

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14954 GLASGOW COURT, Victorville, CA, 92394 Under 11 U.S.C. § 362
(HOLDING DATE)

MOVANT: NATIONSTAR MORTGAGE LLC dba MR. COOPER

From: 11/13/18

EH__

Docket 133

Tentative Ruling:

11/13/18

Service: Proper

Opposition: YES

Debtors dispute that they are behind 9 payments and request a 30-day continuance to establish the payment history.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... James Robert Kinney and Stephanie Mae Kinney

Chapter 13

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:14-23079 Anita M. Williams

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34150 Harrow Hill Rd, Wildomar, CA 92595

MOVANT: NAVY FEDERAL CREDIT UNION

EH__

Docket 86

Tentative Ruling:

12/18/2018

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

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

Party Information

Debtor(s):

Anita M. Williams

Represented By
Patricia M Ashcraft

Movant(s):

Navy Federal Credit Union

Represented By
Katelyn R Knapp
Brandye N Foreman
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:14-24553 Brooks L Sternberg and Angela Caldero

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 10866 Deer Canyon Dr, Rancho Cucamonga, CA, 91737

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 68

Tentative Ruling:

12/18/2018

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

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

Party Information

Debtor(s):

Brooks L Sternberg

Represented By
Julie J Villalobos

Joint Debtor(s):

Angela Caldero

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Brooks L Sternberg and Angela Caldero

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:15-13830 Ramon Urrutia

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15305 Mesquite Drive Lake Elsinore, CA 92530

MOVANT: DEUTSCHE BANK NATIONAL TRUST

EH__

Docket 56

Tentative Ruling:

12/18/2018

Service: Proper

Opposition: None

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

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

Party Information

Debtor(s):

Ramon Urrutia

Represented By
C Scott Rudibaugh

Movant(s):

Deutsche Bank National Trust

Represented By
Bonni S Mantovani
Diana Torres-Brito

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 4/24/18, 5/29/18, 7/31/18, 10/30/18

EH__

Docket 55

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

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

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

Movant(s):

Deutsche Bank Trust Company

Represented By
April Harriott
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-14908 Joan Eleanor Demiany

Chapter 13

#6.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1055 East Via Colusa, Palm Springs, CA 92262

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 9/11/18, 10/30/18

EH__

Docket 35

***** VACATED *** REASON: CONTINUED TO 2/5/19 AT 10:00 A.M.**

Tentative Ruling:

10/30/2018

The Movant submitted evidence that the Debtor is delinquent in the amount of \$30,303.59, having missed 10 postconfirmation payments. The parties stipulated to a continuance of the hearing from September 11, 2018 to this date. The primary basis of opposition appears to be regarding the status of a loan modification application. Parties to update the Court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joan Eleanor Demiany

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-15740 Mark Gehrig

Chapter 13

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 22424 Tanager Street, Grand Terrace, CA 92313

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

CASE DISMISSED 11/8/18

From: 6/6/18, 9/11/18, 10/30/18

EH__

Docket 59

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request for relief from the co-debtor stay. GRANT request under ¶ 3
permitting Movant to offer Debtor loan workout options; and GRANT order
designating Debtor as "borrower" under Cal. Civil Code § 2920.5. DENY request
pursuant to § 362(d)(2) for lack of cause shown and DENY request for APO as moot.

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

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Mark Gehrig

Chapter 13

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie

Chapter 13

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford Escape; VIN: 1FMCU0H93DUD72995

MOVANT: ALTA VISTA CREDIT UNION

From: 9/11/18, 11/13/18

EH__

Docket 44

*** VACATED *** REASON: ORDER ENTERED 12/6/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Movant(s):

Alta Vista Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-18720 Patricia Morales

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 916 Sperry Dr, Colton, CA 92324

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 44

*** VACATED *** REASON: ORDER ENTERED 12/17/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Morales

Represented By
Dana Travis

Movant(s):

Specialized Loan Servicing LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: for property located at 370 Claremont St Hemet, CA
92545

MOVANT: US BANK NATIONAL ASSOCIATION

From: 10/16/18, 11/6/18, 11/27/18

EH__

Docket 30

*** VACATED *** REASON: ORDER ENTERED 12/17/18

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-10079 Cheryl Linda Fernandez

Chapter 13

#11.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 425 Grant Street, Redlands, California 92373

MOVANT: WILMINGTON SAVINGS FUND SOCIETY, FSB

From: 11/27/18

EH__

Docket 67

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay because Movant has failed to serve the co-debtor at the address identified in Schedule H. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

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

Party Information

Debtor(s):

