

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11668 Ruth Gabriela Carmona and Julio Enrique Carmona

Chapter 7

**#0.01 Pro se Reaffirmation Agreement Between Debtor and
Hyundai Motor Finance**

Docket 13

Tentative Ruling:

Petition date: 7/5/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Hyundai Accent

Debtor's valuation of property (Sch. B): \$5,156

Amount to be reaffirmed: \$8,795.50

APR: 2.99% (fixed)

Contract terms: \$245.57 per month for 37 months

Monthly Income (Schedule I): \$3,655

Monthly expenses: (Schedule J): \$3,750

Disposable income: <\$95>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that she is seeking more hours at work, as well as a second or third job. This payment is provided for in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 8, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Ruth Gabriela Carmona and Julio Enrique Carmona

Chapter 7

Debtor(s):

Ruth Gabriela Carmona Pro Se

Joint Debtor(s):

Julio Enrique Carmona Pro Se

Trustee(s):

David Seror (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11872 Jeremy Lawrence Dean and Tatiana Paola Dean

Chapter 7

**#0.02 Reaffirmation Agreement Between Debtor and
Bank of America, N.A**

Docket 15

Tentative Ruling:

Petition date: 7/25/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Jeep Cherokee

Debtor's valuation of property (Sch. B): \$13,196

Amount to be reaffirmed: \$18,962

APR: 4.99% (fixed)

Contract terms: \$397.63 per month for 53 months

Monthly Income (Schedule I): \$4,872.86

Monthly expenses: (Schedule J): \$5,408.91

Disposable income: <\$536.05>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtors states that their family will help pay any payments. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 16, 2019, whichever is later.

Party Information

Debtor(s):

Jeremy Lawrence Dean

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Jeremy Lawrence Dean and Tatiana Paola Dean
Oscar R Swinton

Chapter 7

Joint Debtor(s):

Tatiana Paola Dean

Represented By
Oscar R Swinton

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11893 Luis Rodolfo Alvarez

Chapter 7

**#0.03 Pro se Reaffirmation Agreement Between Debtor and
Nissan Motor Acceptance Corp.**

Docket 10

Tentative Ruling:

Petition date: 7/9/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Nissan Sentra

Debtor's valuation of property (Sch. B): \$8,000

Amount to be reaffirmed: \$15,320

APR: 4.9% (fixed)

Contract terms: \$261.49 per month for 60 months

Monthly Income (Schedule I): \$1,800

Monthly expenses: (Schedule J): \$2,221

Disposable income: <\$421>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor provides no explanation for how he will make this payment, which is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 15, 2019, whichever is later.

Party Information

Debtor(s):

Luis Rodolfo Alvarez

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Luis Rodolfo Alvarez

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-11949 Armen Dzhakhangiryants

Chapter 7

**#0.04 Reaffirmation Agreement Between Debtor and
JPMorgan Chase Bank, N.A.**

Docket 21

Tentative Ruling:

Petition date: 7/31/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Porshe Cayman

Debtor's valuation of property (Sch. B): \$79,140

Amount to be reaffirmed: \$76,293.47

APR: 5.54% (fixed)

Contract terms: \$1,620.62 per month for 53 months

Monthly Income (Schedule I): \$755

Monthly expenses: (Schedule J): \$775

Disposable income: <\$20>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor, who is unemployed with no income per his schedules, explained on Sch. B that his girlfriend is making the payments for this vehicle. This payment is not listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 10, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Armen Dzhakhangiryants

Chapter 7

Debtor(s):

Armen Dzhakhangiryants

Represented By
Michael Jay Berger

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12107 Arin Gharabedian and Armine M Gharabedian

Chapter 7

**#0.05 Reaffirmation Agreement Between Debtor and
U.S. Bank National Association**

Docket 12

Tentative Ruling:

Petition date: 7/31/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2012 Mercedes Benz

Debtor's valuation of property (Sch. B): \$10,000

Amount to be reaffirmed: \$6,801.09

APR: 2.23% (fixed)

Contract terms: \$649.94 per month for 10 months

Monthly Income (Schedule I): \$9,571.13

Monthly expenses: (Schedule J): \$9,595

Disposable income: <\$23.87>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that they work on base plus commission and so expects an increase in income. Debtor is also seeking to reaffirm the debt on a 2017 Volkswagon (see cal. no. 0.06)

Debtor has a right to rescind agreement anytime prior to discharge, or until November 30, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Arin Gharabedian and Armine M Gharabedian

Chapter 7

Debtor(s):

Arin Gharabedian

Represented By
David S Hagen

Joint Debtor(s):

Armine M Gharabedian

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12107 Arin Gharabedian and Armine M Gharabedian

Chapter 7

#0.06 Reaffirmation Agreement Between Debtor and VW Credit, Inc.

Docket 11

Tentative Ruling:

Petition date: 7/31/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Volkswagon Golf

Debtor's valuation of property (Sch. B): \$20,000

Amount to be reaffirmed: \$22,824.73

APR: 0.00% (fixed)

Contract terms: \$422.68 per month for 54 months

Monthly Income (Schedule I): \$9,571.13

Monthly expenses: (Schedule J): \$9,595

Disposable income: <\$23.87>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that they work on base plus commission and so expects an increase in income. Debtor is also seeking to reaffirm the debt on a 2012 Mercedes Benz (see cal. no. 0.05)

Debtor has a right to rescind agreement anytime prior to discharge, or until November 30, 2019, whichever is later.

Party Information

Debtor(s):

Arin Gharabedian

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Arin Gharabedian and Armine M Gharabedian
David S Hagen

Chapter 7

Joint Debtor(s):

Armine M Gharabedian

Represented By
David S Hagen

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12312 Danny Eugene Black, Jr.

Chapter 7

**#0.07 Reaffirmation Agreement Between Debtor and
Ford Motor Credit Company LLC (2016 Ford Fusion)**

Docket 11

Tentative Ruling:

Petition date: 9/13/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Ford Fusion

Debtor's valuation of property (Sch. B): \$11,600

Amount to be reaffirmed: \$17,777.12

APR: 1.9% (fixed)

Contract terms: \$489.63 per month for 37 months

Monthly Income (Schedule I): \$4,727.96

Monthly expenses: (Schedule J): \$4,843.85

Disposable income: <\$115.89>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that his monthly shortfall is small and that his family has promised to help with payments, should it become necessary.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 22, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Danny Eugene Black, Jr.

Chapter 7

Debtor(s):

Danny Eugene Black Jr.

