S. Won

EH__

From: 9-25-25; 10-23-25

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

[Tele. appr. Larry Rothman, rep. Defendants Orange Kangaroo, LLC, Harrison Won, Yoomi Won]

[Tele. appr. Jose Solano, Plaintiff]

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

Docket 3

Tentative Ruling:

TENTATIVE RULING

12/03/2025

The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfred McZeal

Pro Se

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CONT... Alfred McZeal

Chapter 7

Defendant(s):

Paige Kilburn	Pro Se
Andrew Kilburn	Pro Se
CVSBA, LLC	Pro Se
Orange Kangaroo, LLC	Represented By Larry Rothman
Yoomi Won	Represented By Larry Rothman
Harrison S Won	Represented By Larry Rothman
Yosemite Lopez	Represented By Olivier J Labarre
Karita Robinson	Represented By Olivier J Labarre

Movant(s):

Orange Kangaroo, LLC	Represented By Larry Rothman
Yoomi Won	Represented By Larry Rothman
Harrison S Won	Represented By Larry Rothman

Plaintiff(s):

Alfred McZeal	Pro Se
Jose R Solano	Pro Se

Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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8:25-11919 Alfred McZeal

Chapter 7

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

#10.00 CONT. Motion to Dismiss Adversary Complaint

Movant: Karita Robinson & Yosemite Lopez

EH__

From: 10-23-25

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

[Tele. appr. Larry Rothman, rep. Defendants Orange Kangaroo, LLC, Harrison Won, Yoomi Won]

[Tele. appr. Jose Solano, Plaintiff]

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

Docket 7

Tentative Ruling:

TENTATIVE RULING

12/03/2025

The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

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CONT... Alfred McZeal

Chapter 7

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 Represented By
Larry Rothman

Harrison S Won Represented By
Larry Rothman

Yosemite Lopez Represented By
Olivier J Labarre

Karita Robinson Represented By
Olivier J Labarre

Movant(s):

Yosemite Lopez Represented By
Olivier J Labarre

Karita Robinson Represented By
Olivier J Labarre

Plaintiff(s):

Alfred McZeal Pro Se

Jose R Solano Pro Se

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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8:25-11919 Alfred McZeal

Chapter 7

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

#11.00 Motion to Sever Claims of Plaintiff Alfred McZeal Jr.

EH__

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

[Tele. appr. Larry Rothman, rep. Defendants Orange Kangaroo, LLC, Harrison Won, Yoomi Won]

[Tele. appr. Jose Solano, Plaintiff]

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

Docket 50

Tentative Ruling:

TENTATIVE RULING

12/03/2025

The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfred McZeal

Pro Se

Defendant(s):

Paige Kilburn

Pro Se

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Andrew Kilburn

Pro Se

CVSBA, LLC

Pro Se

Orange Kangaroo, LLC

Represented By
Larry Rothman

Yoomi Won

Represented By
Larry Rothman

Harrison S Won

Represented By
Larry Rothman

Yosemite Lopez

Represented By
Olivier J Labarre

Karita Robinson

Represented By
Olivier J Labarre

Plaintiff(s):

Alfred McZeal

Pro Se

Jose R Solano

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:25-11919 Alfred McZeal

Chapter 7

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

#12.00 CONT. Status Conference re Complaint by Plaintiffs: Alfred McZeal , Jose R Solano against Defendants: Paige Kilburn , Andrew Kilburn , CVSBA, LLC , Orange Kangaroo, LLC , Yoomi Won , Harrison S Won , Yosemite Lopez , Karita Robinson. Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) ,(21 (Validity, priority or extent of lien or other interest in property)) ,(71 (Injunctive relief - reinstatement of stay)) ,(91 (Declaratory judgment))

EH__

From: 10-9-25; 10-23-25

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

[Tele. appr. Larry Rothman, rep. Defendants Orange Kangaroo, LLC, Harrison Won, Yoomi Won]

[Tele. appr. Jose Solano, Plaintiff]

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

Docket 1

Tentative Ruling:

TENTATIVE RULING

12/03/2025

The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

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CONT... Alfred McZeal

Chapter 7

Party Information

Debtor(s):

Alfred McZeal	Pro Se
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Defendant(s):

Paige Kilburn	Pro Se
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Andrew Kilburn	Pro Se
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CVSBA, LLC	Pro Se
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Orange Kangaroo, LLC	Represented By Larry Rothman
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Yoomi Won	Pro Se
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Harrison S Won	Pro Se
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Yosemite Lopez	Represented By Olivier J Labarre
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Karita Robinson	Represented By Olivier J Labarre
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Plaintiff(s):

Alfred McZeal	Pro Se
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Jose R Solano	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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8:25-11919 Alfred McZeal

Chapter 7

Adv#: 8:25-01266 Mczeal, Jr v. Ress Financial Corporation et al

#13.00 Defendant Neighbor to Neighbor Homes, LLC'S Motion to Dismiss Adversarial Complaint

EH__

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

Docket 7

Tentative Ruling:

TENTATIVE RULING

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The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfred McZeal	Pro Se
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Defendant(s):

Ress Financial Corporation	Pro Se
Neighbor to Neighbor Homes, LLC	Represented By Brennan Mitch
Beulah Margaret Banks	Pro Se
Michael D Crutchfield	Pro Se
Christopher Morris Jones	Pro Se

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CONT... Alfred McZeal

Chapter 7

CMG Mortgage, Inc. Pro Se

USA National Title Company, Inc. Pro Se

Carla Clenney-Martinez Pro Se

Plaintiff(s):

Alfred Mczeal Jr Pro Se

Trustee(s):

Jeffrey I Golden (TR) Pro Se

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8:25-11919 Alfred McZeal

Chapter 7

Adv#: 8:25-01266 Mczeal, Jr v. Ress Financial Corporation et al

#14.00 Status Conference re : Complaint by Plaintiff: Alfred Mczeal Jr against Defendants: Ress Financial Corporation , Neighbor to Neighbor Homes, LLC , Beulah Margaret Banks , Michael D Crutchfield , Christopher Morris Jones , CMG Mortgage, Inc. , USA National Title Company, Inc. , Carla Clenney-Martinez. Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) ,(71 (Injunctive relief - reinstatement of stay)) ,(91 (Declaratory judgment))
(Alias Summons issued 10/1/25)

EH__

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

Docket 1

Tentative Ruling:

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The Court notes the underlying bankruptcy case was converted to Chapter 7 on September 15, 2025, and the Debtor's claims are now property of the Estate that only the Chapter 7 Trustee has standing to prosecute absent abandonment. Continuance of these matters for further disposition appears appropriate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfred McZeal

Pro Se

Defendant(s):

Ress Financial Corporation

Pro Se

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CONT... Alfred McZeal

Chapter 7

Neighbor to Neighbor Homes, LLC Pro Se

Beulah Margaret Banks Pro Se

Michael D Crutchfield Pro Se

Christopher Morris Jones Pro Se

CMG Mortgage, Inc. Pro Se

USA National Title Company, Inc. Pro Se

Carla Clenney-Martinez Pro Se

Plaintiff(s):

Alfred Mczeal Jr Pro Se

Trustee(s):

Jeffrey I Golden (TR) Pro Se