

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9: -

Chapter

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Docket 0

Tentative Ruling:

1/21/2025 9:26:31 AM

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Chapter

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

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9:00 AM

9:24-10388 Silvestre Zarate Barriga

Chapter 13

#1.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 8-15-24, 11-14-24

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Silvestre Zarate Barriga

Represented By
Bryan Diaz

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10878 Michele Cleveland

Chapter 13

#2.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 10-17-24, 12-12-24

Docket 1

***** VACATED *** REASON: Continued to 02/13/2025 at 9:00 a.m. per trustee's notice of continued confirmation hearing filed 01/14/2025**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michele Cleveland

Represented By
Reed H Olmstead

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10899 Gilma M Bustillos

Chapter 13

#3.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 10-17-24, 11-14-24

Docket 1

***** VACATED *** REASON: Continued to March 20, 2025 at 9:00am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilma M Bustillos

Represented By
Kenneth H J Henjum

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10905 Maria L Madrigal

Chapter 13

#4.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 10-17-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria L Madrigal

Represented By
Leonard Pena

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10942 Debbie Christine Perez

Chapter 13

**#5.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan
FR. 11-14-24**

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debbie Christine Perez

Represented By
Todd J Mannis

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10959 Matthew Garrett Ryan and Maria Isabel Ryan

Chapter 13

**#6.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan
FR. 11-14-24**

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Garrett Ryan

Represented By
Eric Ridley

Joint Debtor(s):

Maria Isabel Ryan

Represented By
Eric Ridley

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10968 Marco Antonio Pablo-Gayoso

Chapter 13

#7.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Antonio Pablo-Gayoso

Represented By
Susan Salehi

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11017 Billy Roshawn Miller

Chapter 13

#8.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Billy Roshawn Miller

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11060 Daniel Molina Jimenez

Chapter 13

#9.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 12-12-24

Docket 1

***** VACATED *** REASON: Continued to 02/13/2025 at 9:00 a.m. per trustee's notice of continued confirmation hearing filed 01/14/2025**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Molina Jimenez

Represented By
Tom A Moore

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11085 Rafael Soriano Fraire

Chapter 13

#10.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan
FR. 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Soriano Fraire

Represented By
Daniel A Higson

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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9:00 AM

9:24-11151 Gregory Nava

Chapter 13

#11.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan
FR. 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Nava

Represented By
Kenneth H J Henjum

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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9:00 AM

9:24-11154 Erica Janeane Siaotong

Chapter 13

#12.00 Hearing on Confirmation of Chapter 13 Plan

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erica Janeane Siaotong

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11155 Josef Obermeier

Chapter 13

#13.00 Hearing on Confirmation of Chapter 13 Plan

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Josef Obermeier

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11160 Alfonso V Gonzalez

Chapter 13

#14.00 Hearing on Confirmation of Chapter 13 Plan

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfonso V Gonzalez

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11166 Janusz Kusnierz

Chapter 13

#15.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janusz Kusnierz

Represented By
Steven Abraham Wolvek

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

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9:00 AM

9:24-11174 Samuel Robert Walker

Chapter 13

#16.00 Hearing on Confirmation of Chapter 13 Plan

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Robert Walker

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11178 Hugo L. Dominguez

Chapter 13

#17.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hugo L. Dominguez

Represented By
Edwin J Rambuski

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:00 AM

9:24-11200 Ruben N Mota

Chapter 13

#18.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben N Mota

Represented By
Kevin Tang

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

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9:00 AM

9:24-11202 Jesus Rios and Abigail Rios

Chapter 13

#19.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Rios

Represented By
Rabin Pournazarian

Joint Debtor(s):

Abigail Rios

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11204 Wendy Ann Newhouse

Chapter 13

#20.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wendy Ann Newhouse

Represented By
Daniel A Higson

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11228 Anna Gonzales Magana

Chapter 13

#21.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Gonzales Magana

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11238 Varick Kai Kirstine and Rebecca Mary Kirstine

Chapter 13

#22.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Varick Kai Kirstine

Represented By
Adele M Schneiderei

Joint Debtor(s):

Rebecca Mary Kirstine

Represented By
Adele M Schneiderei

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

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9:00 AM

9:24-11246 Jeremy A. Janssen

Chapter 13

#23.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy A. Janssen

Represented By
Brent D George

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11265 Rebecca Jane Reid Affleck

Chapter 13

#24.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: Continued to 02/13/2025 at 9:00 a.m. per trustee's notice of continued confirmation hearing filed 01/14/2025

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Jane Reid Affleck

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11266 Jody Lynn Kester

Chapter 13

#25.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jody Lynn Kester

Represented By
Karen L Grant

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11271 Bill Mac Robertson

Chapter 13

#26.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bill Mac Robertson

Represented By
Michael B Clayton

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11281 Oscar Lomeli

Chapter 13

#27.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Lomeli

Represented By
Steven A Alpert

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10239 Banessa Gutierrez

Chapter 13

#28.00 CONT'D Hearing on Confirmation of Chapter 13 Plan
FR. 5-16-24, 7-18-24, 10-17-24, 11-14-24, 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Banessa Gutierrez

Represented By
Aaron Lipton

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10470 Lawrence Andre Bussard

Chapter 13

#29.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 7-18-24, 9-19-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Andre Bussard

Represented By
Michael B Clayton

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10479 Timothy Todd Delaney

Chapter 13

#30.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 7-18-24, 9-19-24, 10-17-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Todd Delaney

Represented By
Randall V Sutter

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10479 Timothy Todd Delaney

Chapter 13

#31.00 CONT'D Hearing RE: [25] Motion to Dismiss Debtor /Chapter 13 Case with Prejudice

FR. 6-18-24, 7-9-24, 7-18-24, 9-19-24, 10-17-24

Docket 25

Tentative Ruling:

July 9, 2024

Appearances required.