Represented By
Jeffrey J Hagen

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

1:19-12465 Jack Rollin Cleek, II and Ryan Louise Chavanette-Cleek

Chapter 7

**#0.08 Pro se Reaffirmation Agreement Between Debtor and
Navy Federal Credit Union**

Docket 7

Tentative Ruling:

Petition date: 9/29/19

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2012 Honda Pilot

Debtor's valuation of property (Sch. B): \$11,326

Amount to be reaffirmed: \$7,436.18

APR: 7.29% (fixed)

Contract terms: \$379.60 per month for 21 months

Monthly Income (Schedule I): \$4,293.61

Monthly expenses: (Schedule J): \$4,495

Disposable income: <\$201.39>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtors does not explain that how they will make this payment. Debtors do state that they plan to keep current on this payment that is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 15, 2019, whichever is later.

Party Information

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

8:30 AM

CONT... Jack Rollin Cleek, II and Ryan Louise Chavanette-Cleek

Chapter 7

Debtor(s):

Jack Rollin Cleek II

Represented By
Louis J Esbin

Joint Debtor(s):

Ryan Louise Chavanette-Cleek

Represented By
Louis J Esbin

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-13206 Amy Algos Bacashihua

Chapter 13

#55.00 Trustee's Motion to Dismiss Case Trustee
Motion To Dismiss Case Due to Expiration
of the Plan

Docket 45

Tentative Ruling:

Trustee states that Debtor is in material default and has a \$15,526.76 remaining balance.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Amy Algos Bacashihua

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-13751 Mike Ginzburg and Natasha Ginzburg

Chapter 13

#56.00 Trustee's Motion to Dismiss Case (Plan Expiration)

Docket 74

Tentative Ruling:

Debtor filed an opposition with no arguments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Mike Ginzburg

Represented By
Joshua L Sternberg

Joint Debtor(s):

Natasha Ginzburg

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-14171 Caridad Gadia Corpus

Chapter 13

#57.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19, 10/22/19

Docket 71

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Caridad Gadia Corpus

Represented By
William G Cort

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15003 Pardeep Gupta

Chapter 13

#58.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

fr. 8/20/19

Docket 78

***** VACATED *** REASON: Trustee withdrew motion [#86] -ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pardeep Gupta

Represented By
Rabin J Pournazarian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15455 Sirous Salem

Chapter 13

#59.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 68

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Sirous Salem

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:14-15605 Rolando Chavez and Irma Chavez

Chapter 13

#60.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr/ 8/20/19, 10/22/19

Docket 34

Tentative Ruling:

Cont'd. fr. 10/22/2019

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Rolando Chavez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Irma Chavez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10366 Dieter Cortez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr, 10/22/19

Docket 52

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dieter Cortez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10366 Dieter Cortez

Chapter 13

#62.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec 1329(A) and the percentage to be Paid to Unsecured Creditors or, in the alternative, Dismissing the Chapter 13 Petition Due to the Debtor's Failure to Make their Best Efforts to Repay Creditors Pursuant to 11 USC Sec. 1307(c)(6)

Docket 55

Tentative Ruling:

Cont'd. fr. 10-22-19

Trustee moved to modify the Plan to increase Plan Payment and percentage paid to unsecured creditors, or, alternatively, to dismiss the petition due to Debtor's failure to make best efforts to repay creditors.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dieter Cortez

Represented By
James B Smith

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10674 Shireen Janti Reid

Chapter 13

**#63.00 Chapter 13 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment**

Docket 40

Tentative Ruling:

Trustee moved to modify the Plan to increase Plan Payment and percentage paid to unsecured creditors, or, alternatively, to dismiss the petition due to Debtor's failure to make best efforts to repay creditors.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Shireen Janti Reid

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10707 Edward F Wrona and Diletta Wrona

Chapter 13

#64.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 34

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Edward F Wrona

Represented By
Devin Sawdayi

Joint Debtor(s):

Diletta Wrona

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10822 Tracey Lynne Baumert

Chapter 13

#65.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr,10/22/19

Docket 112

Tentative Ruling:

Cont'd. fr. 10-22-19

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

On 10/2/19, Debtor filed an Opposition asserting that he will provide 2015, 2016, 2017, and 2018 federal and state tax returns to Trustee before the hearing.

Has Debtor provided Trustee the tax returns? If so, does this resolve the Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Tracey Lynne Baumert

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10859 Victor Hugo Castillo and Maria De los Angeles Castillo

Chapter 13

#66.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 43

Tentative Ruling:

Con't. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Victor Hugo Castillo

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria De los Angeles Castillo

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-10926 Luis Alberto Melchor and Sandra Rodriguez Melchor

Chapter 13

#67.00 Motion under Local Bankruptcy Rule 3015-1 (n)
and (w) to modify plan or suspend plan payments

fr. 10/22/19

Docket 40

***** VACATED *** REASON: Resolved per stipulation [#58]-ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Melchor

Represented By
Steven L Bryson

Joint Debtor(s):

Sandra Rodriguez Melchor

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-11072 Humberto Delgadillo Garcia

Chapter 13

#68.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 143

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Humberto Delgadillo Garcia

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-11377 Carla Yvette Carr

Chapter 13

#69.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19

Docket 41

***** VACATED *** REASON: trustee withdrew [#47] – ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carla Yvette Carr

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12398 Miguel Catala-Morales

Chapter 13

#70.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19, 10/22/19

Docket 45

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #50. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Catala-Morales

Represented By
Jaenam J Coe

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12800 Jean'e Milika Blair

Chapter 13

#71.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 50

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Tentative Ruling:

Party Information

Debtor(s):

Jean'e Milika Blair

Represented By
Arsen Pogosov

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#72.00 Motion for Authority to Sell or Refinance Real Property

Docket 95

Tentative Ruling:

Debtor filed this Motion to sell the property located at 6601 Wilbur Avenue, Unit 53, Reseda, CA 91335. The proposed sale price is \$230,000. No proceeds will remain after the sale. Trustee is authorized to demand upon escrow the remaining balance after escrow's payment of the encumbrances to U.S. Bank, BoNYM, and Citibank, even though the amount is insufficient to pay off the Plan.

U.S. Bank, as holder of the 1st trust deed and a claim of \$303,597.31 opposed. U.S. Bank has a RFS motion that was continued from 11-13-19 to 11-19-19 at 11:00 a.m. U.S. Bank opposes because the proposed sale would only generate \$171,066.81 for U.S. Bank. U.S. Bank denied Debtor's request for a short sale.

Trustee approves of the sale on the condition that Trustee can take the statutory fees on claims paid through escrow; Trustee receives all net proceeds and the final closing statement; and Trustee can increase the % to unsecured creditors if funds permit.