Cheryl Linda Fernandez

Represented By
Matthew D. Resnik

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kelsey X Luu

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Cheryl Linda Fernandez

Chapter 13

Jamie D Hanawalt
Gilbert R Yabes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-11128 **Gilbert D Olivares**

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34112 Silk Tassel Road, Lake Elsinore, CA 92532

MOVANT: FREEDOM MORTGAGE CORPORATION

EH

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert D Olivares

Represented By
Scott Kosner

Movant(s):

Freedom Mortgage Corporation

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-15766 Deborah A Neville and Ronnie L Neville

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Nissan Altima, VIN: 1N4AL3AP0GC233657

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 57

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

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

Party Information

Debtor(s):

Deborah A Neville

Represented By
Hayk Grigoryan

Joint Debtor(s):

Ronnie L Neville

Represented By
Hayk Grigoryan

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Deborah A Neville and Ronnie L Neville

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-15977 John Arquillano and Janet Arquillano

Chapter 13

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 HONDA ACCORD, VIN: 1HGC V1F1 3JA0 74451

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 28

Tentative Ruling:

12/18/18

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

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

Party Information

Debtor(s):

John Arquillano

Represented By
Andrew Nguyen

Joint Debtor(s):

Janet Arquillano

Represented By
Andrew Nguyen

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... John Arquillano and Janet Arquillano

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17158 Dean Gregory Haidl

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Ford F250, VIN 1FT7W2BT9EEA48218

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 12

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

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

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

Party Information

Debtor(s):

Dean Gregory Haidl

Represented By
Brian J Soo-Hoo

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17498 Christopher T. Seelig and Jamie H. Seelig

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Dodge Durango, VIN 1C4SDJCT4FC906779

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 11

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Christopher T. Seelig

Represented By
Keith Q Nguyen

Joint Debtor(s):

Jamie H. Seelig

Represented By
Keith Q Nguyen

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Christopher T. Seelig and Jamie H. Seelig

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17605 Joseph N Duguay, II

Chapter 13

#17.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2012 Jeep Wrangler-VIN:
1C4BJWDG0CL117046

MOVANT: ONTARIO-MONTCLAIR SCHOOL EMPLOYEES FEDERAL CREDIT UNION

EH

Docket 26
*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph N Duguay II

Represented By
Andy C Warshaw

Movant(s):

Ontario-Montclair School

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17663 Stephen Richard Morales and Diane Forniss Morales

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 NISSAN ALTIMA, VIN # 1N4AL3AP1HC489503

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

Docket 13

Tentative Ruling:

12/18/18

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Stephen Richard Morales

Represented By
Todd L Turoci

Joint Debtor(s):

Diane Forniss Morales

Represented By
Todd L Turoci

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Stephen Richard Morales and Diane Forniss Morales

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18344 Adrien Liets and Marine Lazaro Liets

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford F150, VIN: 1FTEW1CP0GKF85034

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 15

Tentative Ruling:

12/18/18

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Adrien Liets

Represented By
Melissa A Raskey

Joint Debtor(s):

Marine Lazaro Liets

Represented By
Melissa A Raskey

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Adrien Liets and Marine Lazaro Liets

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18563 Rosa Esmeralda Macias

Chapter 7

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 49188 Pluma Gris Place, Coachella, California 92236

MOVANT: WILMINGTON TRUST, NATIONAL ASSOCIATION

EH__

Docket 19

Tentative Ruling:

12/18/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT as to ¶3 of prayer for relief. GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Rosa Esmeralda Macias

Represented By
Stephen L Burton

Movant(s):

Wilmington Trust, National

Represented By
Sean C Ferry

Trustee(s):

Howard B Grobstein (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18815 Steven Michel McCann

Chapter 13

#21.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii)

MOVANT: ORANGE COUNTYS CREDIT UNION

EH __

Docket 18

Tentative Ruling:

12/18/2018

Service was proper and no opposition has been filed.

The Movant has correctly indicated that the Debtor has had a prior case pending and dismissed within one year of the instant filing. Pursuant to § 362(c)(3), having failed to seek to extend the stay during the 30-day period following the petition date of October 17, 2018, the automatic stay has terminated by operation of law. The Motion is GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Steven Michel McCann

Represented By
Brian J Soo-Hoo

Movant(s):

Orange Countys Credit Union

Represented By
Mirco J Haag

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19075 Dan Henley Galey and Buenaflor Sabino Galey

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Corolla, VIN 5YFBURHE6HP588411

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 11

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Dan Henley Galey

Represented By
Carey C Pickford

Joint Debtor(s):

Buenaflor Sabino Galey

Represented By
Carey C Pickford

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Dan Henley Galey and Buenaflor Sabino Galey

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19168 Jasmine Keshawn Jennings

Chapter 7

#23.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 14084 Catalina Ct., Fontana CA 92336

MOVANT: CHUN CHUN WEN

EH

Docket 10

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for order confirming that no stay is in effect for lack of cause shown. GRANT request for annulment of the stay to validate Movant's postpetition acts.

