

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:17-13058 Monica Lin Mathers

Chapter 13

#1.00

CONT'D Motion for relief from stay [Real Property]

JPMorgan Chase Bank, National Association vs. DEBTOR
(Motion filed 4/12/19)

[RE: 426 Emerson Street, Costa Mesa, CA 92627-2112]

FR: 5-6-19

Docket 33

***** VACATED *** REASON: OFF CALENDAR - SETTLED BY
STIPULATION AND ORDER ENTERED 5-21-19 - (DOCKET NO. [43])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Lin Mathers

Represented By
Justin D Irish

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:18-12262 Fidencio Avilez

Chapter 13

#2.00

Hearing RE: Motion for relief from stay [Real Property]

Deutsche Bank National Trust Company, As Trustee, On Behalf Of The Holders Of The Impac Secured Assets Corp. Mortgage Pass-Through Certificates Series 2007-2, Its Assignees And/Or Successors vs. DEBTOR
(Motion filed 5/17/19)

[RE: 1818 North Linwood Avenue, Santa Ana, CA 92705]

Docket 51

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion under § 362(d)(1) only.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Fidencio Avilez

Represented By
Rebecca Tomilowitz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:18-13741 James Walter Seidel, Jr. and Molly Marie Seidel

Chapter 7

#3.00

Motion for relief from stay [Personal Property]

Santander Consumer USA Inc. dba Chrysler Capital As Servicer For CCAP Auto Lease LTD. vs. DEBTORS
(Motion filed 5/1/19)
(Amended Motion filed 5/1/19)

[RE: 2016 Jeep Wrangler - VIN 1C4BJWDG9GL206586]

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Walter Seidel Jr.

Represented By
Andrew S Bisom

Joint Debtor(s):

Molly Marie Seidel

Represented By
Andrew S Bisom

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-10198 Allan Eli Gindi and Carol June Gindi

Chapter 11

#4.00

Motion for relief from stay [Real Property]

JPMorgan Chase Bank, National Association vs. DEBTORS
(Motion filed 5/15/19)

[RE: 6 Riverstone, Laguna Niguel, California 92677]

Docket 69

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will permit the Debtors' opposition to be treated as a timely-filed opposition notwithstanding late filing by six minutes. The neglect is excusable.

The Court will deny the motion without prejudice, noting that: (1) Movant's \$2 million claim is adequately protected by the subject property's \$3.5 million value; (2) Debtors have shown the subject property is necessary to a successful reorganization.

DEBTORS TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Allan Eli Gindi

Represented By
Michael R Totaro

Joint Debtor(s):

Carol June Gindi

Represented By
Michael R Totaro

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-10402 Sepideh Sally Cirino

Chapter 11

#5.00

Hearing RE: Motion In Individual Case For Order Confirming Termination Of Stay Under 11 U.S.C. Section 362(c)(3) Or That No Stay Is In Effect Under 11 U.S.C. Section 362(c)(4)(A)(ii)
(Motion filed 5/8/19)

[RE: 27495 Hidden Trail Road, Laguna Hills, CA 92653]

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sepideh Sally Cirino

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-10616 Robert Michael Elliott

Chapter 7

#6.00

Motion for relief from stay [Unlawful Detainer]

Rivers United, Inc., c/o USL Property Management, Inc. vs. DEBTOR
(Motion filed 5/3/19)

**[RE: 500 Sutter Street, Suite 510, San Francisco CA 94102]
[Nonresidential Property]**

Docket 11

Tentative Ruling:

APPEARANCES REQUIRED.

No tentative ruling.

Party Information

Debtor(s):

Robert Michael Elliott

Represented By
Renee Nasiri

Trustee(s):

Thomas H Casey (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11218 US Direct LLC

Chapter 7

#7.00

Motion for relief from stay [Personal Property]

SCREEN GP Americas, LLC vs. DEBTOR
(Motion filed 4/30/19)

[RE: Equipment - True Press Jet 520ZZ Print System]

Docket 15

***** VACATED *** REASON: HEARING ADVANCED TO 6-12-19 2019
AT 9:00 A.M. PER ORDER SHORTENTING TIME ENTERED ON 5-28-19
(Docket No. [44])**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

US Direct LLC

Represented By
Donald W Sieveke

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11605 Franco De Rosa

Chapter 7

#8.00

Motion for relief from stay [Unlawful Detainer]

SRPP II LP vs. DEBTOR
(Motion filed 5/17/19)

[RE: 930 W Balboa Boulevard., Newport Beach, CA 92661]

Docket 13

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion under § 362(d)(1).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Franco De Rosa

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11689 Kelly A. Lomeland

Chapter 7

#9.00

Motion for relief from stay [Personal Property]

Cab West LLC vs. DEBTOR
(Motion filed 5/8/19)

[RE: 2017 Ford Fusion - VIN No.: 3FA6P0HDXHR368118]

Docket 8

Tentative Ruling:

APPEARANCES NOT REQUIRED.