Debtor replied asserting that U.S. Bank's conduct is unreasonable and in bad faith. Debtor indicates that U.S. Bank had notice of the short sale at a hearing and that there is a buyer for the short sale since August 2019. Debtor asserts that if this Motion is denied and RFS is not granted, the property value would only generate \$220,000. In addition, a foreclosure sale will prejudice the second lienholder because it will not receive any proceeds. A foreclosure sale will also allegedly prejudice Debtor by having the foreclosure on his record, which will financially ruin him for another 10 years. Debtor asserts that BSI for US Bank refused to conduct an appraisal, declined the short sale, and demanded the full amount.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Seth Eric Simon

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-12942 Seth Eric Simon

Chapter 13

#72.01 Motion for relief from stay

US BANK TRUST NATIONAL ASSOC.

fr. 6/26/19, 7/31/19, 9/11/19, 11/13/19

Docket 88

Tentative Ruling:

Cont'd. fr. 11-19-19

At the last hearing, Debtor's attorney indicated that the sale is still under process on the motion to sell or refinance. The hearing was continued to 11-19-19 at the same time as the motion to sell or refinance.

APPEARANCE REQUIRED.

11-13-19 Tentative Below:

Cont'd. fr. 9-11-19

The property is in escrow and the hearing was continued to complete the sale. The hearing for the motion for authority to sell is scheduled for 11-19-19. U.S. Bank opposes the motion for authority to sell because the sales proceeds would not fully satisfy U.S. Bank's claim. T'ee. approves of the sale.

APPEARANCE REQUIRED for 11-13-19 tentative.

fr. 7/31/19 , 9/11/19

This hearing was continued so the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

6/26/19 TENTATIVE BELOW

Petition Date: 09/02/2015

Chapter 13 plan confirmed: 3/31/16

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... **Seth Eric Simon**

Chapter 13

Service: Proper. Opposition filed.

Property: 6601 Wilbur Ave., Unit 53, Reseda CA 91335

Property Value: \$336,788.84 (per debtor's schedules)

Amount Owed: \$319,819.55 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$7,426

Post-Petition Delinquency: \$30,343.53

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (termination of co-debtor stay); and 7 (waiver of the 4001(a)(3) stay).

Debtors opposes the motion, arguing that he would like to enter into an APO with the movant. Is Movant amenable to negotiating an APO with Debtor?

APPEARANCE REQUIRED for 6-26-19 tentative.

Party Information

Debtor(s):

Seth Eric Simon

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-13357 Sergio Montes and Juana Yanira Montes

Chapter 13

#73.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 8/20/19, 9/24/19

Docket 50

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #65. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Montes

Represented By
Kevin T Simon

Joint Debtor(s):

Juana Yanira Montes

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-13535 Craig F Paul

Chapter 13

#74.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 32

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #37. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig F Paul

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#75.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 3/7/19(MB), 3/26/19, 6/25/19, 7/30/19, 9/24/19

Docket 225

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor filed opposition in 3-7-2019 stating the he believes he will be current before the next hearing or he will file a motion to modify plan. Debtor filed a motion to modify or suspend plan payments. Trustee disapproves of the motion to modify or suspend plan payments because Trustee has not received updated Schedules I and J or evidence of income and cannot determine whether proposed modification is feasible.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:15-14171 Albert Hakakha

Chapter 13

#76.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 9/24/19

Docket 233

Tentative Ruling:

Cont'd. fr. 9-24-19

This was continued so that the motion to modify can be resolved. Trustee disapproves of the motion to modify because Trustee has not received updated Schedules I and J or evidence of income, and cannot determine whether the modification is feasible.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Albert Hakakha

Represented By
Nathan A Berneman
David Brian Lally

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10083 Griselda Renteria

Chapter 13

#77.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 68

Tentative Ruling:

Debtor opposed asserting that she will provide 2016, 2017, and 2018 tax returns before the hearing.

Has Trustee received the tax returns?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Griselda Renteria

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10125 Ben Diep

Chapter 13

#78.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 79

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.82]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ben Diep

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10194 Heliodoro Navarro

Chapter 13

#79.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 84

***** VACATED *** REASON: Ntc. of w/drawal filed 11/6/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heliodoro Navarro

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10256 Patricia Ann Mosley

Chapter 13

#80.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 41

***** VACATED *** REASON: trustee withdrew motion [#46] – ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Mosley

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos

Chapter 13

#81.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 52

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #54. If

Tentative Ruling:

Party Information

Debtor(s):

Jim K. Nikolopoulos

Represented By
Scott D Olsen

Joint Debtor(s):

Ayarpi Nikolopoulos

Represented By
Scott D Olsen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10545 Ali Talaishahir

Chapter 13

#82.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 48

***** VACATED *** REASON: trustee withdrew motion [#52] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ali Talaishahir

Represented By
Russ W Ercolani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-10902 Sergio Rodriguez

Chapter 13

#83.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 62

***** VACATED *** REASON: trustee withdrew motion [#68] -ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Rodriguez

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11207 Jonel Quintela Martinez and Ivey Montalbo Martinez

Chapter 13

#84.00 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment Pursuant to 11 USC Sec. 1329(a) and the Percentage to be Paid to Unsecured Creditors or, in the Alternative, Dismissing the Chapter 13 Petition Due to the Debtors' Failure to make their Best Efforts to Repay their Creditors Pursuant to 11 USC Sec.1307(c)(6)

Docket 50

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #53. Lf**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonel Quintela Martinez

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ivey Montalbo Martinez

Represented By
Hasmik Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11279 Carl N. Ciarfallo and Theresa R. Ciarfallo

Chapter 13

#85.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 32

Tentative Ruling:

Debtor opposes arguing that his plan payments are current and that he will provide Trustee his 2018 tax returns. Debtor explains that he is working with accountant to prepare 2017 tax returns and will provide other documents before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carl N. Ciarfallo

Represented By
Joseph A Weber

Joint Debtor(s):

Theresa R. Ciarfallo

Represented By
Joseph A Weber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11356 Denny Tedesco and Suzie Tedesco

Chapter 13

#86.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 81

Tentative Ruling:

Debtors opposed arguing that they will provide 2016, 2017, and 2018 state and federal tax returns before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Denny Tedesco

Represented By
Kevin T Simon

Joint Debtor(s):

Suzie Tedesco

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11844 E. James Anderson and Doristeen Harris-Anderson

Chapter 13

#87.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 80

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #85. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

E. James Anderson

Represented By
Ali R Nader

Joint Debtor(s):

Doristeen Harris-Anderson

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11907 John Harlan Hancock

Chapter 13

#88.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 10/22/19

Docket 41

***** VACATED *** REASON: Motion withdrawn 10/29/19 - jc**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Harlan Hancock

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-11938 Emilio I Ochoa

Chapter 13

#89.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 78

***** VACATED *** REASON: Trustee filed a withdrawal - doc. 83. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emilio I Ochoa

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12201 Andrea Beckham

Chapter 13

#90.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 46

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #48. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Beckham

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12216 Sarkis Ohannes Mouchmouchian

Chapter 13

#91.00 Trustee's Motion for Order Modifying the Plan
to Increase the Plan Payment

fr. 10/22/19

Docket 44

Tentative Ruling:

Cont'd. fr. 10-22-19

On 10-23-19, Debtor filed a declaration in support of the opposition with attached amended Schedules I and J. Debtor requests to maintain his payments at \$215 per month. Debtor explains that his income remains stagnant, but his expenses have increased. Debtor asserts that he has additional income from social security benefits. Debtor explains that he and his wife were required to lease two new vehicles because one lease expired and another vehicle broke, and that the lease payments of \$252 and \$259 per month on two vehicles are not extravagant. Debtor explains that his wife needed a \$15,000 dental work, which cost \$1,250 per month, and his son's college expenses is \$797 per month.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee requested this court to increase plan payments to \$3,130.25 starting November 1, 2019 and increase the percent to unsecured creditors, or, alternatively, dismiss the petition.