Background

On July 6, 2023, the Superior Court of California, County of Santa Barbara entered that *Judgment of Dissolution* (the "Judgment") as between Timothy Delaney (the "Debtor") and Viviane Delaney (the "Movant"). See Docket No. 37, *Debtor Timothy Todd Delaney's Response to Creditor Viviane Delaney's Motion to Dismiss Chapter 13 Case with Prejudice* (the "Opposition"), *Exhibit A*. Among other things, the Judgment requires an "[e]qualization [p]ayment" to the Movant in the amount of \$932,913. See *id.* at p. 7. The total of the Judgment in the Movant's favor is \$1,007,953.00. See *id.* at *Exhibit B*; see also Docket No. 25, *Motion to Dismiss Chapter 13 Case with Prejudice* (the "Motion"), p. 1, lines 21-24. The Debtor appealed the Judgment, which is currently pending. See Docket No. 37, *Exhibit C*; see also Docket No. 25, p. 3, lines 24-25. The Movant secured the Judgment as against the Debtor's real property located at 3935 Foothill Rd., Santa Barbara, CA (the "Foothill Property"). See Docket No. 37, *Exhibit J*. A sheriff's sale of the Foothill Property was scheduled to take place on May 2, 2024. See *id.*

On May 2, 2024, prior to the scheduled sheriff's sale of the Foothill Property, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of Title 11 of the U.S. Code (this "Case"). See Docket No. 1.

On May 15, 2024, the Debtor amended his schedules. See Docket Nos. 11-14. The

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CONT... **Timothy Todd Delaney**

Chapter 13

Debtor scheduled \$7,971,454.15 in assets and \$1,988,788.20 in debts and liabilities. *See* Docket No. 11, p. 2, *Summary of Your Assets and Liabilities and Certain Statistical Information*. The Debtor also stated he has a monthly income of \$13,376 from rental property. *See* Docket No. 14, p. 1, *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*.

Additionally, the Debtor scheduled a personal guaranty of \$400,000.00 on a U.S. Small Business Administration loan (the "SBA Guaranty") as a secured debt. *See* Docket No. 1, p. 25, *Schedule D*. [FN1]. The Debtor indicates he guaranteed a loan by Delaney Family Enterprises, Inc., which is secured by assets of the company. *See* Docket No. 1, p. 25. The Debtor states he wholly owns Delaney Family Enterprises, Inc., that the company has a value of \$1.00, and that all assets of the company are listed within his schedules. *See id.* at p. 15.

On May 25, 2024, the Movant filed the Motion. *See* Docket No. 25. The Motion contends that this Case should be dismissed because (1) the Debtor exceeds the debt limit under 11 U.S.C. § 109(e), (2) the Debtor cannot confirm a feasible plan of reorganization, and (3) the Debtor filed the case in bad faith. *See id.* at p. 2 lines 4-5.

The Motion asserts that the Debtor owes the Movant \$931,496.20 on a secured basis as of April 11, 2024 on account of the Judgment, however, the Movant's claim was scheduled as totaling \$79,223.50 by the Debtor. *See id.* at p. 1, lines 22-24 and p. 2 line 15. The Motion asserts that the Debtor is over the debt limit as listed in 11 U.S.C. § 109(e), because the Debtor has \$2,828,060.90 in non-contingent liquated debt once the Judgment is included in the debt calculation. *See id.* at line 25.

On June 4, 2024, the Debtor filed the Opposition. *See* Docket No. 37. Also on June 4, 2024, the Debtor filed those amended (1) *Statement of Financial Affairs for Individuals Filing for Bankruptcy*; (2) *Schedule E/F*; and (3) and *Schedule D*. *See* Docket Nos. 34, 35, and 36, respectively. The Debtor has not scheduled the Judgment, but listed that debt as contingent, unliquidated, disputed, and with an unknown value. *See* Docket No. 36, p. 4. The Debtor also edited the SBA Guaranty as contingent and valued it at \$420,249.94. *See* Docket No. 35, p. 7.

On June 11, 2024, the Movant filed that *Reply Memorandum re Motion to Dismiss Chapter 13 Case with Prejudice* (the "Reply"). *See* Docket No. 41.

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CONT... Timothy Todd Delaney

Chapter 13

Analysis

Debt Limit

Insolvency is not a requirement for a debtor to file for chapter 13 relief as chapter 13 makes no reference to the debtor's insolvency or ability to pay his debts. *In re Lepe*, 470 B.R. 851, 862 (9th Cir. BAP 2012) (citing *In re Stolrow's, Inc.*, 84 B.R. 167, 171 (9th Cir. BAP 1988); *In re Taylor*, 450 B.R. 577 n.3 (Bankr. W.D. Pa. 2011); and 11 U.S.C. §109).

