

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:00 AM
2:00-00000

Chapter

- #1.00 Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, and (3) via ZoomGov telephone.
You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 100 7660
Password: 986799

Meeting URL: [https://cacb.zoomgov.com/j/160 100 7660](https://cacb.zoomgov.com/j/160%20100%207660)
Telephone: +1 669-254-5252 or +1 646-828-7666 or 833-568-8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:17-11894 Carlos Alonso Montero

Chapter 13

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

Docket 99

Tentative Ruling:

Appearances required, absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 100).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Carlos Alonso Montero

Represented By
Jacqueline D Serrao

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:17-18086 Diane Turner Gates and Steven Robert Gates

Chapter 13

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

Docket 110

***** VACATED *** REASON: Resolved by dkt. 116 and order thereon.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diane Turner Gates

Represented By
Brad Weil

Joint Debtor(s):

Steven Robert Gates

Represented By
Brad Weil

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:19-11833 Jennifer Johanna Haas

Chapter 13

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

Docket 132

***** VACATED *** REASON: Approved per Trustee's amended comments
(dkt. 140)**

Tentative Ruling:

Party Information

Debtor(s):

Jennifer Johanna Haas

Represented By
Caroline S Kim

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:17-25194 Francisco Antonio Cordova

Chapter 13

#4.00 Hrg re: Creditor's motion for order approving compromise of claims and approving settlement agreement with Maria Luisa Camacho

Docket 62

Tentative Ruling:

Grant due to (a) lack of jurisdiction, because not only has the automatic stay terminated, but all creditors (apart from Movant) have been paid in full, and therefore this Court's order imposing conditions on relief from the automatic stay (dkt. 35) no longer appears to be relevant, for the reasons stated in this Court's order dismissing Debtor's adversary proceeding (Adv. No. 2:21-ap-01233-NB, adv. dkt. 14), and alternatively (b) in the event that this Court is incorrect about the lack of jurisdiction, the tentative ruling is to grant the motion on the merits, for the reasons stated therein and in the supporting documents. Appearances required.

Proposed order(s): Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed (in addition to motion papers): supplemental brief (dkt. 68), supporting declaration (dkt. 69).

Party Information

Debtor(s):

Francisco Antonio Cordova

Represented By
Arsen Pogosov

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

CONT... Francisco Antonio Cordova

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:16-25435 Albert E. Evalle and Aida E. Evalle

Chapter 13

#5.00 Hrg re: Applications for discharge for hearing and directing debtors and debtors' counsel to appear

Docket 69

Tentative Ruling:

Continue to 3/10/22 at 8:30 a.m. so that the period will have expired for any objections to Debtor's request for a discharge. See dkt. 69, 73. Appearances are not required on 2/10/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Albert E. Evalle

Represented By
Michael J Hemming

Joint Debtor(s):

Aida E. Evalle

Represented By
Michael J Hemming

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:22-10163 Janet Trejo

Chapter 7

#6.00 Order to show cause re dismissal due to simultaneous bankruptcy cases

Docket 5

Tentative Ruling:

Dismiss this chapter 7 case in view of Debtor's representation that she filed this case in error. Dkt. 13, p. 2. See *also* dkt. 5, 10 (notice of possible dismissal).

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's final ruling.

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Counsel is cautioned not to alter Court-approved forms without complying with the LBR

This Court notes that Debtor has altered a court-approved form motion by changing the caption to make it applicable in chapter 7.

Local Bankruptcy Rules 9009-1(b)(4)(A) & (C) prohibit parties from altering or deleting any text from a court-approved form without including a certificate affirming that "the form contains the same substance as the Official Form or court-approved form, as applicable." Based on this Court's review of the papers (dkt. 13), it does not appear that Counsel filed a certificate of

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CONT...

Janet Trejo

Chapter 7

substantial compliance in accordance with LBR 9009-1(c) and, in any event, the alterations appear to inappropriately modify the substance of the Court-approved form because Debtor seeks dismissal of a chapter 7 case so relief under 11 U.S.C. 1307(b) is inapplicable.

Counsel is cautioned that failure to comply with LBR 9009-1(b) & (c) in future without permission of the Court may result in this Court striking non-compliant papers or other adverse consequences.

Party Information

Debtor(s):

Janet Trejo

Pro Se

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, February 10, 2022

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8:30 AM

2:22-10168 Janet Trejo

Chapter 13

#7.00 Order to show cause re dismissal due
to simultaneous bankruptcy cases

Docket 5

Tentative Ruling:

Discharge the OSC in view of Debtor's request to dismiss her concurrently pending chapter 7 case. See Case No. 2:22-bk-10163-NB, dkt. 13 and the tentative ruling for Calendar No. 6, 2/10/22 at 8:30 a.m. *This Court will prepare the order after the hearing.*

Appearances are not required. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Party Information

Debtor(s):

Janet Trejo

Represented By
Joshua L Sternberg

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:21-14078 Metuka S. Benjamin

Chapter 13

#8.00 Cont'd hrg re: Debtor's Motion for Order Disallowing Claim of the Department of Treasury - Internal Revenue Service, in Part [Claim # 1 on Court's Claims Register] fr. 12/9/21

Docket 35

*** VACATED *** REASON: Continued to 3/10/22 at 8:30 a.m. pursuant to the parties' stipulation (dkt. 54) and order thereon