On 10/3/19, Debtor filed an Opposition asserting that the MOMOD only updates Debtor's income under his 2018 tax returns but does not account for expenses. Debtor filed amended Schedules I and J to reflect current monthly income and expenses. Debtor asserts that his monthly disposable income remains at \$215 per month and he does not have sufficient income to increase payments to \$3,130.25 per month. Debtor asks that his payments remain at \$215 per month.

On 10/10/2019, Trustee filed a Reply stating that based on a review of the amended budget, it appears that Debtor spent money on new vehicles, dental work, and

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Sarkis Ohannes Mouchmouchian

Chapter 13

college for an adult child instead of making a best effort to repay creditors. Trustee asserts that expenses must be reasonable and necessary, and creditors are only receiving 8%. Trustee further explains that the amended budget indicates an increase in several expenses without support or explanation, including: (1) the amended budget including car payments for two vehicles that is not indicated in Debtor's original Schedules; (2) \$1,250 per month for dental work; and (3) \$797 for books and tuition for an adult child. The Trustee requests the court to increase plan payments to \$3,130.25 as of November 1, 2019 and increase the percentage to unsecured creditors, or, alternatively, dismiss the petition.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Sarkis Ohannes Mouchmouchian

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12264 Alicia Butterfield

Chapter 13

#92.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

Docket 62

Tentative Ruling:

Debtor opposed asserting that she will cure the deficiency on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Alicia Butterfield

Represented By
Daniel King

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12374 Faridh Barghi Amirabad

Chapter 13

#93.00 Trustee's Motion to Dismiss Case for Failure to
Submit All Tax Returns

fr. 10/22/19

Docket 45

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.51]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Faridh Barghi Amirabad

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12578 Waqas Memon

Chapter 13

#94.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 78

*** VACATED *** REASON: Trustee filed a withdrawal - Doc. #84. If

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Waqas Memon

Represented By
William R Ramsey

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Represented By
Huy N Tran

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12613 Susan Griffin

Chapter 13

#95.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 50

Tentative Ruling:

Debtor opposed on 10-15-19 stating that she will file a motion to modify or suspend plan payments. No motion to modify or suspend plan payments has been filed yet.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Susan Griffin

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12759 Kalipse Karsyan

Chapter 13

#96.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 57

***** VACATED *** REASON: Ntc. of w/drawal filed 11/12/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kalipse Karsyan

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-12783 Martin Luna and Icela Teresa Luna

Chapter 13

#97.00 Trustee's Motion to Dismiss Case for Failure to Submit
All Tax Returns

fr. 10/22/19

Docket 59

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Luna

Represented By
Todd L Turoci

Joint Debtor(s):

Icela Teresa Luna

Represented By
Todd L Turoci

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13060 Michael Gregory Toussaint

Chapter 13

#98.00 Trustee's Motion to Dismiss Case for Failure to Submit All Tax Returns

Docket 65

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #67. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Gregory Toussaint

Represented By
Scott D Olsen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13326 Julie Kristine Underwood

Chapter 13

#99.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 26

***** VACATED *** REASON: Trustee filed a withdrawal - Doc. #31. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Kristine Underwood

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13379 Francisco Rodriguez

Chapter 13

#100.00 Trustee's Motion to Dismiss Case Trustee
Motion for Failure to Submit All Tax Returns

fr. 10/22/19

Docket 38

Tentative Ruling:

Cont'd. fr. 10-22-19

Order granting stipulation modifying plan entered.

Will Trustee withdraw this Motion?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Francisco Rodriguez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13537 Tillman Pink, III

Chapter 13

#101.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 44

***** VACATED *** REASON: Withdrawal of motion filed 10/31/19.
[Dkt.46]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tillman Pink III

Represented By
Anil Bhartia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13555 Carlos M Jimenez Cuellar and Nicole Cuellar

Chapter 13

#102.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

fr. 10/22/19

Docket 28

Tentative Ruling:

Cont'd. fr. 10-22-19

At the last hearing, all parties agreed to continue.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Carlos M Jimenez Cuellar

Represented By
Marlin Branstetter

Joint Debtor(s):

Nicole Cuellar

Represented By
Marlin Branstetter

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:16-13625 Maria G. Alonso

Chapter 13

#103.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Returns

Docket 118

***** VACATED *** REASON: Trsutee filed a withdrawaL - doc. #120. lf**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria G. Alonso

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10543 Jessica Reyes Gaeta

Chapter 13

#104.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 38

Tentative Ruling:

Cont'd. fr. 9-24-19

All parties agreed to continue at the last hearing.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jessica Reyes Gaeta

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10559 Teresa Ann Marquez

Chapter 13

#105.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 45

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed explaining that she defaulted because of extreme illness, but she is now recuperating and should be able to pay the defaulted amount on or before the hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Teresa Ann Marquez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-10702 Vicente Rafael Arteaga

Chapter 13

#106.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 5/21/19, 6/25/19; 8/20/19, 10/22/19

Docket 23

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Cont'd. fr. 8/20/19

At the June 25 hearing, Debtor's attorney indicated that the debtor couldn't be reached.

No Opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Vicente Rafael Arteaga

Represented By
Kenumi T Maatafale

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11281 Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

#107.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 4/5/18 ; 6/7/18, 7/19/18, 11/1/18, 12/6/18, 12/18/18, 2/7/19
4/23/19, 6/25/19, 7/30/19, 9/24/19

Docket 59

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Fr. 7/30/19

What is the status of the motion to modify?

Fr. 6/25/19

Debtor filed a motion to modify on April 22. On April 24, Trustee filed an opposition to the motion to modify on several grounds. What is the status of that motion to modify? Are the parties trying to work out the issues on the motion to modify?

FR. 4/23/19

Ruling for February 7, 2019: Continued to 4/23/19 at 11:00.