Eligibility under 11 U.S.C. § 109(e) "should normally be determined by the debtor's originally filed schedules, checking only to see if the schedules were made in good faith." *In re Scovis*, 249 F.3d 975, 982 (9th Cir. 2001). However, "where a good faith objection to eligibility has been filed by a party in interest, the bankruptcy court can make a limited inquiry outside of the schedules to determine if the [debts are estimated] in good faith, and if not, whether [the debtor] was eligible for chapter 13 relief." *In re Fountain*, 612 B.R. 743, 748 (9th Cir. BAP 2020) (citing *In re Guastella*, 341 B.R. 908, 918 (9th Cir. BAP 2006)).

Pursuant to 11 U.S.C. § 109(e) "[o]nly an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated debts of less than \$2,750,000 [] may be a debtor under chapter 13 of this title."

"Eligibility debt limits should be strictly construed." *In re Lee*, 655 B.R. 340, 351 (9th Cir. BAP 2023) (citing *In re Stahl*, 236 B.R. 271, 274 (9th Cir. BAP 1999)).

The dollar limit applies only to debts that are noncontingent and liquidated on the date the petition is filed. 2 *Colliers on Bankruptcy* ¶109.06 (16th 2024) (citing *In re Slack*, 187 F.3d 1070 (9th Cir. 1999)). See *In re Ho*, 274 B.R. 867, 871 (9th Cir. BAP 2002). See also *In re Ibbott*, 637 B.R. 567, 676 (Bankr. D. MD. 2022) ("§109(e) requires consideration of the debts as they exist as of the petition date, irrespective of post-petition events").

A guaranty is a contingent obligation when the underlying debt is not in default. *In re Green*, 574 B.R. 570, 580 (Bankr. E.D.N.C. 2017)(citing *Glaubitz v. Grossman*, 2011

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CONT... **Timothy Todd Delaney**

Chapter 13

WL 147931 (E.D. WI 2011)). A debt is contingent if one or more extrinsic events must occur before the debtor will be liable for it. *In re Fountain*, 612 B.R. at 749 (citing *In re Fostyedt*, 823 F.2d 305, 306 (9th Cir. 1987)). See 2 *Collier on Bankruptcy* ¶ 109.06 (16th 2024) ("A claim is contingent as to liability if the debtor's legal duty to pay does not come into existence until triggered by the occurrence of a future event. Thus, a creditor's claim is not contingent when the 'triggering event' occurred before the filing of the chapter 13 petition"); *In re Nicholes*, 184 B.R. 82, 88 (9th Cir. BAP 1995) (if "all event giving rise to liability occurred prior to the filing of the bankruptcy petition," the claim is not contingent); and *In re Imagine Fulfillment Servs., LLC*, 489 B.R. 136, 147 (Bankr. C.D. Cal. 2013) (same and affirming the "triggering event" test).

A debt is liquidated when the amount of the debt is "readily determinable" which "turns on the distinction between a simple hearing to determine the amount of a certain debt, and an extensive and contested evidentiary hearing in which substantial evidence may be necessary to establish amounts of liability." *In re Slack*, 187 F.3d 1070, 1073-74 (9th Cir. 1999); see also *In re Nicholes*, 184 B.R. at 89 and 91 ("ready determination is whether the amount due is fixed or certain or otherwise ascertainable by reference to an agreement or by a simple computation" and "not upon the existence or absence of disputes").

Further, judgments, even state court judgments that are not final and subject to appeal, are generally considered to be non-contingent and liquidated liabilities. See *In re Albano*, 55 B.R. 363, 369 (N.D. Ill 1985) (pendency of appeal did not render debt reduced to judgment unliquidated and contingent within meaning of 11 U.S.C. § 109(e)); *In re McMonagle*, 30 B.R. 899, 903 (Bankr. D. SD 1983) (dispute over state court judgments did not make debts contingent under §109(e)). See also *In re Mitchell*, 255 B.R. 345, 359 (Bankr. D. Mass. 2000) (finding that a California state court judgment on appeal was not a contingent debt because all events giving rise to the liability occurred prior to the debtor's petition).

A debt "arising from judgment is not rendered contingent or unliquidated simply because it may be subject to modification or reversal on appeal after the petition date." *In re Ibbott*, 637 B.R. 567, 579 (Bankr. D. Md. 2022) ("The majority of courts analyzing a Chapter 13 debtor's eligibility, when there is a prepetition judgment subject to post petition modification or reversal on appeal, have held that the debt

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arising from the judgment is not rendered contingent or unliquidated simply because the judgment is not final and non-appealable on the petition date. This Court adopts the majority view on this issue."). Similarly, the court in *In re Keenan*, 201 B.R. 263 (Bankr. S.D. Cal. 1996) held that although a California state law judgment is not final and is not given preclusive effect when an appeal is pending, that judgment debt is not unliquidated. *See also In re Casey*, 198 B.R. 910, 916 (Bankr. S.D. Cal 1996) ("This Court holds that the judgment of the family court is neither contingent nor unliquidated, even though not 'final').