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

Party Information

Debtor(s):

Jasmine Keshawn Jennings

Pro Se

Movant(s):

Chun Wen

Represented By
Luke P Daniels

Trustee(s):

John P Pringle (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19177 Paula Jean Campbell

Chapter 7

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford Escape, VIN: 1FMCU0GX8GUB24231

MOVANT: CAB WEST LLC

EH__

Docket 8

Tentative Ruling:

12/18/18

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

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

Party Information

Debtor(s):

Paula Jean Campbell

Represented By
Diane M Singleton-Smith

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

Trustee(s):

John P Pringle (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19183 Carmen Lynn Chilson

Chapter 13

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 755 Casey Cir Banning, CA 92220

MOVANT: GENOVEVA CAMPA

EH__

Docket 22

*** VACATED *** REASON: ORDER ENTERED 12/17/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lynn Chilson

Represented By
Steven A Alpert

Movant(s):

Genoveva U Campa

Represented By
Barry L O'Connor

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19276 Efrain Cortez

Chapter 7

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Dodge Ram 1500, VIN: 1C6RR7TT2GS321040

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 7

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

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

Party Information

Debtor(s):

Efrain Cortez

Represented By
Kevin M Cortright

Movant(s):

TD Auto Finance LLC

Represented By
Jennifer H Wang

Trustee(s):

Steven M Speier (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19465 Joseph F. Mark

Chapter 13

#27.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 BMW 750Li, VIN: WBAH N835 17DT 75132

MOVANT: MECHANICS BANK

EH__

Docket 15

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

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

Party Information

Debtor(s):

Joseph F. Mark

Represented By
Keith Q Nguyen

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19486 Jacqueline Williams

Chapter 13

#28.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 12878 Merry Meadows Drive, Eastvale aka Corona
CA

MOVANT: WILLIAM SMITH AND MONICA SMITH

EH

Docket 13

Tentative Ruling:

12/18/2018

Service is Proper Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jacqueline Williams

Represented By
Marjan Alitalaei

Movant(s):

William & Monica Smith

Represented By
Helen G Long

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19532 Jose F Mejia

Chapter 13

#29.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26458 Twin Pines Street, Menifee, California 92584-4927

MOVANT: WELLS FARGO BANK NA

CASE DISMISSED 11/27/18

EH ____

Docket 10

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditors based on multiple bankruptcy filings affecting this property. The Court finds bad faith as to the Debtor. GRANT waiver of 4001(a)(3) stay. GRANT pursuant to ¶ 3 and relief from co-debtor stay. DENY request for APO as moot.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose F Mejia

Pro Se

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Gilbert R Yabes

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19605 Demar Austin Browning and Nunia Naavavaau Foaki Otuafi Chapter 7

#30.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2012 HONDA ODYSSEY, VIN: 5FNR L5H9 5CB1
03161

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH ____

Docket 9

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

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

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

Party Information

Debtor(s):

Demar Austin Browning Represented By
Fred Edwards

Joint Debtor(s):

Nunia Naavavaau Foaki Otuafi Represented By
Fred Edwards

Movant(s):

AMERICAN HONDA FINANCE Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Demar Austin Browning and Nunia Naavavau Foaki Otuafi Chapter 7

Trustee(s):

Steven M Speier (TR) Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19792 Biani Berlenda Mora

Chapter 13

#31.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 12648 Casa Bonita Place Victorville, CA 92392

MOVANT: BIANI BERLEND MORA

EH__

Docket 8

Tentative Ruling:

12/18/2018

The Debtor's prior case was dismissed for a failure to make plan payments. The Debtor explains that the shortfall was due to an unexpected dip in the payments from social security that Debtor was receiving. Debtor's new Schedule I shows substantially increased payments from social security. However, the Declaration of the Debtor provides insufficient detail to explain why the prior benefit payments stopped and why the current benefits have increased so significantly.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Movant(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19841 Jorge Lino Madrigal

Chapter 13

#32.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: JORGE LINO MADRIGAL

CASE DISMISSED 12/17/18

EH ____

Docket 7

Tentative Ruling:

12/18/2018

The Debtor's prior case was dismissed on September 12, 2018, in the Southern District of California. The Southern District's docket indicates that the dismissal resulted from Debtor's failure to appear and testify at the 341 Meeting of Creditors. The case was filed by the Debtor in pro per. In his declaration, the Debtor asserts that he is a "lay person", was not able to attend his 341 Meeting and did not realize that the meeting could not be postponed.