*Ruling for December 18, 2018:
Continued to February 7, 2019 at 11:30 a.m.*

*Ruling for November 1, 2018:
Cont. to 12/6/18 at 11:30.*

*Ruling for July 19, 2018
Continued to November 1, 2018 at 11:30 a.m.*

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Eduard Shevkolenko and Sokhiba Shevkolenko

Chapter 13

*Ruling for June 7, 2018
Continued to July 19, 2018, at 11:30 a.m.*

*Ruling for April 5, 2018:
Continued to June 7, 2018, at 11:30 a.m.*

Party Information

Debtor(s):

Eduard Shevkolenko

Represented By
Elena Steers

Joint Debtor(s):

Sokhiba Shevkolenko

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#108.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 138

Tentative Ruling:

Cont'd. fr. 9-24-19

Trustee alleges that Debtors are \$7,992 in default.

Debtors opposed explaining that they had a dispute with Chase and made extra payments, but the dispute is not resolved. Debtors explain that they will pay Trustee before the 9-24-19 hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Allen Charles Mixon III

Represented By
Stella A Havkin

Joint Debtor(s):

Gladys Stennis Mixon

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11310 Hilda Correa

Chapter 13

#109.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 6/25/19, 7/30/19, 9/24/19

Docket 78

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed asserting that she is current on payments and has overpaid. Debtor attached proof of payment via cashier's checks in her declaration.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Hilda Correa

Represented By
Michael Avanesian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11380 Maria Magdalena Carmona

Chapter 13

#110.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 71

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

Debtor opposed explaining that she faced financial difficulties but intends to be current on or before 8-20-19.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Maria Magdalena Carmona

Represented By
Gregory M Shanfeld

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11625 Linda Akerele Alele

Chapter 13

#111.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 7/30/19, 9/24/19

Docket 50

Tentative Ruling:

Cont'd. fr. 9-24-19

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Linda Akerele Alele

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo

Chapter 13

#112.00 Motion to Dismiss Case for Failure to
Make Plan Payments

Docket 58

Tentative Ruling:

Debtor opposed explaining that he will file motion to modify or suspend plan payments, which has not been filed yet.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Eduardo N Trillo Jr.

Represented By
Elena Steers

Joint Debtor(s):

Maritess Biglangawa Trillo

Represented By
Elena Steers

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

#113.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 62

Tentative Ruling:

Debtor opposed asserting that he will be current by the hearing date. Debtor explains that he paid \$2,000 and \$1,000 in October 2019.

Did Trustee receive the payments?

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Arman Tombakian

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman

Chapter 13

#114.00 Trustee's Motion to Dismiss Case for Failure
to Submit All Tax Refunds

fr. 10/22/19

Docket 79

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Dana Alexander Lieberman

Represented By
Richard Mark Garber

Joint Debtor(s):

Elaine Michelle Lieberman

Represented By
Richard Mark Garber

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13139 Mariane Del Mundo Laya

Chapter 13

#115.00 Trustee's Motion for Order Modifying the
Plan to Increase the Plan Payment

fr. 10/22/19

Docket 31

Tentative Ruling:

Cont'd. fr. 10-22-19

All parties agreed to continue at the last hearing.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

10-22-19 Tentative Below:

Trustee requests to increase plan payments to \$4,783.86 as of 11/2/19 and increase the percentage to unsecured creditors, or, alternatively, dismiss the case.

No opposition filed.

APPEARANCE REQUIRED unless Trustee stipulates to continue for 10-22-19 tentative.

Party Information

Debtor(s):

Mariane Del Mundo Laya

Represented By
Hasmik Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13196 Isaac Nessim Azoulay

Chapter 13

#116.00 Chapter 13 Trustee's Motion for Order Modifying the Plan to Increase the Plan Payment

Docket 49

Tentative Ruling:

Trustee requests to increase plan payments to \$4,783.86 as of 11/2/19 and increase the percentage to unsecured creditors, or, alternatively, dismiss the case.

Debtor's Opposition states that Trustee's proposal would overpay creditors by \$244,835. Debtor explains that Trustee based her demands on the non-filing spouse's 1031 exchange, which is separate property and not earned income.

Trustee filed a Reply explaining that she was not able to determine the source of income because Debtor did not provide a complete tax return. Trustee requests that Debtor turn over a complete 2018 tax return and provide evidence of current income.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Isaac Nessim Azoulay

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:17-13429 Dawn O. Olivieri

Chapter 13

**#117.00 Motion to Dismiss Case for Failure to Make
Plan Payments**

Docket 85

Tentative Ruling:

Debtor opposes and explains that she will file and serve a motion to modify or suspend plan payments. Thee. opposes Debtor's motion to modify or suspend plan payments, which is set for hearing on 12-17-19 at 11:00 a.m.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Dawn O. Olivieri

Represented By
Larry D Simons

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10222 Maria Audelia Navarro

Chapter 13

#118.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 48

***** VACATED *** REASON: Trustee filed a withdrawal - doc. #52. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Audelia Navarro

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10551 Joaquin Martinez

Chapter 13

#119.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 68

Tentative Ruling:

Cont'd. fr. 9-24-19

Debtor opposed explaining that he suffered financial hardship because his brother and tenant failed to pay rent due to diabetes complications. Debtor would like to reinstate his post-petition arrears by modifying the plan. Debtor has not filed a motion for plan modification.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Joaquin Martinez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10629 Jose Jaime Estrada

Chapter 13

#120.00 Motion to Dismiss Case for Failure to Make
Plan Payments

Docket 46

Tentative Ruling:

It looks like the opposition came in late and an order was entered dismissing the case. As debtor believes he can cure, the dismissal order was vacated. The parties should advise at the hearing when the cure can be made.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Jaime Estrada

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#121.00 Motion RE: Objection to Claim Number 7 by
Claimant Noushin Laaly.

fr. 10/23/18; 4/23/19, 6/25/19; 8/20/19, 9/24/19

Docket 54

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, Debtors' counsel said that the state trial is complete, and she filed a proposed judgment, which the state court judge has not signed yet. There is a motion for attorney's fees in state court.

The parties agreed to continue for Debtors to file an amended plan and for the parties to discuss the objection to claim and adversary proceeding.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Hamid Farkhondeh

Represented By
Stella A Havkin

Joint Debtor(s):

Mary Dadyan

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10891 Hamid Farkhondeh

Chapter 13

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

#122.00 Status conference re complaint for:
(1) dischargeability of debt for false pretenses
(2) false representations, and/or actual fraud
(3) objection to debtors' discharge, pursuant
to 523 and 727 of the bankruptcy code

fr. 8/8/18; 12/12/18; 4/10/19; 4/23/19, 6/25/19; 8/20/19, 9/24/19

Docket 1

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, Debtors' counsel said that the state trial is complete, and she filed a proposed judgment, which the state court judge has not signed yet. There is a motion for attorney's fees in state court.