Here, a good faith objection to the Debtor's eligibility for Chapter 13 under 11 U.S.C. § 109(e) has been filed. As such, the Court may consider the Debtor's original and amended schedules and look beyond the schedules to determine if the debts are estimated in good faith and whether the Debtor is eligible for chapter 13 relief. *See infra*.

First, the SBA Guaranty appears to be a contingent debt as the liability has yet to arise. The Court does not have any evidence before it that demonstrates that any debt on the SBA Guaranty is presently due. It appears to the Court that the SBA Guaranty obligation is contingent on a future event of default by the primary borrower on the SBA loan. As such, the \$400,000 scheduled by the Debtor relating to the SBA Guaranty should not be counted towards the debt limited for Chapter 13 under 11 U.S.C. § 109(e).

Second, state court judgments, even those on appeal, are fully liquidated and non-contingent as a matter of law when determining a debtor's eligibility under 11 U.S.C. § 109(e). As such, the Judgment does count towards the debt limit.

Taking the Movant's assertion that that she is owed \$931,496.20 as true does not push the Debtor over the debt limit considering the SBA Guaranty is contingent and thus not considered in the 11 U.S.C. § 109(e) analysis. In total, including the SBA Guaranty, the Movant asserts the Debtor's debts total over \$2.8 million. However, once the over \$400,000 SBA Guaranty is excluded as a contingent debt, the Debtor does not exceed the debt limit of 11 U.S.C. § 109(e).

Bad Faith

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A bankruptcy court may dismiss a chapter 13 petition that is filed in bad faith for cause under 11 U.S.C. § 1307(c). Dismissal of a chapter 13 petition with prejudice requires the application of the *totality of the circumstances* test. *In re Leavitt*, 171 F.3d 1219, 1224-25 (9th Cir. 1999). The following factors are generally considered: (1) whether the debtor misrepresented facts in his petition or plan, or unfairly manipulated the Bankruptcy Code; (2) the debtor's filing and dismissal history; (3) whether the debtor intended only to defeat state court litigation; and (4) whether egregious behavior is present. *Id.*

"[T]he burden of showing that a case was filed in bad faith so as to require conversion or dismissal under §1307(c) falls on the party seeking such conversion or dismissal." *In re Cluff*, 2012 WL 1552391, at *3 (Bankr. D. Idaho 2012) (citing *In re Werts*, 410 B.R. 677, 690 (Bankr. D. Kan. 2009)). *See also In re Leavitt*, 209 B.R. 935 (9th Cir. BAP 1997).

The Debtor's initially filed schedules provided that the Movant's claim, "based on calculations upon successful appeal," totaled \$79,223.50. *See* Docket No. 1, *Schedule D: Creditors Who Have Claims Secured by Property*, p. 3. The Debtor later scheduled the Movant's claim improperly as being contingent. *See* Docket No. 36, *Schedule D: Creditors Who Have Claims Secured by Property*, p. 3. The scheduling of the Movant's claim by the Debtor does not arise to the level of being a misrepresentation by the Debtor, at least not for purposes of a finding of bad faith. The Debtor scheduled what he believed the Movant's claim was worth taking into account his appeal of the Judgment. The Debtor should have scheduled the Movant's claim for the amount of the Judgment and noted that the Judgment was on appeal, and that he disputes the Judgment. Still, in reviewing the schedules it is clear that there is a judgment against the Debtor, and that the Debtor has appealed said judgment. The Debtor was not hiding these facts. As noted *supra*, scheduling the full amount of the Judgment would not change the Debtor's ability to qualify as a Chapter 13 debtor, at least as to debt limit limitations.

The Debtor had no prior bankruptcy filings in the eight (8) years preceding the Petition Date. *See* Docket No. 1, p. 3.

The Movant asserts the Debtor's bankruptcy petition was filed solely to avoid posting an appeal bond related to the Judgment. The Debtor contends, among other things,

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that he filed the petition to stay the Movant's foreclosure action against one of his properties. The Debtor asserts that he utilizes the rental income from some of his properties to support himself, and the loss of these properties would negatively impact his income. What is more, the Debtor asserts that he "has been severely affected financially due to the lengthy and cumbersome marital dissolution proceedings" with the Movant, and that absent bankruptcy he has "no clear strategy to stabilize his financial situation." See Docket No. 37, p. 9, lines 24-27. This is at least partially evidenced by the tens of thousands of dollars in taxes the Debtor owed on the Petition Date, and the \$4,219 in cash he held. Avoiding the cost of an appeal bond regarding the Judgment was certainly one of the Debtor's motivations for filing for bankruptcy, but that does not appear to be the sole reason the Debtor filed this Case.

The Court finds no egregious conduct of the Debtor to date.