As to this issue, the Court finds that by hiring counsel to assist him with understanding the duties of a debtor filing chapter 13, the Debtor has shown cause to extend the stay.

However, as to 'Mr. Cooper' (aka Nationstar), the Debtor has failed to properly serve Nationstar pursuant to FRBP 7004. Specifically, Rule 7004 requires that Nationstar be served to the attention of an officer. Although, the address served appears valid and the Court believes Nationstar likely accepts service using its new dba Mr. Cooper, the Motion was not served on an officer. Additionally, Nationstar/Mr. Cooper was not identified in ¶1 of the Notice of Motion as required by the form motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Jorge Lino Madrigal

Chapter 13

Debtor(s):

Jorge Lino Madrigal

Represented By
Gary S Saunders

Movant(s):

Jorge Lino Madrigal

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19883 Lucy D Aguilar

Chapter 13

#33.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 2198 Arden Circle, Corona, CA 92882

MOVANT: SAMI RUSTOM

EH__

Docket 9

Tentative Ruling:

12/18/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT requests under ¶¶ 7, 9 and 11. GRANT waiver of 4001(a)(3) stay. DENY request for order confirming no stay in effect for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lucy D Aguilar

Pro Se

Movant(s):

SAMI RUSTOM

Represented By
Shazad Z Omar

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19894 Noemi Meraz Espinoza

Chapter 13

#34.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 7569 Marilyn Dr., Corona, CA

MOVANT: NOEMI MERAZ ESPINOZA

EH__

Docket 15

Tentative Ruling:

12/18/2018

Debtor filed her prior case in pro per and had her case dismissed for failure to file information. The Debtor asserts the dismissal resulted from her taking 'bad advice' from a party that advised her to file a skeletal petition to save her house. The Debtor has now retained counsel to assist her in her efforts to propose a chapter 13 plan. Based on the Debtor's retention of counsel to assist her in understanding the duties of a chapter 13 debtor, the Court finds that the Debtor has overcome the presumption that the case was not filed in good faith. The Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Noemi Meraz Espinoza

Represented By
Ramiro Flores Munoz

Movant(s):

Noemi Meraz Espinoza

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19965 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#35.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 18057 Longhorn Ln, Chino Hills, CA 91709

MOVANT: JORGE M AZMITIA AND YOSHIKO AZMITIA

EH__

Docket 13

Tentative Ruling:

12/18/2018

The Debtors were at least one month delinquent when the case was dismissed on October 25, 2018. At the hearing on the Trustee's Motion to Dismiss the Debtors could not provide assurances they would cure the arrears.

The Debtors' declaration asserts that the Debtors fell behind on plan payments because they had to 'divert resources' to deal with a death in the family at around the same time that the Debtor Husband was involved in a car accident. The declaration is devoid of any detail as to the expenses they incurred or how specifically these events caused them to fall behind. Given the failure to perform the terms of their prior chapter 13 plan, the burden on the Debtors to overcome the presumption that the instant case was not filed in good faith require clear and convincing evidence. 11 USC § 362(c)(3). The declaration falls short. The Court is inclined to DENY the Motion.

Finally, based on the proof of service, it appears that SPS, the servicer of the Debtors' mortgage loan on their primary residence, was not served via Rule 7004 in that it was not served to the attention of an officer, to an address appropriate for service of process, or by certified mail.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By

**United States Bankruptcy Court
Central District of California
Riverside**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... **Jorge Manuel Azmitia and Yoshiko Azmitia**

Chapter 13

Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Movant(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Yoshiko Azmitia

Represented By
Nicholas M Wajda
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#36.00 Post Confirmation Status Conference

EH__

Docket 161

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

**Represented By
David Lozano**

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#37.00 CONT Application for Compensation and Notice of Hearing with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/2/2017 to 9/17/2018, Fee: \$164280.00, Expenses: \$7207.77. (Turoci, Todd)
(HOLDING DATE)

From: 10/16/18, 10/30/18, 12/4/18

Also #38

EH__

Docket 414

Tentative Ruling:

12/04/2018

Given the current stage of the chapter 11 proceeding, and finding that action by the Debtor to conclude the case remains outstanding, the Court is inclined to CONTINUE the instant fee application for a short time period to permit the Debtor an opportunity to file its request for dismissal and/or to otherwise outline a plan for concluding the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#38.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18, 7/24/18, 8/14/18, 10/30/18, 12/4/18

Also #37

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#39.00 Motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: JUAN CATANO v. G HURTADO CONSTRUCTION, INC.. filed by Creditor Juan Catano, Creditor Faustino Magana, Creditor Donahoo & Associates, PC