The parties agreed to continue for Debtors to file an amended plan and for the parties to discuss the objection to claim and adversary proceeding.

APPEARANCE REQUIRED.

9/24/19 Tentative Below:

Parties filed a Joint SR on 9/17/19, apprising the Court of the resolution of the State Court Action on or about 8/28/19. Now that this portion of the litigation appears to be resolved, the parties should be prepared to discuss how to advance this adversary matter.

APPEARANCE REQUIRED for 9/24/19 tentative.

Party Information

Debtor(s):

Hamid Farkhondeh

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

CONT... Hamid Farkhondeh

Chapter 13

Defendant(s):

Hamid Farkhondeh Pro Se

Mary Dadyan Pro Se

Joint Debtor(s):

Mary Dadyan Pro Se

Plaintiff(s):

Noushin Laaly Represented By
Stella Rafiei

Kourosh Laaly Represented By
Stella Rafiei

Trustee(s):

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-10934 Maria Mercedes Arana

Chapter 13

#123.00 Motion RE: Objection to Claim Number 3 by Claimant CAM VII Trust, c/o Scheer Law Group, LLP / BSI Financial Services, Inc., predecessor in interest to Wilmington Savings Fund Society dba Christiana Trust, not individually, but solely as Trustee for NYMT Loan Trust I c/o Fay Servicing, LLC., its Successors and/or Assigns.

Docket 63

***** VACATED *** REASON: Ntc. of w/drawal filed 10/17/19 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Mercedes Arana

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12253 Sonia Figueroa

Chapter 13

#124.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(v)(2)]

Docket 76

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Sonia Figueroa

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12410 Terry Gale Moorhead

Chapter 13

#125.00 Motion to Dismiss Case for Failure to
Make Plan Payments

Docket 33

Tentative Ruling:

Debtor opposed explaining that \$975 in payments were not accounted for and that delinquent payments will be cured by the end of October 2019. An order granting Debtor's motion for authority to sell real property was entered.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Terry Gale Moorhead

Represented By
Leon D Bayer
Jeffrey N Wishman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12503 Barbara Koff

Chapter 13

#126.00 Motion For Sanctions/Disgorgement against Specialized Loan Servicing, LLC for Failure to Act in Good Faith white in the Loan Modification Mediation Program

Docket 50

***** VACATED *** REASON: Resolved per stipulation [#53] - ts**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Koff

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12549 Moshe Cohen

Chapter 13

#127.00 Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(v)(2)]

Docket 55

Tentative Ruling:

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Moshe Cohen

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12557 Salomon Llanos

Chapter 13

#128.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19, 10/22/19

Docket 64

Tentative Ruling:

Cont'd. fr. 10-22-19

The court issued an order granting the Debtor's motion to transfer interest in real property. The court then issued an order vacating the prior order. Debtor's attorney filed a declaration that the order vacating the prior order was recorded.

MOTION GRANTED. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Salomon Llanos

Represented By
John Habashy
Tiffany Buda

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:18-12708 Jose Estrada

Chapter 13

#129.00 Motion to Dismiss Case for Failure to Make
Plan Payments

fr. 9/24/19

Docket 47

Tentative Ruling:

All parties agreed to continue at the last hearing.

Debtor opposes explaining that he already made a \$4,000 payment and that he intends to catch up on payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Jose Estrada

Represented By
Erika Luna

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-10040 Yoonah Mason

Chapter 13

#130.00 Motion to Dismiss Case for Failure to Make Plan Payments

fr. 9/24/19

Docket 47

Tentative Ruling:

Cont'd. fr. 9-24-19

At the last hearing, all parties agreed to continue.

Debtor opposed explaining that she will bring payment receipts at the 9-24-19 hearing and/or she will file a motion to modify/suspend plan payments. Debtor has not filed a motion to modify/suspend plan payments.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

Party Information

Debtor(s):

Yoonah Mason

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Chief Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Tuesday, November 19, 2019

Hearing Room 302

11:00 AM

1:19-10727 Mary Kristin Burak

Chapter 13

#131.00 Objection to Homestead Exemption

fr. 7/30/19, 9/24/19

Docket 21

Tentative Ruling:

Cont'd. fr. 9-24-19

Trustee informed the court at the last hearing that Debtor is going to take photos of the antiques to determine if it has any value. The schedules will need to be amended if a household items is valued over \$600.

The paralegal of Debtor's attorney submitted a declaration with photos of the household items.

APPEARANCE REQUIRED unless Trustee stipulates to continue.

9-24-19 Tentative Below:

*This hearing was continued from 7/30/19 so that the Debtor could submit an itemized list of the antiques with a value for each. Nothing has been filed since the last hearing. What is the status of this Objection?
APPEARANCE REQUIRED for 9-24-19 tentative.*

7/30/19 TENTATIVE BELOW

Trustee objects to Debtor's claim of exemption of \$15,000 for "household furnishings, appliances, provisions, wearing apparel, and other personal effects" under C.C.P. § 704.020. The statute allows an exemption for such property:

(1) If ordinarily and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor's family at the judgment debtor's principal place of residence. . .

(b) In determining whether an item of property is "ordinarily and reasonably necessary" under subdivision (a), the court shall take into account both of the following:

(1) The extent to which the particular type of item is ordinarily found in a household.

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CONT... Mary Kristin Burak

Chapter 13

(2) Whether the particular item has extraordinary value as compared to the value of items of the same type found in other households.

C.C.P. § 704.020(a)(1)-(b). Trustee argues that, pursuant to Debtor's testimony at the 341(a) hearing, "Debtor stated household items included antiques with possible extraordinary value." Trustee requests that the Court "deny the Debtor's exemptions of equity in her personal property and order the Debtor to commit the non-exempt equity to the plan under a liquidation analysis." This is too extreme. Trustee is asking the Court to deny an entire category of exemptions, some of which are certainly allowable, based upon the possibility that a portion of the exemption is not allowable. The Court will not do so, but it will order the Debtor to produce an itemized list (or more detailed schedules) of the antiques with a value for each. This motion can be continued as a holding date in case the parties need the court to determine whether any individual items are "ordinarily and reasonably necessary" within the meaning of § 704.020(a)(1).

APPEARANCE REQUIRED for 9-24-19 tentative.