Confirmable Plan

The Movant correctly points out that as proffered, the Debtor's plan of reorganization is not confirmable. However, the Debtor notes that he has retirement accounts totaling \$1,506,868, and equity in his real property that can be used to fund a plan. The Debtor has yet to even have a confirmation hearing. It seems premature to label this Case dead on arrival before the Debtor has had as much as a confirmation hearing to convince the Court and creditors that he has a viable exit strategy from Chapter 13. This of course is not to suggest that this Case is long for this world. If the Debtor cannot propose a confirmable plan, this case should be dismissed. The Court is reluctant to do so given the fact that this Case is in its early stages, and given the Debtor's stated willingness to utilize exempt assets and other assets to fill any income gaps that the current plan of reorganization poses.

Conclusion

The Court is inclined to deny the Motion, without prejudice.

[FN1]

This is only one of the many debts the Debtor scheduled. The Debtor scheduled over ten unsecured debts and three secured debts owed to different creditors other than the Movant. See Docket No. 1, pp. 23-31, *Schedule D* and *Schedule E/F*. See also Proof

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of Claim 1-1 in which the Debtor provided a guaranty on a loan.

Chapter 13

June 18, 2024

Appearances waived.

This matter is continued to July 9, 2024, at 1:00 p.m.

Party Information

Debtor(s):

Timothy Todd Delaney

Represented By
Randall V Sutter

Movant(s):

Viviane Delaney

Represented By
Carissa N Horowitz
William C Beall

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10479 Timothy Todd Delaney

Chapter 13

#32.00 CONT'D Hearing RE: [27] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3935 Foothill Lane, Santa Barbara, CA

FR. 6-18-24, 7-9-24, 7-18-24, 9-19-24, 10-17-24

Docket 27

Tentative Ruling:

July 9, 2024

Appearances required.

Viviane Delaney ("Movant") seeks a lifting of the automatic stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) in relation to the real property located at 3935 Foothill Lane, Santa Barbara, CA 93110 (the "Property") of Timothy Todd Delaney (the "Debtor") on the grounds that (1) Movant's interest is not adequately protected by an adequate equity cushion, (2) the bankruptcy case was filed in bad faith, and (3) pursuant to 11 U.S.C. § 362(d)(2)(A), the Debtor has no equity in the Property; and, pursuant to § 362(d)(2)(B), the Property is not necessary to an effective reorganization. *See* Docket No. 27, *Motion for Relief from Stay Under 11 U.S.C. § 362* (the "Motion"), pp. 3-4. [FN 1]. Concurrently with the filing of the Motion, Movant filed that *Motion to Dismiss Chapter 13 Case with Prejudice* (the "Motion to Dismiss"). *See* Docket No. 25.

In addition to lifting the stay, Movant requests relief to (1) proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property, (2) waiver of the 14-day stay pursuant to Fed. R. Bankr. P. 4001(a)(3), (3) the order be binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing on this Motion, and (4) if relief from stay is not granted, adequate protection be ordered. *See id.* at p. 5.

Notice

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The Motion and notice thereof were served upon the Debtor via U.S. Mail First class, postage prepaid on May 24, 2024, notifying the Debtor that pursuant to this Court's Local Rule 9013-1(d), any opposition to the Motion must be filed and served no less than fourteen (14) days prior to the hearing on the Motion. *See id.*, *Proof of Service of Document*, pp. 12-13.

On June 4, 2024, the Debtor filed *Debtor Timothy Todd Delaney's Response to Creditor Viviane Delaney's Motion for Relief from the Automatic Stay* (the "Response"). *See* Docket No. 38. In the Response, the Debtor asserts that (1) Movant's interest is adequately protected with an equity cushion, (2) the Property is necessary for an effective reorganization, and (3) the bankruptcy case was not filed in bad faith. *See id.*

Analysis

11 U.S.C. § 362(d)(1)

Pursuant to 11 U.S.C. § 362(d)(1), "[o]n request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay [] for cause, including the lack of adequate protection of an interest in property of such party in interest." Failure to make postpetition mortgage payments as they become due in a Chapter 13 case may constitute "cause" for relief from the automatic stay under § 362(d)(1). *See In re Marks*, 2012 WL 6554705, at *11 (9th Cir. BAP Dec. 14, 2012), *aff'd*, 624 F. App'x 963 (9th Cir. 2015) (citing *In re Ellis*, 60 B.R. 432, 435 (9th Cir. BAP 1985)). While the term "adequate protection" is not defined in the Code, 11 U.S.C. § 361 sets forth three non-exclusive examples of what may constitute adequate protection: 1) periodic cash payments equivalent to decrease in value, 2) an additional or replacement lien on other property, or 3) other relief that provides the indubitable equivalent. *See In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984). "Equity cushion" is defined as the value in the property, above the amount owed to the creditor with a secured claim, that will shield that interest from loss due to any decrease in the value of the property during the time the automatic stay remains in effect. *Id.* at 1397. "Equity," as opposed to "equity cushion," is the value, above all secured claims against the property that can be realized from the sale of the property for the benefit of the unsecured creditors. *Id.*

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"Although the existence of an equity cushion as a method of adequate protection is not specifically mentioned in § 361, it is the classic form of protection for a secured debt justifying the restraint of lien enforcement by a bankruptcy court." *Id.* (internal citations omitted). "In fact, it has been held that the existence of an equity cushion alone, can provide adequate protection." *Id.* (internal citations omitted). "A sufficient equity cushion has been found to exist although not a single mortgage payment had been made." *Id.* (internal citations omitted). "A 20% cushion has been held to be an adequate protection for a secured creditor." *Id.* at 1401. (internal citations omitted).