MOVANT: JUAN CATANO, FAUSTINO MAGANA, DONAHOO & ASSOCIATES

Also #40 & #41

EH __

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

Donahoo & Associates, PC

Represented By
Richard E Donahoo

Faustino Magana

Represented By
Richard E Donahoo

Juan Catano

Represented By
Richard E Donahoo

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#40.00 CONT Motion for approval of chapter 11 disclosure statement

From: 9/11/18, 9/25/18, 10/30/18, 11/6/18

Also #39 & #41

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#41.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18, 9/11/18, 9/25/18, 10/30/18, 11/6/18

Also #39 & #40

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#42.00 CONT Motion to Dismiss Chapter 11 Case

From: 9/25/18, 10/1/18, 12/4/18

Also #43 & #44

EH__

Docket 37

Tentative Ruling:

9/25/2018

BACKGROUND

On July 23, 2018, Richard Garavito ("Debtor") filed a Chapter 11 voluntary petition. Debtor previously filed a Chapter 13 case on April 17, 2018, which was dismissed on July 19, 2018.

On August 29, 2018, the Taylor Family Trust of June 16, 2004 ("Creditor"), the primary creditor in the instant case, filed a motion to confirm that the automatic stay terminated pursuant to 11 U.S.C. § 362(c)(3)(A). On September 7, 2018, Debtor filed a motion to continue/impose the automatic stay. Because Debtor has not offered a cognizable legal argument as to why the automatic stay has not terminated, or why Debtor can obtain a continuation of the automatic stay after the statutory deadline, the Court has posted tentative rulings indicating that it intends to grant Creditor's motion and deny Debtor's motion.

On September 11, 2018, Debtor filed a motion to dismiss the case and an application

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

shortening time. On September 13, 2018, the Court approved the application shortening time, and set a hearing for September 25, 2018.

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause – most of which are more appropriately considered when the moving party is an entity other than the debtor.

Here, Debtor's motion is unclear, at best. The entire argument why the case should be dismissed is reproduced, verbatim, as follows:

In the present case, since the motion to impose and/or continue the stay was not timely filed, the stay will no longer be in effect with the pending motion to terminate the stay filed by secured creditor Taylor Family Trust.

The Debtor should not be penalized due to counsel's inadvertent calendaring

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

error of the 30 days rule of filing a motion to impose and/or continue the stay. However, an argument can be made that under the majority approach a motion to impose or continue the stay shall be filed as to the Debtor individually and not as to the property of the estate. Here, the Subject Property is property of the estate and the automatic stay should be in effect as to the Subject Property.

However, due to circumstances surrounding the possible termination of the stay, the Debtor requests dismissal of this case as there is no purpose if the stay is not in effect as to the Subject Property.

[Dkt. No. 37, pg. 5]. In summary, Debtor acknowledges that the stay has statutorily terminated and the deadline to continue the automatic stay has lapsed, but then argues that such stay termination is with regards to the Debtor only, not property of the estate. Despite the argument, the Debtor then asserts that due to "circumstances" the Debtor requests dismissal because there is "no purpose" if the stay has also terminated as to property of the estate.

There are multiple issues with the above line of argument. First, Debtor does not appear to have raised any coherent cause for dismissal – the only argument made in favor of dismissal, that the "Subject Property" is not protected by the automatic stay, (and thus this Chapter 11 case cannot be successful) is also explicitly rejected by Debtor. Second, § 1112(b) requires the Court to consider whether dismissal or conversion to Chapter 7 is in the best interests of creditors and the estate. Here, Debtor's schedules filed in the instant case indicate that all creditors would likely be paid in full if this case was converted to Chapter 7. Therefore, pursuant to the analysis required by § 1112(b), it is unclear why this case would be dismissed rather than converted to Chapter 7.

Finally, the Court acknowledges that, in a reply relating to its motion to confirm that the automatic stay has terminated, Creditor has requested that, if the case is dismissed, Debtor be restricted from re-filing by a bar. While raising this argument in a reply relating to a different motion is procedurally improper, the Court need not address the request at the current time given the issues above.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

TENTATIVE RULING

Debtor and Creditor to argue: (1) whether there is cause for dismissal; (2) whether the automatic stay is in effect as to the Subject Property; and (3) whether dismissal or conversion to Chapter 7 would be in the best interests of creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#43.00 CONT Amended Motion (related document(s): 30 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 5065 Brooks Street, Montclair, Ca 91763 Notice of Motion and Motion in Individual Case for Order Imposing a Stay

MOVANT: RICHARD GARAVITO

From: 12/4/18

Also #42 & #44

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#44.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 8/21/18, 10/16/18, 12/4/18

Also #42 & #43

EH __

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#45.00 CONT Motion To Compel Payment Of Administrative Rent Or Immediate Rejection Of Lease And Related Relief

From: 11/27/18

Also #46

EH__

Docket 194

Tentative Ruling:

12/18/2018

BACKGROUND

On August 15, 2018, Visiting Nurse Association of the Inland Counties ("Debtor") filed a Chapter 11 voluntary petition. On November 2, 2018, The H.N. and Frances C. Berger Foundation ("Berger Foundation") filed its motion to compel payment of administrative rent or immediate rejection of lease and related relief. On November 13, 2018, Debtor filed its opposition.