The Court will grant the motion under § 362(d)(1).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Kelly A. Lomeland

Represented By
Michael G Spector

Trustee(s):

Karen S Naylor (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11792 Stanley Allan Pope

Chapter 13

#10.00

Motion for relief from stay [Personal Property]

Crossroads Equipment Lease & Finance, LLC vs. DEBTOR
(Motion filed 5/14/19)

[RE: 2017 Volvo Tractor Semi Truck - VIN No.: 4V4NC9EH9DN562086]

Docket 9

Tentative Ruling:

APPEARANCES NOT REQUIRED.

The Court will grant the motion under § 362(d)(1).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Stanley Allan Pope	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11874 Eric Allen Edborg

Chapter 7

#11.00

Motion for relief from stay [Unlawful Detainer]

Eric Hart vs. DEBTOR
(Motion filed 5/23/19)

[RE: 31261 Brooks St, Laguna Beach, CA 92651]

Hearing
RE: [17] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 31261 Brooks Street, Laguna Beach CA 92651 . (Sontag, Richard)

Docket 17

Tentative Ruling:

APPEARANCES REQUIRED.

No tentative ruling.

Party Information

Debtor(s):

Eric Allen Edborg

Pro Se

Movant(s):

Eric Hart

Represented By
Richard Sontag

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, June 17, 2019

Hearing Room 6C

9:00 AM

8:19-11703 Michael A. Souza

Chapter 13

#12.00

Motion for relief from stay [Personal Property]

Bank Of The West vs. DEBTOR
(Motion filed 5/24/19)

**[RE: 2015 Winnebago Adventure Motorhome
VIN No.: 3FA6P0HDXHR368118]**

Docket 20

Tentative Ruling:

APPEARANCES NOT REQUIRED.

The Court will grant the motion under § 362(d)(1) and (d)(2).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Michael A. Souza

Represented By
James D. Hornbuckle

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Monday, June 17, 2019

Hearing Room 6C

2:00 PM

8:18-10013 Fred Asafu-Adjaye and Esther Asafu-Adjaye

Chapter 11

#1.00

Hearing RE: Debtor's Objection To Claim:
(Motion filed 4/30/19)

Claim No. 6	Wells Fargo Bank, N.A. d/b/a Wells Fargo Dealer Services	\$15,725.00
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Docket 94

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion and sustain the objection and disallow Claim No. 6 of Wells Fargo Bank, N.A. in its entirety.

DEBTORS/ DEBTORS IN POSSESSION TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Fred Asafu-Adjaye

Represented By
Lionel E Giron
Crystle Jane Lindsey

Joint Debtor(s):

Esther Asafu-Adjaye

Represented By
Lionel E Giron
Crystle Jane Lindsey

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, June 17, 2019

Hearing Room 6C

2:00 PM

8:18-11792 Modern VideoFilm, Inc.

Chapter 11

Adv#: 8:18-01084 Modern VideoFilm, Inc. v. Barkat et al

#2.00

Hearing RE: Motion To Approve Stipulation RE Production Of Documents By Managease, Inc. Pursuant To Local Rule 9013-1(o)
(Motion filed 10/19/18)
(Set per Order Entered 4/2/19)

Docket 78

Tentative Ruling:

APPEARANCES REQUIRED.

Federal Rule of Civil Procedure 26 applies in this adversary proceeding. Fed. R. Bankr. P. 7026. Rule 26(b)(1), defining the scope of discovery, provides in relevant part that "[p]arties may obtain discovery regarding any nonprivileged matter . . ." Thus, privileged matter is not ordinarily discoverable.

Federal Rule of Evidence 501 generally provides that "[t]he common law – as interpreted by United States courts in the light of reason and experience – governs a claim of privilege . . ."

Interpreting the common law in the light of reason and experience, the United States District Court for the Central District of California has determined that communications to a mediator and communications between parties during a mediation are privileged under Federal Rule of Evidence 501, as are communications in preparation for and during the course of a mediation. *Folb v. Motion Picture Indus. Pension & Health Plans*, 16 F. Supp. 2d 1164, 1170-80 (C.D. Cal. 1997 (Paez, J.); cf. *Citizens Dev. Corp. v. Cty. Of San Diego*, 2019 U.S. Dist. LEXIS 5713 (S.D. Cal., Jan. 11, 2019).