Here, Movant first contends that their interest in the Property is not adequately protected by an adequate equity cushion. *See* Motion., p. 3. Movant asserts a secured claim against the Property in the amount of \$931,496.20. *See id.*, p. 7. As of the petition date of July 4, 2023, Movant asserts that the fair market value of the Property is \$2,300,000.00 per the Debtor's *Schedule A/B*. *Id.* at *Exhibit A*, p. 14. Movant maintains an equity cushion in the Property. The equity cushion in the Property exceeding Movant's lien and the senior lien of Chase in the amount of \$234,485.00 is \$1,134,018.80 or 49.3% of the fair market value of the Property. *Id.*, pp. 8-9. The 49.3% equity cushion that Movant enjoys wells exceeds the 20% cushion that the Ninth Circuit finds sufficient to be adequate protection for a secured creditor. Therefore, Movant has not established that its interest in the Property is not protected by an adequate equity cushion.

11 U.S.C. § 362(d)(2)

Pursuant to 11 U.S.C. § 362(d)(2), "[o]n request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay with respect to a stay of an act against property under subsection (a) of this section, if (A) the debtor does not have an equity in such property and (B) such property is not necessary to an effective reorganization."

Subtracting the total liens on the Property (including Movant's lien in the amount of \$931,496.20 and the lien of Chase in the amount of \$234,485.00), the Debtor's equity in the Property is \$1,134,018.80. Since the Debtor has equity in the Property, cause has not been shown sufficient to lift the automatic stay pursuant to 11 U.S.C. § 362(d)

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Chapter 13

Bad Faith

"The debtor's lack of good faith in filing a bankruptcy petition has often been used as cause for removing the automatic stay." *In re Arnold*, 806 F.2d 937, 939 (9th Cir. 1986). "The existence of good faith depends on an amalgam of factors and not upon a specific fact." *Id.* "The bankruptcy court should examine the debtor's financial status, motives, and the local economic environment." *Id.* The Ninth Circuit cited the Ninth Circuit Bankruptcy Appellate Panel regarding bad faith as follows:

If it is obvious that a debtor is attempting unreasonably to deter and harass creditors in their bona fide efforts to realize upon their securities, good faith does not exist. But if it is apparent that the purpose is not to delay or defeat creditors but rather to put an end to long delays, administration expenses ... to mortgage foreclosures, and to invoke the operation of the [bankruptcy law] in the spirit indicated by Congress in the legislation ... good faith cannot be denied. *Id.*

"Good faith is lacking only when the debtor's actions are a clear abuse of the bankruptcy process." *Id.* (citing *In re Thirtieth Place, Inc.*, 30 B.R. 503, 505 (9th Cir. BAP 1983) (quotation omitted).

Movant contends that bad faith exists in that the Debtor's timing of the filing of the petition indicates that it was intended to delay or interfere with the sheriff's sale of the Property. *See* Motion, *Points and Authorities in Support of Motion for Relief from Stay*, p. 1. Specifically, Movant asserts that "[t]he Debtor's only purpose in the filing was to substitute a Chapter 13 petition for a supersedes bond on appeal." *Id.* at 2.

The Debtor's primary motivation in filing bankruptcy may have been to stop the sheriff's sale of the Property. However, the Debtor lists \$13,000.00 in priority claims and \$140,309.02 in non-priority claims on his *Schedule E/F*, which he largely seeks to repay through that *Original Chapter 13 Plan* (the "Plan"). *See* Docket No. 12, *Schedule E/F*, pp. 1-7; *See also* Docket No. 20, *Original Chapter 13 Plan*. The Debtor also seeks to repay the debt owed to Movant through the Plan. *See* Docket No. 20, p. 7. What is more, the Debtor filed the case, in part, to avert a sheriff's sale of the

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The Court is inclined to deny the Motion without prejudice.

[FN 1] Under paragraph 4 of the Motion entitled "Grounds for Relief from Stay", Movant indicates that stay relief should be granted under 11 U.S.C. §§ 362(d)(1) and (d)(2). See *id.*, pp. 3-4. However, Movant only technically requests relief under 11 U.S.C. § 362(d)(2). *Id.*, p. 5.

June 18, 2024

Appearances waived.

This matter is continued to July 9, 2024, at 1:00 p.m.