The subject of the motion is a lease dated August 15, 2008, for certain nonresidential real property located in Palm Desert, California. According to Berger Foundation, "[p]ursuant to the terms of lease, should the Debtor continue to occupy the premises after August 14, 2018, the lease obligation increases to approximately \$91,216.50 per month," [Dkt. No. 194, pg. 2] a doubling of the contractual monthly rental obligation. Berger Foundation requests: (1) that Debtor be compelled to cure the default on the lease or surrender the premises; and (2) allowance of an administrative expense claim in the amount of \$3,040.55 per day.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Debtor's opposition argues that: (1) the lease cannot be assumed or rejected because the lease expired the day before the petition date; and (2) because the lease expired prepetition, the legal basis for the requested administrative expense claim is invalid.

On November 27, 2018, the Court held a hearing on the matter, and ultimately continued the hearing for supplemental briefing. On December 4, 2018, Debtor filed its supplemental opposition. On December 11, 2018, Berger Foundation filed its supplemental reply.

DISCUSSION

The critical legal question at issue is whether the operative lease expired prepetition. Berger Foundation relies on 11 U.S.C. § 365(d)(3) as the basis for both its requests, and that provision states:

The trustee shall timely perform all the obligations of the debtor, except those specified in section 365(b)(2), arising from and after the order for relief under any *unexpired* lease of nonresidential real property, until such lease is assumed or rejected, notwithstanding section 503(b)(1) of this title. The court may extend, for cause, the time for performance of any such obligation that arises within 60 days after the date of the order for relief, but the time for performance shall not be extended beyond such 60-day period. This subsection shall not be deemed to affect the trustee's obligations under the provisions of subsection (b) or (f) of the section. Acceptance of any such performance does not constitute waiver or relinquishment of the lessor's rights under such lease or under this title.

(emphasis added).

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

As a general rule, an expired lease is no longer executory, and, therefore, is no longer assumable, if the lease expired prepetition. *See, e.g., In re Acorn Invs.*, 8 B.R. 506, 509-10 (Bankr. S.D. Cal. 1981). Therefore, the Court must determine whether the lease at issue expired prepetition. *See Robinson v. Chicago Hous. Auth.*, 54 F.3d 316, 320 (7th Cir. 1995) ("the federal law allowing 'unexpired' leases to be assumed calls for a determination whether a lease has ended under state law."). Here, Debtor argues that the lease expired pre-petition, resulting in a holdover tenancy, in which no privity of contract exists, while Berger Foundation argues that the lease became a month to month tenancy and, therefore, was not expired. While the parties appear to be agree on the operative legal standard, the parties disagree regarding how that standard applies to the facts here

Both parties refer to CAL. CIV. CODE § 1945, which states:

If a lessee of real property remains in possession thereof after the expiration of the hiring, and the lessor accepts rent from him, the parties are presumed to have renewed the hiring on the same terms and for the same time, not exceeding one month when the rent is payable monthly, nor in any case one year.

As a preliminary matter, the Court notes that it appears the above legal provision should not actually be applicable to the instant situation. Specifically, CAL. CIV. CODE § 1940(a), (c) states the following:

- (a) Except as provided in subdivision (b), this chapter shall apply to all persons who hire dwelling units located within this state included tenants, boarders, lodgers, and others, however denominated.
- (c) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Here, the lease at issue was a commercial lease which would remove the lease from the purview of § 1945 based upon the plain language of § 1940. Nevertheless, the Court notes that there is ample caselaw, some of which is cited by the parties, in which California courts have applied § 1945 to commercial property. Although it is not clear to this Court why that section is inapplicable to the instant situation, the Court will defer to the state law courts on this issue of state law.

Ultimately, the argument of Berger Foundation boils down to the following:

In this case, after the expiration of the Lease terms (August 14, 2018), Debtor continued to occupy the Premises. Berger continued to accept the Debtor as a tenant and took no action to terminate the Debtor's leasehold interest in the Premises. To the contrary, as this Court's record reflects, from the outset, Berger has been focusing on receiving rent payments and, in fact, received post-petition payments of not less than \$15,000 as of the date of this Reply. Clearly, pursuant to Civil Code § 1945 and applicable California authority, the Lease converted to a month-to-month tenancy after August 14, 2018.