Here, debtor and debtor in possession Modern VideoFilm, Inc. seeks discovery of materials relating to a mediation before a neutral (namely, a JAMS mediator) between

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CONT... Modern VideoFilm, Inc.

Chapter 11

Mr. Barkat, the parent of Modern VideoFilm, Inc. (brought derivatively on behalf of Modern Videofilm, Inc.) and Managease, Inc. Modern VideoFilm, Inc. proposes to use these materials in prosecution of a claim against Mr. Barkat that he wrongfully appropriated settlement proceeds paid by Managease, Inc. that allegedly should have been paid to Modern VideoFilm, Inc.

Modern VideoFilm, Inc. seeks to distinguish *Folb* on the ground that in *Folb* the party seeking discovery was not a party to the mediation whereas here Modern VideoFilm, Inc. was a party to the mediation. This is a distinction without a difference. Parties to a mediation, especially a failed mediation, typically have a powerful interest in ensuring that statements made by them during the course of a mediation not be used against them when the matter goes to trial. Additionally (and perhaps even more to the point), they would have a powerful interest in ensuring that statements made by them to the mediator – and not known by the opposing party – not be discovered by the opposing party. In short, everything else being equal, parties to a mediation generally would seem to have just as much and probably more interest in asserting mediation privilege against another party to the mediation than against a third party who did not participate in the mediation.

The material Modern VideoFilm, Inc. seeks is privileged under *Folb*. The motion for a protective order is granted.

Party Information

Debtor(s):

Modern VideoFilm, Inc.

Represented By
Garrick A Hollander
Andrew B Levin
Peter W Lianides

Defendant(s):

Moshe Barkat

Represented By
Juliet Y Oh
David L. Neale
Christopher D Beatty

**United States Bankruptcy Court
Central District of California
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Hearing Room 6C

2:00 PM

CONT... Modern VideoFilm, Inc.

Chapter 11

Modern VideoFilm Holdings, LLC

Represented By
Juliet Y Oh
David L. Neale
Christopher D Beatty

Sidan Engineering, L.P.

Represented By
David L. Neale
Christopher D Beatty

Sivan Barkat Sherman

Represented By
David L. Neale
Christopher D Beatty

Danielle Barkat Turner

Represented By
David L. Neale
Christopher D Beatty

Deborah Barkat

Represented By
David L. Neale
Christopher D Beatty

Plaintiff(s):

Modern VideoFilm, Inc.

Represented By
Garrick A Hollander
Richard H Golubow

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, June 17, 2019

Hearing Room 6C

2:00 PM

8:19-10198 Allan Eli Gindi and Carol June Gindi

Chapter 11

#3.00

Hearing RE: Debtors And Debtors In Possessions' Motion For Order Extending Exclusivity Period For Debtors To File Plan Of Reorganization And Obtain Accetances Thereof, And To Extend Time To File Chapter 11 Plan Of Reorganization
(Motion filed 5/1/19)

Docket 62

Tentative Ruling:

APPEARANCES NOT REQUIRED.

The Court will continue the hearing to June 24, 2019 at 2:00 p.m.

COURT TO PREPARE ORDER.

Party Information

Debtor(s):

Allan Eli Gindi

Represented By
Michael R Totaro

Joint Debtor(s):

Carol June Gindi

Represented By
Michael R Totaro

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

Monday, June 17, 2019

Hearing Room 6C

2:00 PM

8:19-10212 Hill Concrete Structures

Chapter 11

#4.00

Hearing RE: Motion For Order Approving Sale Of Property Of The Estate
(Moton filed 5/3/19)

Docket 44

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion.

DEBTOR/ DEBTOR IN POSSESSION TO LODGE ORDER VIA LOU WITHIN 7
DAYS.

Party Information

Debtor(s):

Hill Concrete Structures

Represented By
Michael Jones
Sara Tidd

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

Monday, June 17, 2019

Hearing Room 6C

2:00 PM

8:19-11130 Vanessa Doreen Barillas

Chapter 7

#5.00

Hearing RE: Motion By United States Trustee To Determine Whether Compensation Paid To Counsel Was Excessive Under 11 U.S.C. Section 329 And F.R.B.P. Rule 2017 (Motion filed 5/15/19)

Docket 14

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion. Debtor's counsel's attendance at the § 341(a) meeting is not optional or elective. LBR 2090-1(a)(3)(B). Debtor has no authority to waive compliance with the LBR. The Court will order disgorgement of \$300.00.

UNITED STATES TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Vanessa Doreen Barillas

Represented By
Julie A Duncan

Trustee(s):

Thomas H Casey (TR)

Pro Se