Party Information

Debtor(s):

Mary Kristin Burak

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11045 John S. Singler

Chapter 13

#132.00 Motion RE: Objection to Claim Number 4
by Claimant Select Portfolio Servicing, Inc.

fr. 9/24/19, 10/22/19,

Docket 21

***** VACATED *** REASON: Cont'd to 12/17/19 at 11:00 per order #35. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John S. Singler

Represented By
Michael F Chekian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-11143 Daniel Weber

Chapter 13

#133.00 Motion to Avoid Junior Lien with Sortis Financial

fr. 10/22/19

Docket 36

Tentative Ruling:

Cont'd. fr. 10-22-19

Service: Debtor filed an Amended Proof of Service, which indicates that Sortis Financial, LLC was served properly. No Opposition filed.

Property Address: 7509 Amigo Avenue, Reseda, CA 91335

First trust deed: \$457,292.64

Second trust deed (to be avoided): \$72,345.13

Fair market value per appraisal: \$435,000

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 13 calendar.

Disposition: GRANTED.

PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON THE COURT'S WEBSITE.

10-22-19 Tentative Below:

Service: Improper service. No Opposition filed.

Property Address: 7509 Amigo Avenue, Reseda, CA 91335

First trust deed: \$457,292.64

Second trust deed (to be avoided): \$72,345.13

Debtor's Fair market value per appraisal: \$435,000

Sortis Financial, Inc. has not filed an Opposition. Sortis Financial also did not file a claim. The proof of service in Debtor's Motion indicates that Sortis Financial was served at:

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CONT... Daniel Weber

Chapter 13

*18451 N. Dallas Parkway
Dallas, TX 75403*

However, the business search website indicates a different address for Sortis Financial:

*5445 Legacy Drive Suite 410
Plano, TX 75024*

Legal Standards

FRBP 7004(h). Service of Process on an Insured Depository Institution.

Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless –

- 1. the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;*
- 2. the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or*
- 3. the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.*

Discussion

Sortis Financial was not served properly. Thus, the Motion cannot be granted. Debtor must properly serve Sortis Financial.

CONT'D. TO 11/19/2019 to allow service.

NO APPEARANCE REQUIRED FOR 10-22-19 tentative.

Party Information

Debtor(s):

Daniel Weber

Represented By
Joshua L Sternberg

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CONT... Daniel Weber

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:19-11251 Glenn Alan Badgett

Chapter 13

#134.00 Motion to Avoid JUNIOR LIEN with Ocwen Loan Servicing LLC

Docket 39

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 20756 Saticoy Street
Winnetka, CA 91367
First trust deed: \$542,591.98
Second trust deed (to be avoided): \$119,840.83
Fair market value per appraisal: \$540,000

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 13 calendar.

Disposition: GRANTED.
PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

Debtor(s):

Glenn Alan Badgett

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:19-11301 Robert Benjamin Sautter

Chapter 13

#135.00 Motion for Order Determining Value of Collateral
[11 U.S.C. § 506(a), FRBP 3012]: 3859 Sherwood
Place, Sherman Oaks, CA 91423

fr. 7/30/19, 9/24/19

Docket 18

Tentative Ruling:

Are the parties getting appraisals? If debtor is relying on an offer to buy, he needs to file a response to objection and details about marketing of property. If Cascade is opposing, it needs an appraisal.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Robert Benjamin Sautter

Represented By
Matthew D Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 19, 2019

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11:00 AM

1:19-11309 John Cooper

Chapter 13

#136.00 Motion to Avoid Lien JUNIOR LIEN with VERIPRO SOLUTIONS

Docket 21

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 12272 Sarazen Pl
Granada Hills, CA 91344
First trust deed: \$755,602.99 (U.S. Bank)
Second trust deed (to be avoided): \$297,127.89 (Veripro Solutions)
Fair market value per appraisal: \$700,000

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 13 calendar.

Disposition: GRANTED.
PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

Debtor(s):

John Cooper

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:19-11309 John Cooper

Chapter 13

#137.00 Motion to Avoid Lien JUNIOR LIEN with LUIS CRESCITELLI

Docket 22

Tentative Ruling:

Service: Proper. No Opposition filed.
Property Address: 12272 Sarazen Pl
Granada Hills, CA 91344
First trust deed: \$755,602.99 (U.S. Bank)
Second trust deed: \$297,127.89 (Veripro Solutions)
Third trust deed (to be avoided): \$5,675 (Luis Crescitelli)
Fair market value per appraisal: \$700,000

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 13 calendar.

Disposition: GRANTED.
PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

Debtor(s):

John Cooper

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:19-11717 Lois Ann Harris

Chapter 13

#138.00 Motion to Avoid Junior Lien on Principal Residence
[11 U.S.C. § 506(d)] : 6828 Laurel Canyon Blvd.,
Unit 102, North Hollywood, CA 91605

fr. 9/24/19

Docket 30

***** VACATED *** REASON: Cont'd to 1/28/20 per order #44. If**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lois Ann Harris

Represented By
Matthew D Resnik
Roksana D. Moradi-Brovia

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:19-11880 Mary Elizabeth Calloway

Chapter 13

#139.00 Motion RE: Objection to Claim Number 3 by
Claimant Mortgage Partners of America Inc.

Docket 60

Tentative Ruling:

Debtor Mary Calloway objects to the \$158,752.15 secured Claim #3 ("Claim") filed by Mortgage Partners of America, Inc. ("Creditor"), arguing that the Claim is void because it was subject to Debtor's previous Chapter 7 bankruptcy discharge (11-13350) entered on August 15, 2011. The problem is that the prior bankruptcy was filed by Dwayne Calvin Calloway and Catherine Paule Calloway, not **Mary** Calloway. Creditor allegedly violated the automatic stay by proceeding to have a state court default judgment entered against Dwayne Calloway on July 11, 2011 and by recording the abstract of judgement.

Creditor asserts that it did not receive notice of the prior bankruptcy case and was denied its right to seek an objection to discharge of its claims. Creditor explains that the Claim is based on Dwayne Calloway's theft, money, fraud, and deceit. Creditor argues correctly that Debtor has failed to rebut the presumption of validity of a proof of claim.

A validly filed proof of claim constitutes *prima facie* evidence of the claim's validity and amount. Fed.R.Bankr.P. 3001(f). A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a); Lundell v. Anchor Const. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000). Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Id. To defeat a claim, the objector must provide sufficient evidence and "show facts tending to defeat the claim by a probative force equal to that of the allegations of the proofs of claim themselves." Id. Upon objection, after notice and hearing, the court shall determine the amount of the claim. 11 U.S.C. § 502(b). The claim shall not be allowed to the extent it is not enforceable against the debtor or property of the debtor under applicable law. 11 U.S.C. § 502(b); In re Salaman, 528 B.R. 171, 178 (9th Cir. B.A.P. 2015).