[Dkt. No. 278, pg. 3]. Debtor's argument, on the other hand, appears to be that Berger Foundation's actions in this case simply do not reflect clear consent to Debtor's continued possession of the premises.

First, there appears to be a timing issue which has not been identified by the parties. The operative lease expired, by its own terms, on August 14, 2018. The instant bankruptcy was filed on August 15, 2018. Therefore, assuming, *arguendo*, that rent was paid and accepted in a manner which would trigger the statutory presumption in CAL. CIV. CODE § 1945, such event would have occurred *after* the petition date. *City v. Hart*, 175 Cal. App. 3d 92, 94 (Cal. Ct. App. 1985) ("The statute provides the landlord's consent to the holding over is implied if he accepts rent from the tenant after the expiration of the lease. This consent to the holding over must be established before the statutory presumption of the same terms becomes effective."). Therefore,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

the lease at issue would have been, as of the petition date, expired and not assumable. Quite simply, on the record before the Court, it is implausible that Berger Foundation could have undertaken any action in the fraction of the day before the instant bankruptcy filing which would have indicated consent to the creation of a month-to-month tenancy.

Furthermore, outside of the bankruptcy law issues raised above, Berger Foundation's position does not seem to be compatible with state law. Quite simply, the presumptions outlined in CAL. CIV. CODE § 1945 are analogous to contractual principles in common law. By remaining in possession of the property, and tendering a rental payment, a holdover tenant is making an offer; by accepting such tender, the landlord manifests his assent to such offer. Berger Foundation seems to be positing that the payment of any rent whatsoever, even a single dollar, subsequently accepted by the landlord, results in the extension of the lease terms on the original contractual terms.

Berger Foundation's argument, however, is inconsistent with fundamental contractual principles, for in the case of a minimal rental payment, it cannot be said that either party has made an offer, accepted by the other party, to renew the original lease terms. At best, the landlord's implied acquiescence may be construed as an offer, yet the tenant's tender of a minimal rental payment can only be interpreted as a counter-offer, since such a tender would be materially inconsistent with the terms of the offer. If the landlord accepts this reduced tender, the terms agreed upon must be construed as those set forth in the counter-offer, a principle codified in CAL. CIV. PRO. § 2076:

The person to whom a tender is made must, at the time, specify any objection he may have to the money, instrument, or property, or he must be deemed to have waived it; and if the objection be to the amount of money, the terms of the instrument, or the amount or kind of property, he must specify the amount, terms, or kind which he requires, or be precluded from objecting afterwards.

See also Taylor v. Taylor, 39 Cal. App. 2d 518, 521 (Cal. Ct. App. 1940) ("It is now settled by these cases that where the tenant tenders, and the landlord accepts, as full payment of the rent, a less monthly rental than that reserved in the lease, he cannot later recover the unpaid balance of the rent reserved.")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

While the above principle, a principle of estoppel, is properly subject to the Court's consideration of equities, such consideration would simply not change the fact that a reduced monthly rental payment cannot be considered acquiescence to a renewal of the original contractual terms. In the absence of such mutual agreement to be bound to the original terms, there simply cannot be contractual privity.

Finally, the Court notes that the operation of CAL. CIV. CODE § 1945 is to create a rebuttable presumption that the lease has been extended. Assuming, *arguendo*, that the bankruptcy and contract law issues noted above were not present, it appears probable that such a presumption would be rebutted in the instant case. The Court is not aware of any action taken by Debtor that would support a conclusion that Debtor intended to renew the lease on the original terms, and Berger Foundation has made repeated statements which would be incompatible with the presumption in § 1945. For instance, in the instant motion Berger Foundation made the following statements, which are implicitly and explicitly more compatible with a holdover tenancy than a month-to-month tenancy:

-"Since the filing of this case, the Debtor has continued, and continues, to occupy the Premises, yet has failed to pay the rental obligation due and owing." [Dkt. No 194, pg. 2 and 4]

-"Based on the fact that the Debtor remained *as a holdover tenant*, and pursuant to the terms of the Lease, the rental obligation increases to approximately \$91,216.50 per month." [Dkt. No. 194, pg. 4 and 10] (emphasis added).

-"Here, the Debtor has made no payments while continuing to occupy the Premises." [Dkt. No. 194, pg. 6].