Party Information

Debtor(s):

Timothy Todd Delaney

Represented By
Randall V Sutter

Movant(s):

Viviane Delaney

Represented By
Carissa N Horowitz
William C Beall

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:00 AM

9:24-10614 Darla June Garcia and Paul Frederic Garcia

Chapter 13

#33.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darla June Garcia

Represented By
Reed H Olmstead

Joint Debtor(s):

Paul Frederic Garcia

Represented By
Reed H Olmstead

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:00 AM

9:24-10688 Jorge Gutierrez Gonzalez

Chapter 13

#34.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 11-14-24, 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Gutierrez Gonzalez

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10711 April Leigh Gutierrez-Almaguer

Chapter 13

#35.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

April Leigh Gutierrez-Almaguer

Represented By
Michael B Clayton

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10750 Arnold Raza Ramos

Chapter 13

#36.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arnold Raza Ramos

Represented By
Janet A Lawson

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10756 Peter David Slingerland

Chapter 13

#37.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 11-14-24, 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter David Slingerland

Represented By
Kevin Tang

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10765 Helen Jeanne Borland

Chapter 13

#38.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 9-19-24, 10-17-24, 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Helen Jeanne Borland

Represented By
Louis J Esbin

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10788 Dalton Sebastian Cullors and Jennifer Lynn Cullors

Chapter 13

#39.00 CONT'D. Hearing on Confirmation of Chapter 13 Plan

FR. 10-17-24, 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dalton Sebastian Cullors

Represented By
Rabin Pournazarian

Joint Debtor(s):

Jennifer Lynn Cullors

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10840 Jesus Alberto Arroyo

Chapter 13

#40.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 10-17-24, 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Alberto Arroyo

Represented By
Joshua Sternberg

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:24-10892 Jeffery David Manory

Chapter 13

#41.00 CONT'D Hearing on Confirmation of Chapter 13 Plan
FR. 10-17-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffery David Manory

Represented By
Stephen L Burton

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-10920 Todd A Vargas and Guadalupe Nunez-Vargas

Chapter 13

#42.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 11-14-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Todd A Vargas

Represented By
John K Rounds

Joint Debtor(s):

Guadalupe Nunez-Vargas

Represented By
John K Rounds

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:00 AM

9:24-10979 Donte L. Davis

Chapter 13

#43.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 11-14-24

Docket 1

***** VACATED *** REASON: Case voluntarily dismissed 1/17/25/**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donte L. Davis

Represented By
Karen Ware

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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9:24-11003 Haroution Papazian

Chapter 13

#44.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 11-14-24

Consent Calendar (Per Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Haroution Papazian

Represented By
James G. Beirne

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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Hearing Room 201

9:00 AM

9:24-11080 Bradley James Sparks

Chapter 13

#45.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bradley James Sparks

Represented By
David S Hagen

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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Hearing Room 201

9:00 AM

9:24-11102 Christina Cathleen Laughton

Chapter 13

#46.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 12-12-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Cathleen Laughton

Represented By
Gregory M Shanfeld

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

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Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11150 Rosa Araceli Contreras

Chapter 13

#47.00 CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 12-12-24

Docket 1

*** VACATED *** REASON: Order dismissing case with a 1-year bar entered 01/16/2025.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa Araceli Contreras

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:19-11385 Gerardo Jaimes

Chapter 13

#48.00 Hearing RE: [77] Trustee's Motion to Dismiss Case

Docket 77

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Jaimes

Represented By
Reed H Olmstead

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:20-10331 Brenton Gregory Davis and Dania Beleiro-Davis

Chapter 13

#49.00 CONT'D Hearing RE: [76] Motion to Dismiss Case for Failure to Make Plan Payments

FR. 10-17-24, 11-14-24, 12-12-24

Docket 76

***** VACATED *** REASON: Voluntary dismissal of motion filed
12/30/2024**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenton Gregory Davis

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Dania Beleiro-Davis

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:21-10989 Rory Steven Kaplan

Chapter 13

#50.00 CONT'D Hearing RE: [102] Trustee's Motion to Dismiss Case Due to Material Default of the Plan Pursuant to §1307(c)(6) Failure to Submit all Tax Returns and/or Refunds

FR. 6-13-24, 8-15-24, 10-17-24, 12-12-24

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rory Steven Kaplan

Represented By
Richard L. Sturdevant

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:21-10989 Rory Steven Kaplan

Chapter 13

#51.00 CONT'D Hearing RE: [109] Motion to Dismiss Case for Failure to Make Plan Payments

FR. 11-14-24, 12-12-24

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rory Steven Kaplan

Represented By
Richard L. Sturdevant

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:22-10171 Zara Zaratsyan

Chapter 13

#52.00 Hearing RE: [56] Motion to Dismiss Case for
Failure to Make Plan Payments

Docket 56

***** VACATED *** REASON: Voluntary dismissal of motion filed
12/30/2024**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zara Zaratsyan

Represented By
Thomas B Ure

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:22-10192 Ezio Augusto Van Horst

Chapter 13

#53.00 CONT'D Hearing RE: [97] Motion to Dismiss Case for
Failure to Make Plan Payments

FR. 10-17-24, 11-14-24

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ezio Augusto Van Horst

Represented By
Kevin T Simon

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:22-10340 Michael H. Lesseos

Chapter 13

#54.00 CONT'D Hearing RE: [108] Motion to Dismiss Case for Failure to Make Plan Payments

FR. 3-14-24, 5-16-24, 7-18-24, 8-15-24, 9-19-24, 10-17-24, 11-14-24

Docket 108

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael H. Lesseos

Represented By
Michael F Chekian

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:23-10313 Katherine Eileen Kennedy

Chapter 13

#55.00 Hearing RE: [48] Motion to Dismiss Case for
Failure to Make Plan Payments

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Eileen Kennedy

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:23-10324 Ariadna David

Chapter 13

#56.00 Hearing RE: [37] Motion to Dismiss Case for
Failure to Make Plan Payments

Docket 37

***** VACATED *** REASON: Voluntary dismissal of motion filed
01/09/2025**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ariadna David

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:23-10373 **Kenton Ray Woodard and Patricia Ann Woodard**

Chapter 13

#57.00 CONT'D Hearing RE: [49] Motion to Dismiss Case for
Failure to Make Plan Payments

FR. 9-19-24, 11-14-24

Docket 49

*** VACATED *** REASON: Case converted to a Chapter 7 on 1/21/2025.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenton Ray Woodard

Represented By
Christian J Younger

Joint Debtor(s):

Patricia Ann Woodard

Represented By
Christian J Younger

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10363 Daniel Orychiwski

Chapter 13

#58.00 CONT'D Hearing RE: [32] Motion to Dismiss Case for
Failure to Make Plan Payments

FR. 12-12-24

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Orychiwski

Represented By
Christian J Younger

Movant(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:22-10437 Cristina Marie Pagan Nowling

Chapter 13

#59.00 CONT'D Hearing RE: [106] Motion to Dismiss Case for
Failure to Make Plan Payments

FR. 8-15-24, 9-19-24, 11-14-24

Docket 106

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cristina Marie Pagan Nowling Pro Se

Movant(s):

Elizabeth (ND) F Rojas (TR) Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10814 Yasser Girgis

Chapter 13

#60.00 Hearing RE: [24] Motion to Dismiss Case for
Failure to Make Plan Payments

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yasser Girgis

Represented By
Raj T Wadhvani

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10943 Gerardo Herrera Ramirez and Sintya Herrera Rodriguez

Chapter 13

#61.00 CONT'D Hearing on Confirmation of Chapter 13 Plan
FR. 11-14-24

Docket 1

*** VACATED *** REASON: Case dismissed on 12/23/24 based on Debtor's Request for Dismissal filed 12/22/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Herrera Ramirez

Represented By
Karen Ware

Joint Debtor(s):

Sintya Herrera Rodriguez

Represented By
Karen Ware

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10943 Gerardo Herrera Ramirez and Sintya Herrera Rodriguez

Chapter 13

#62.00 Order to Show Cause Why Bankruptcy Case Should Not Be Converted

Docket 22

*** VACATED *** REASON: Case dismissed on 12/23/24 based on
Debtor's Request for Dismissal filed 12/22/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Herrera Ramirez

Represented By
Karen Ware

Joint Debtor(s):

Sintya Herrera Rodriguez

Represented By
Karen Ware

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-11320 Gary Edward Hauenstein and Gwen Jansen Hauenstein

Chapter 13

#63.00 Order setting request to dismiss chapter 13 case for failure to appear and make pre-confirmation plan payments

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Edward Hauenstein Pro Se

Joint Debtor(s):

Gwen Jansen Hauenstein Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

9:00 AM

9:24-10698 Felipa Ruthe Richland

Chapter 13

#64.00 Hearing re: application of attorney for debtor for allowance of fees and expenses following dismissal or conversion of chapter 13 case subject to a rights and responsibilities agreement

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipa Ruthe Richland

Represented By
Matthew D. Resnik

Movant(s):

Felipa Ruthe Richland

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

12:00 PM

9:23-10784 Asia Krystall Kirven

Chapter 7

Adv#: 9:23-01064 Gupton v. Kirven

#65.00 CONT'D Trial Date Set
RE: [1] Adversary case 9:23-ap-01064. Complaint by Rodnisha Gupton against Asia Krystall Kirven. Nature[s] of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e)), (65 (Dischargeability - other)) (Watkins, Ashton)

FR. 9-18-24

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asia Krystall Kirven

Represented By
Reed H Olmstead

Defendant(s):

Asia Krystall Kirven

Represented By
Reed H Olmstead

Plaintiff(s):

Rodnisha Gupton

Represented By
Ashton R Watkins

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

1:00 PM

9:20-10359 Clayton Dow Hunt

Chapter 7

Adv#: 9:23-01070 Hunt et al v. INTERNAL REVENUE SERVICE

#66.00 Trial Date Set

RE: [1] Adversary case 9:23-ap-01070. Complaint by Clayton Dow Hunt, Autumn Sweetsage Hunt against INTERNAL REVENUE SERVICE. (\$350.00 Fee Not Required). (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)) (Faucher, John)

Docket 1

*** VACATED *** REASON: Order dismissing adversary proceeding was entered on 8/2/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clayton Dow Hunt

Represented By
Reed H Olmstead

Defendant(s):

INTERNAL REVENUE SERVICE

Represented By
Angela Gill

Joint Debtor(s):

Autumn Sweetsage Hunt

Represented By
Reed H Olmstead

Plaintiff(s):

Autumn Sweetsage Hunt

Represented By
John D Faucher

Clayton Dow Hunt

Represented By
John D Faucher

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Ronald A Clifford III, Presiding
Courtroom 201 Calendar**

Thursday, January 23, 2025

Hearing Room 201

1:00 PM

CONT... Clayton Dow Hunt

Chapter 7