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Metuka S. Benjamin

Represented By
Charles Shamash
Joseph E. Caceres

Movant(s):

Metuka S. Benjamin

Represented By
Charles Shamash
Joseph E. Caceres

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

8:30 AM

2:21-17134 Francisco Lee Sumandal

Chapter 13

#9.00 Cont'd hrg re: Omnibus objection to proof of claims filed by LVNV Funding, LLC [Claim no. #1, #2 and #10] fr. 1/13/22

Docket 32

Tentative Ruling:

Tentative Ruling for 2/10/22:

Deny for the reasons set forth below. Appearances required by Debtor's Counsel.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

This matter was continued with directions for Debtor's Counsel to file either (1) a cost/benefit analysis or (2) withdrawal of the claim objection by no later than 7 days after the 1/13/22 hearing (or by 1/20/22).

Debtor's Counsel, Ms. Steers, has very belatedly filed a declaration (dkt. 38, filed 2/3/22), with no explanation or request to be excused for filing it late. The tentative ruling is to strike the declaration for those reasons.

Alternatively, the tentative ruling is to overrule the claim objection on the merits. The starting point is that, although Ms. Steers purports to provide a cost/benefit analysis, in fact her declaration completely fails to provide any actual analysis or sufficient information for any such analysis. She: (x) does not state what she intends to charge Debtor in connection with the claim objection, (y) does not do the math to show that Debtor or creditors would gain more from her services than they are losing in additional administrative expenses from her fees, and (z) does not show any recognition that it is inappropriate to charge the bankruptcy estate for services that appears likely

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8:30 AM

CONT... Francisco Lee Sumandal

Chapter 13

to cause a net loss to the estate, not a net benefit.

Nor does it appear to be appropriate to sustain the claim objection. The claims in this case appear likely to receive minimal distributions (even if Debtor's payments increase somewhat over time, as Ms. Steers speculates in the motion, without any supporting declaration from Debtor). Accordingly, it is not worth the attorney fees for most creditors to oppose any claim objection, even if they have valid defenses. In these circumstances, the tentative ruling is that, even without any opposition from the claimants, this Court has discretion not to enter any order sustaining the claim objection. See Rule 55(b)(2) (Fed. R. Civ. P.) (incorporated by Rules 7055, 9014(c), Fed. R. Bankr. P.).

No fees on this matter. The tentative ruling is to direct Ms. Steers not to charge any fees on this matter (including all past, present and future work related to this claim objection), and to return any fees received on this matter.

After the hearing, this Court will prepare an order regarding the foregoing.

Tentative Ruling for 1/13/22:

Continue to 2/10/22 at 8:30 a.m. to address the following issues.

Appearances are not required on 1/13/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Reason(s) for continuance:

Lack of cost/benefit analysis. The posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) provide:

§ 502: claim objections & cost/benefit analysis. When objecting to claims, be sure to include an analysis of why the costs of

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8:30 AM

CONT...

Francisco Lee Sumandal

Chapter 13

preparing and litigating the claim objection (administrative expenses) do not exceed the anticipated benefits (reductions in claims). For example, if the claim at issue is a dischargeable nonpriority claim, and the anticipated dividend is small or 0%, then (a) the attorney fees incurred in prosecuting an objection probably will exceed the benefit to the bankruptcy estate/creditors, (b) Debtor typically is harmed by replacing a (dischargeable) general unsecured claim with an administrative expense, and (c) only the lawyer benefits (at the expense of both creditors and Debtor).

No later than 7 days after the date of this hearing the movant must file either:

(1) a supplemental declaration explaining why the attorney fees for this objection are justified (including supporting evidence, such as a copy of the plan showing the projected dividend to the claimant, and a calculation comparing that projected dividend against the attorney fees related to this claim objection), or

(2) a withdrawal of the claim objection.

No fees on this matter, absent specific authorization. Counsel is directed not to charge any fees on this matter (including all past, present and future work related to this claim objection), and to return any fees received on this matter, unless and until this Court expressly finds: "Counsel has provided a cost/benefit analysis that is sufficient for purposes of the Posted Procedures of Judge Bason regarding claim objections." It is counsel's responsibility to include the quoted phrase, if warranted, in the proposed order on this claim objection.

This Court does not have the capacity to monitor all fee applications to assure compliance with the foregoing limitation on fees. But if counsel is found to have disregarded this limitation then this Court may impose sanctions.

Party Information

Debtor(s):

Francisco Lee Sumandal

Represented By
Elena Steers

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

9:30 AM

2:00-00000

Chapter

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 9:30 AM
CONFIRMATION CALENDAR CAN BE VIEWED ON THE
COURT'S WEBSITE (www.cacb.uscourts.gov) UNDER:
JUDGES>BASON, N.>CHAPTER 13>CONFIRMATION HEARINGS CALENDAR**

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, February 10, 2022

Hearing Room 1545

11:00 AM
2:00-00000

Chapter

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 HEARINGS
at 11:00 AM CAN BE VIEWED ON THE COURT'S WEBSITE
(www.cacb.uscourts.gov) UNDER: JUDGES>BASON, N.>CHAPTER 13**

Docket 0

Tentative Ruling:

- NONE LISTED -