While debtor is correct that the automatic stay and discharge injunction may have prevented the recording of the judgment, she does nothing to explain how she can raise this issue. When a bankruptcy petition is filed, 11 U.S.C. § 362 automatically

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Chapter 13

provides the debtor with a broad stay against certain actions by creditors. Ackerman v. Eber (In re Eber), 687 F.3d 1123, 1128 (9th Cir. 2012). If and when a debtor is granted a discharge, the automatic stay dissolves and is replaced by a permanent injunction under 11 U.S.C. § 524. Id. Among other things, the automatic stay prohibits actions to recover a claim against the debtor that arose before commencement of the bankruptcy case, obtain possession of or exercise control over property of the bankruptcy estate, or enforce a lien against property of the estate. See 11 U.S.C. § 362(a)(1), (3), (4), (5). Any violation of the stay would be solely the cause of action of Dwayne Calloway. The creditor also has a right to seek annulment of the stay. All of that would need to be litigated before Mary Calloway has any right to object to this claim.

In addition to these issues, the parties need to resolve the right to object to discharge, which Dwayne Calloway denied this creditor by failing to notice it. Under 11 U.S.C. § 523(a),

A discharge under 727, 1141, 1128(b), or 1328(b)...does not discharge an individual debtor from any debt –

...

(3) neither listed nor scheduled under section 521(a)(1) of this title...with the name, if known to the debtor, of the creditor to whom such debt is owed, in time to permit –
(A) if such debt is not of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim, unless such creditor had notice or actual knowledge of the case in time for such timely filing; or
(B) if such debt is of a kind specified in paragraph (2), (4), or (6) of this subsection, timely filing of a proof of claim and timely request for a determination of dischargeability of such debt under one of such paragraphs, unless such creditor had notice or actual knowledge of the case in time for such timely filing and request;

If an omitted creditor's claim could have been excepted from discharge by 11 U.S.C. § 523(a)(2), (a)(4), or (a)(6), a debtor's failure to schedule a claim when the petition was filed meant that the omitted creditor did not receive notice of the deadline for filing a complaint. See 11 U.S.C. § 523(c); FRBP 4007(b). A complaint other than under § 523(c) may be filed at any time. A case may be reopened without payment of an additional filing fee for the purpose of filing a complaint to obtain a determination of whether a debt is dischargeable. FRBP 4007(b).

Creditor was not served notice of the prior bankruptcy case because Creditor was not included in Debtor's Mailing Matrix. If creditor seeks to have this debt declared non-dischargeable, a complaint under 523(c) should be filed within one month.

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CONT... Mary Elizabeth Calloway

Chapter 13

As debtor has not stated sufficient grounds to rebut the presumption of validity, the objection will either be denied without prejudice or continued 2 months to allow for the filing of the motion to annul and non-dischargeability complaint.

Party Information

Debtor(s):

Mary Elizabeth Calloway

Represented By
Faith A Ford

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

1:19-12001 Hilcias Noe Morataya and Dora Estela Morataya

Chapter 13

#140.00 Motion to Avoid JUNIOR LIEN with
SPECIALIZED LOAN SERVICING LLC

Docket 15

Tentative Ruling:

Service: Proper. Conditional Non-Opposition filed.
Property Address: 14921 Chatsworth Drive
Missions Hills, CA 91345
First trust deed: \$528,648 (Specialized Loan Servicing)
Second trust deed: \$119,000 (Specialized Loan Servicing)
Fair market value per appraisal: \$480,000

Creditor Specialized Loan Servicing LLC filed a Conditional Non-Opposition.
Creditor does not oppose the Motion on the condition that Debtors complete their
plan and receive a discharge.

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing,
the motion may be continued to the next Chapter 13 calendar.

Disposition: GRANTED.
PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER, A BLANK COPY OF
WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON
THE COURT'S WEBSITE.

Party Information

Debtor(s):

Hilcias Noe Morataya

Represented By
Sydell B Connor

Joint Debtor(s):

Dora Estela Morataya

Represented By
Sydell B Connor

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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CONT... Hilcias Noe Morataya and Dora Estela Morataya

Chapter 13

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11:00 AM

1:19-12053 Ruben Contreras

Chapter 13

#141.00 Motion to Disallow Claims of American Express National Bank, Claim 3-1

Docket 25

Tentative Ruling:

Debtor objects to Claimant American Express' claim of \$1,483.30 as barred by the statute of limitations under California Civil Code §§ 335 and 337.

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." *Wright v. Holm* (In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also *Ashford v. Consolidated Pioneer Mort.* (In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), aff'd, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623. A general release bars all previously arising claims. *Villacres v. ABM Industries, Inc.*, 189 Cal. App.4th 562, 587-89 (2010).

"Cal. Civ. Code § 335: the period prescribed for the commencement of actions other than for the recovery of real property is as follows:

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CONT... Ruben Contreras

Chapter 13

Cal. Civ. Code § 337: within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code."

Debtor filed her bankruptcy petition on August 15, 2019. Claimant filed its proof of claim on October 3, 2019. The proof of claim indicates that Debtor's last payment was on June 2013, which is six years and two months since the filing of Debtor's petition. Claimant's claim is thus time barred.

Service proper. No response filed. Objection sustained.

NO APPEARANCE REQUIRED. DEBTOR TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Ruben Contreras

Represented By
Rebecca Tomilowitz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 19, 2019

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11:00 AM

1:19-12112 Deborah Rose Sanders

Chapter 13

#142.00 Motion to Avoid JUNIOR LIEN with PNC Bank, National Association

Docket 29

Tentative Ruling:

Service: Proper. Opposition filed.
Property Address: 10220 De Soto Avenue, Unit 23
Chatsworth, CA 91311
First trust deed: \$191,646.37 (Shellpoint Mortgage Servicing)
Second trust deed: \$72,033.63 (PNC Bank)
Fair market value per appraisal: \$180,000

On 11-5-19, Creditor PNC Bank opposed the Motion. Creditor asserts that the value of its claim is \$71,526.08 as opposed to \$72,033.63. Creditor requests a continuance of at least 45 days to inspect the interior of the Property and obtain an appraisal. Creditor's Broker Price Opinion values the Property at \$345,000.

APPEARANCE WAIVED. Hearing continued to January 28, 2020 at 11:00 a.m. Creditor is to file its appraisal three weeks before the hearing. The parties will discuss a briefing schedule for an evidentiary hearing at the next hearing once all appraisals are submitted.

Party Information

Debtor(s):

Deborah Rose Sanders

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:30 AM

1:18-10524 Peter A. Holliday

Chapter 13

#143.00 Objection to claim number 9
by Internal Revenue Service

fr. 2/26/19; 5/21/19

Docket 62

***** VACATED *** REASON: Off-Cal. Obj. Withdrawn 10/11/19**

Tentative Ruling:

Party Information

Debtor(s):

Peter A. Holliday

Represented By
Stephen Parry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se