For the reasons outlined above, the Court concludes that the lease in question was expired as of the petition date because nothing in the record indicates that Berger Foundation provided consent to continued possession of the premises in the less than one-day period between the expiration of the lease and the instant bankruptcy filing. To the extent that Berger Foundation argues that postpetition acts retroactively

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties Chapter 11

revived the original lease terms, such retroactive revival would seem to be incompatible with *City v. Hart*, 175 Cal. App. 3d 92, 94 (Cal. Ct. App. 1985). Furthermore, because Debtor did not remotely act in accordance with the original lease terms, it cannot be said that Debtor actions constituted a renewal of those terms; if any lease was entered into postpetition, it must have been on substantially different terms, which would require notice and a hearing. Additionally, even if the statutory presumption of CAL. CIV. CODE § 1945 were applicable in the instant situation, the Court concludes that such presumption would likely be rebutted based on the fact that Debtor did not act in accordance with the original terms, and based on Berger Foundation's explicit characterization of Debtor as a holdover tenant.

The Court will not reach Berger Foundation's contingent request for an administrative claim because the record before the Court would not permit the Court to engage in the analysis required by 11 U.S.C. § 503(b).

TENTATIVE RULING

The Court is inclined to DENY the motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Movant(s):

The H. N. and Frances C. Berger

Represented By
David B Golubchik

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#46.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18, 10/30/18, 11/13/18

Also #45

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#47.00 Disclosure Statement for Chapter 11 Liquidating Plan Proposed by the Debtor

Also #48 - #50

EH__

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

**Represented By
Leonard M Shulman
Melissa Davis Lowe**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

**#48.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee and
Subject to Overbids and a Break-Up Fee, Combined With Notice of Bidding
Procedures and Request for Approval of the Bidding Procedures Utilized; and
Granting Related Relief**

Also #47- #50

EH __

Docket 154

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#49.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 11/6/18

Also #47- #50

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#50.00 CONT Application to Employ Shulman Hodges & Bastian LLP as General
Bankruptcy Counsel

From: 11/27/18

Also #47- #49

EH__

Docket 45

Tentative Ruling:

11/27/2018

DISCUSSION

"[I]t is clear that the bankruptcy court has broad discretion over the appointment of professionals." *In re Seeburg Prods. Corp.*, 215 B.R. 175, 178 (Bankr. N.D. Ill. 1997). A violation of the rules of professional responsibility can be sufficient reason to disqualify a proposed counsel from being employed in a case. *See, e.g., In re Universal Bldg. Prods.*, 486 B.R. 650, 661 (Bankr. D. Del. 2010) (collecting cases).

"An attorney retained by the trustee, or debtor in possession, who assists with the collection of the assets of the estate, must abide by the highest professional standards." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 840 (Bankr. C.D. Cal. 1991) "Not honesty alone, but the punctilio of an honor the most sensitive, is the standard of behavior." *Meinhard v. Salmon*, 164 N.E. 545, 546 (N.Y. 1928).

"[A] debtor who proposes a sale of all of its assets . . . must fully disclose to the court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

CONT... Technology Solutions & Services, Inc., a California Chapter 11

and creditors the relationship between the buyer and seller, as well as the circumstances under which the negotiations have taken place, any marketing efforts, and the factual basis upon which the debtor determined that the price was reasonable." *In re Wilde Horse Enters., Inc.*, 136 B.R. at 842. *In re Wilde Horse Enters., Inc.*, continued on to state:

The Court finds from the evidence before it that Ms. Bernstein either (1) knew of the collusive and undisclosed relationships in this case and knowingly participated in misleading the Court and creditors; or (2) didn't know of the collusive and undisclosed relationships in this case, and is therefore wholly incompetent because she insisted on remaining ignorant of the facts and law applicable to her case notwithstanding the numerous indicia of questionable conduct along the way. Whether Ms. Bernstein's acts were wrongful, willfully incompetent or grossly negligent is not important to the determination here. Under either case, the Court concludes her fees must be denied in their entirely [sic], she should not be permitted to represent debtors in possession before any bankruptcy court, and her conduct in this case must be referred to the State Bar of California for disciplinary proceedings.

Id. at 847.

In the instant case, it appears Applicant failed to act with honesty and candor in relation to the sale of substantially all of the estate's assets. Specifically, notwithstanding Applicant's duty to the Court, Applicant failed to disclose a material side deal which was pertinent to the terms of the sale under review, and Applicant even stated at the hearing it was not Applicant's job to make such disclosure. Applicant's conduct in this case has fallen short of complying with the rules of professional conduct and has obstructed the Court's review of the primary matter in this case, the sale of substantially all of Debtor's assets. Given that such conduct is clearly adequate to disallow Applicant's fees in their entirety, the Court is inclined to find that authorizing the employment of Applicant would be a frivolous exercise.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

CONT... **Technology Solutions & Services, Inc., a Californi**

Chapter 11

The Court is inclined to DISALLOW the application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe