

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

9: -

Chapter

**#0.00** Unless ordered otherwise, appearances for matters may be made in-person **in Courtroom 201 at 1415 State Street, Santa Barbara, California, 93101**, by video through ZoomGov, or by telephone through ZoomGov. If appearing through ZoomGov, parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device. Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

All parties making an appearance via ZoomGov video and audio connection **must** have their video on. Proper court attire is required of all parties appearing via ZoomGov video. Any virtual backgrounds are to be of a solid color, without pictures, videos, or scenes. No party may appear by ZoomGov from any place other than a quiet room in an office or home. Parties may not appear via ZoomGov from a vehicle of any kind, moving or not.

Regarding remote access to hearings, members of the public may NOT observe any hearing via ZoomGov web address or app. Members of the public may ONLY listen to non-evidentiary hearings, where no live testimony is being taken, via ZoomGov telephone conference line or in-person at the address listed above. If members of the public attempt to observe hearings remotely in any manner other than via ZoomGov telephone conference line, the Court will remove them from ZoomGov for the hearing(s). No members of the public will be permitted to observe, via telephone line or otherwise, trials, evidentiary hearings, hearings where live testimony will be taken, and hearings where sensitive information is being disseminated that may not be adequately safeguarded.

You may obtain the ZoomGov connection details by clicking the hyperlink below or copying and pasting the web address into your browser.

<https://forms.office.com/g/d3SqfMtsuv>

Neither a Zoom nor a ZoomGov account is necessary to participate, and no preregistration is required. The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing, or imaging Court proceedings by any means is strictly prohibited.

Docket 0

**Tentative Ruling:**

7/18/2024 7:50:42 AM

Page 1 of 126

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**CONT...**

**Chapter**

- NONE LISTED -

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-11191 Patricia Claire Michaels**

**Chapter 13**

**#1.00 Hearing on Confirmation of Chapter 13 Plan**

FR. 4-18-24, 5-16-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Patricia Claire Michaels

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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10070 Lee Paul Menichella and Adele Joel Menichella**

**Chapter 13**

**#2.00 Hearing on Confirmation of Chapter 13 Plan**

FR. 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lee Paul Menichella

Represented By  
Reed H Olmstead

**Joint Debtor(s):**

Adele Joel Menichella

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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10081 David Jonathan Rice and Donna Marie Rice

Chapter 13

#3.00 Hearing on Confirmation of Chapter 13 Plan

FR. 5-16-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Jonathan Rice

Represented By  
Bryan Diaz

**Joint Debtor(s):**

Donna Marie Rice

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  
Courtroom 201 Calendar**

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10210 Joseph L. Ysais**

**Chapter 13**

**#4.00 Hearing on Confirmation of Chapter 13 Plan**

FR. 5-16-24

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joseph L. Ysais

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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10270 Efren Sta Mina De Jesus III**

**Chapter 13**

**#5.00 Hearing on Confirmation of Chapter 13 Plan**

FR. 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Efren Sta Mina De Jesus III

Represented By  
H. Jasmine Papian

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10372 Dawn Donley Odonnell**

**Chapter 13**

**#6.00 Hearing on Confirmation of Chapter 13 Plan**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dawn Donley Odonnell

Represented By  
Joshua Sternberg

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10379 James Leonard De La Paz**

**Chapter 13**

**#7.00 Hearing on Confirmation of Chapter 13 Plan**

**Consent Calendar (Per Trustee)**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Leonard De La Paz

Represented By  
Leon D Bayer

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10389 Matthew Levi Morris

Chapter 13

#8.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Matthew Levi Morris

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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10402 Todd Warren Schirmer

Chapter 13

#9.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Todd Warren Schirmer

Represented By  
Tyson Takeuchi

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10407 Marc Conrad Haiungs and Stacey Diane Haiungs Clason**

**Chapter 13**

**#10.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marc Conrad Haiungs

Represented By  
Michael B Clayton

**Joint Debtor(s):**

Stacey Diane Haiungs Clason

Represented By  
Michael B Clayton

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10419 Michael Radwan Omary

Chapter 13

#11.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Radwan Omary

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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10455 Jeffrey Michael Kloss and Roselyn Michelle Winward**

**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):**

Jeffrey Michael Kloss

Represented By  
Jeffrey J Hagen

**Joint Debtor(s):**

Roselyn Michelle Winward

Represented By  
Jeffrey J Hagen

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10459 Guy Jacob Shamis

Chapter 13

#13.00 Hearing on Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Guy Jacob Shamis

Represented By  
Jeffrey J Hagen

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10470 Lawrence Andre Bussard**

**Chapter 13**

**#14.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lawrence Andre Bussard

Represented By  
Michael B Clayton

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10476 Gabriel Perez Hermosillo**

**Chapter 13**

**#15.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to August 15, 2024, at 9:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gabriel Perez Hermosillo

Represented By  
William E. Winfield

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10479 Timothy Todd Delaney**

**Chapter 13**

**#16.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**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  
Northern Division  
Ronald A Clifford III, Presiding  
Courtroom 201 Calendar**

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10479 Timothy Todd Delaney

Chapter 13

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

FR. 6-18-24, 7-9-24

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

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**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.

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

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

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

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

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... **Timothy Todd Delaney**

**Chapter 13**

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**

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... **Timothy Todd Delaney**

**Chapter 13**

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,



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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... **Timothy Todd Delaney**

**Chapter 13**

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

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**CONT...** **Timothy Todd Delaney**  
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.

<b>Party Information</b>
--------------------------

**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

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10479 Timothy Todd Delaney

Chapter 13

#18.00 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

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.

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**CONT... Timothy Todd Delaney**

**Chapter 13**

*Notice*

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

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... Timothy Todd Delaney

Chapter 13

for the benefit of the unsecured creditors. *Id.*

"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

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... **Timothy Todd Delaney**

**Chapter 13**

has not been shown sufficient to lift the automatic stay pursuant to 11 U.S.C. § 362(d) (2).

*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.

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

Thursday, July 18, 2024

Hearing Room 201

9:00 AM

CONT... **Timothy Todd Delaney** **Chapter 13**

20, p. 7. What is more, the Debtor filed the case, in part, to avoid a sheriff's sale of the Property.

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.

<b>Party Information</b>
--------------------------

**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

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10504 Mark William Herron**

**Chapter 13**

**#19.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark William Herron

Represented By  
Christopher J Langley

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10507 Michael Scott Johnson and Lisa Ann Johnson**

**Chapter 13**

**#20.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Scott Johnson

Represented By  
Eric Ridley

**Joint Debtor(s):**

Lisa Ann Johnson

Represented By  
Eric Ridley

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10514 Ronald Morrison Lasek**

**Chapter 13**

**#21.00** Hearing on Confirmation of Chapter 13 Plan

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ronald Morrison Lasek

Represented By  
Daniel King

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10516 Christopher Anthony Dellorco

Chapter 13

#22.00 Hearing on Confirmation of Chapter 13 Plan

**Consent Calendar (Per Trustee)**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christopher Anthony Dellorco

Represented By  
David S Hagen

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-10556 Christine E. Greenberg**

**Chapter 13**

**#23.00 CONT'D Hearing on Confirmation of Chapter 13 Plan**

FR. 9-21-23, 11-16-23, 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christine E. Greenberg

Represented By  
Nathan A Berneman

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-10650 Herbert Hans Salamanca and Miriam Yaneth Salamanca**

**Chapter 13**

**#24.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 11-16-23, 1-18-24, 3-14-24, 5-16-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Herbert Hans Salamanca

Represented By  
Michael B Clayton

**Joint Debtor(s):**

Miriam Yaneth Salamanca

Represented By  
Michael B Clayton

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-10870 Douglas William Harrington**

**Chapter 13**

**#25.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 12-14-23, 1-18-24, 3-14-24, 5-16-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Douglas William Harrington

Represented By  
David L Hagan

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-11083 Trayci A Gibson**

**Chapter 13**

**#26.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 2-15-24, 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Trayci A Gibson

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  
Ronald A Clifford III, Presiding  
Courtroom 201 Calendar**

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-11113 Michelle Young**

**Chapter 13**

**#27.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 2-15-24, 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michelle Young

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  
Ronald A Clifford III, Presiding  
Courtroom 201 Calendar**

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-11193 LEKISHIA RECHELLE MOFFET WHITE**

**Chapter 13**

**#28.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

LEKISHIA RECHELLE MOFFETT

Represented By  
Cynthia L Gonzalez

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:23-11223 Karen Ann Burhoe-Wade**

**Chapter 13**

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

FR. 3-14-24, 5-16-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karen Ann Burhoe-Wade

Represented By  
Eric Ridley

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10019 Donald Conrad Peterson**

**Chapter 13**

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

FR. 3-14-24, 5-16-24

**Consent Calendar (Per Trustee)**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Donald Conrad Peterson

Represented By  
Allan S Williams

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10115 Kimberly Erin Smith**

**Chapter 13**

**#31.00 CONT'D Hearing on Confirmation of Chapter 13 Plan**

FR. 4-18-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kimberly Erin Smith

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  
Ronald A Clifford III, Presiding  
Courtroom 201 Calendar**

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10164 Raul Leopoldo Molina, Jr.**

**Chapter 13**

**#32.00** CONT'D Hearing on Confirmation of Chapter 13 Plan

FR. 5-16-24, 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Raul Leopoldo Molina Jr.

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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10177 Craig Jason Barton**

**Chapter 13**

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

FR. 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Craig Jason Barton

Represented By  
Joshua Sternberg

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10208 Chito Macario and Mary Ann Macario**

**Chapter 13**

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

FR. 5-16-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chito Macario

Represented By  
Todd J Mannis

**Joint Debtor(s):**

Mary Ann Macario

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  
Courtroom 201 Calendar**

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10239 Banessa Gutierrez**

**Chapter 13**

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

FR. 5-16-24

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

**Thursday, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10268 Maria Elena Diaz Huerta**

**Chapter 13**

**#36.00** CONT'D Hearing on Confirmation of Chapter 13 Plan  
FR. 6-13-24

**Consent Calendar (Per Trustee)**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria Elena Diaz Huerta

Represented By  
Raymond Perez

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10269 Antonio Gabriel De La Torre, Jr.**

**Chapter 13**

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

FR. 6-13-24

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Antonio Gabriel De La Torre Jr.

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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10271 Vardan Alajajian**

**Chapter 7**

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

FR. 6-13-24

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case converted to Chapter 7 on 7/11/2024.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vardan Alajajian

Represented By  
Vahe Khojayan

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10357 Albert Maxwell Goldberg**

**Chapter 13**

**#39.00 CONT'D Hearing on Confirmation of Chapter 13 Plan  
FR. 6-13-24**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Albert Maxwell Goldberg 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, July 18, 2024

Hearing Room 201

9:00 AM

9:24-10107 Wayne Carl Fulton and Linda Scanlin Fulton

Chapter 13

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

FR. 4-18-24, 6-13-24

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order of dismissal arising from debtors' request for voluntary dismissal of case was entered on 6/26/24.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wayne Carl Fulton

Represented By  
Jenny L Doling

**Joint Debtor(s):**

Linda Scanlin Fulton

Represented By  
Jenny L Doling

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:18-11607 Jamie Luna and Brandy Marie Luna

Chapter 13

#41.00 CONT'D Hearing  
RE: [126] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

FR. 5-16-24

Docket 126

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jamie Luna

Represented By  
Matthew D. Resnik

**Joint Debtor(s):**

Brandy Marie Luna

Represented By  
Matthew D. Resnik

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:18-11623 Richard Lee Pugh**

**Chapter 13**

**#42.00** CONT'D Hearing  
RE: [103] Trustee's Motion to Dismiss Case . (Rojas (TR), Elizabeth (ND))

FR. 12-14-23, 1-18-24, 3-14-24, 5-16-24

Docket 103

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Lee Pugh

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:19-10796 Eugene Chambers and Judy Chambers

Chapter 13

#43.00 CONT'D Hearing

RE: [70] 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 Tax Refunds F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 4-18-24, 5-16-24

Docket 70

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eugene Chambers

Represented By  
Vaughn C Taus

**Joint Debtor(s):**

Judy Chambers

Represented By  
Vaughn C Taus

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:19-11731 Colleen Yvonne Ghirardi**

**Chapter 13**

**#44.00** CONT'D Hearing  
RE: [38] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 38

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Colleen Yvonne Ghirardi

Represented By  
Reed H Olmstead

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:20-10119 Danette Lyn Anderson-Bittorf

Chapter 13

#45.00 Hearing  
RE: [78] Trustee's Motion to Dismiss Case Trustee Motion to Dismiss Case due to Material Default: Failure to Submit Tax Returns and/or Refunds F Rojas (TR) (Rojas (TR), Elizabeth (SV))

Docket 78

\*\*\* VACATED \*\*\* REASON: Motion was withdrawn by trustee on 7/16/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Danette Lyn Anderson-Bittorf

Represented By  
George J Paukert

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:20-10237 Annelie K Messina**

**Chapter 13**

**#46.00** CONT'D Hearing  
RE: [72] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 6-13-24

Docket 72

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Annelie K Messina

Represented By  
Julie J Villalobos

**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, July 18, 2024

Hearing Room 201

9:00 AM

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

Chapter 13

#47.00 CONT'D Hearing  
RE: [70] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 70

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brenton Gregory Davis

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Dania Beleiro-Davis

Represented By  
Joseph A Weber

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:20-10690 Holly Godshall

Chapter 13

#48.00 CONT'D Hearing  
RE: [72] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 72

\*\*\* VACATED \*\*\* REASON: Continued to September 19, 2024, at 9:00 a.m.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Holly Godshall

Represented By  
Steven Abraham Wolvek

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:20-10755 Christopher John Sanchez

Chapter 13

#49.00 CONT'D Hearing

RE: [117] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 117

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christopher John Sanchez

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:20-11154 Sammie Pearl Stones

Chapter 13

#50.00 Hearing  
RE: [104] Motion to Modify Plan Trustee's Motion for Order Modifying the Plan to Increase Plan Payment Pursuant to 11 U.S.C. 1329(a) and the Percentage to Unsecured Creditors (AMENDED AS TO DATE) F Rojas (TR) (Rojas (TR), Elizabeth (SV))

Docket 104

\*\*\* VACATED \*\*\* REASON: Resolved: Order on stipulation to modify plan was entered on 6/20/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sammie Pearl Stones

Represented By  
Rabin J. Pournazarian

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:20-11493 Agustin G. Rico**

**Chapter 13**

**#51.00** HearingRE: [47] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas (TR) (Rojas (TR), Elizabeth (ND))

Docket 47

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Agustin G. Rico

Represented By  
Nathan A Berneman

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:21-10094 Ray F Gusman**

**Chapter 13**

**#52.00** CONT'D Hearing  
RE: [64] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

FR. 3-14-24, 4-18-24, 5-16-24, 6-13-24

Docket 64

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ray F Gusman

Represented By  
Julie J Villalobos

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:21-10094 Ray F Gusman**

**Chapter 13**

**#53.00** HearingRE: [68] Motion For Sale of Property of the Estate under Section 363(b) - No Fee

Docket 68

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ray F Gusman

Represented By  
Julie J Villalobos

**Movant(s):**

Ray F Gusman

Represented By  
Julie J Villalobos  
Julie J Villalobos

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:21-10104 Renee Vernon Fauskee**

**Chapter 13**

**#54.00** CONT'D Hearing  
RE: [38] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 6-13-24

Docket 38

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Renee Vernon Fauskee

Represented By  
Reed H Olmstead

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:21-10862 Kevin Scott St. Peter and Shelly Sue St. Peter

Chapter 13

#55.00 CONT'D Hearing  
RE: [61] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 61

\*\*\* VACATED \*\*\* REASON: Motion was withdrawn by trustee on 5/21/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Scott St. Peter

Represented By  
Vaughn C Taus

**Joint Debtor(s):**

Shelly Sue St. Peter

Represented By  
Vaughn C Taus

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:21-11036 Gustavo Rodriguez Resendiz

Chapter 13

#56.00 CONT'D Hearing  
RE: [33] and [36] 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 F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 6-13-24

Docket 33

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gustavo Rodriguez Resendiz

Represented By  
Vaughn C Taus

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:21-11271 Paul Francis Sneed

Chapter 13

#57.00 CONT'D Hearing  
RE: [76] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

FR. 5-16-24, 6-13-24

Docket 76

\*\*\* VACATED \*\*\* REASON: Motion Withdrawn by Trustee on 7/17/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Paul Francis Sneed

Represented By  
Gregory M Shanfeld

**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, July 18, 2024

Hearing Room 201

9:00 AM

9:22-10171 Zara Zaratsyan

Chapter 13

#58.00 CONT'D Hearing  
RE: [47] 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 Tax Refunds F Rojas (TR) (Rojas (TR), Elizabeth (SV))

FR. 5-16-24

Docket 47

\*\*\* VACATED \*\*\* REASON: Motion was withdrawn by trustee on 7/2/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Zara Zaratsyan

Represented By  
Thomas B Ure

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:22-10340 Michael H. Lesseos**

**Chapter 13**

**#59.00** CONT'D Hearing  
RE: [108] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

FR. 3-14-24, 5-16-24

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, July 18, 2024

Hearing Room 201

9:00 AM

9:23-10285 David Lloyd Schoonmaker and Kimberly Nicole

Chapter 13

#60.00 CONT'D Hearing  
RE: [34] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

FR. 5-16-24, 6-13-24

Docket 34

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Lloyd Schoonmaker

Represented By  
Christian J Younger

**Joint Debtor(s):**

Kimberly Nicole Schoonmaker

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, July 18, 2024

Hearing Room 201

9:00 AM

9:23-10358 Marcelo Valdez

Chapter 13

#61.00 Hearing  
RE: [48] Motion to Dismiss Case for Failure to Make Plan Payments F Rojas  
(TR) (Rojas (TR), Elizabeth (ND))

Docket 48

\*\*\* VACATED \*\*\* REASON: Motion was withdrawn by trustee on  
7/17/24.

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Marcelo Valdez

Represented By  
Leonard Pena

**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, July 18, 2024**

**Hearing Room 201**

9:00 AM

**9:24-10688 Jorge Gutierrez Gonzalez**

**Chapter 13**

**#62.00** HearingRE: [9] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 2007 Fleetwood Discovery 40x and 19827 S. Mountain Road Santa Paula, CA 93060 with proof of service.

Docket 9

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jorge Gutierrez Gonzalez

Represented By  
Matthew D. Resnik

**Movant(s):**

Jorge Gutierrez Gonzalez

Represented By  
Matthew D. Resnik  
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, July 18, 2024

Hearing Room 201

1:00 PM

9:23-10174 Jonathan Alan Stein

Chapter 7

#63.00 CONT'D Hearing  
RE: [55] Application to Employ Chora Young & Manasserian LLP as Special  
Litigation Counsel with Proof of Service (Masud, Laila)

FR. 3-20-24, 5-22-24, 6-18-24

Docket 55

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

Background

*The State Court Judgment*

The Gabrielino-Tongva Tribe (the "Tribe") relates to the indigenous people of the Los Angeles Basin known as the "Gabrielinos" due to their association with the San Gabriel Mission. *See* Docket No. 71, *Notice of Issuance of Appellate Opinion, Attachment 1*, p. 6. In 2006, the Tribe filed an action against Jonathan Stein (the "Debtor"), the Law Offices of Jonathan Stein, and Santa Monica Development Company, LLC (an entity formed by the Debtor "to develop casino gaming with the Tribe") in the Superior Court of California for the County of Los Angeles (the "LA State Court") alleging fifteen (15) causes of action, including fraud (the "State Court Action"). *See id.* at p. 20. On November 8, 2018, the LA State Court "ruled in favor of the Tribe and against [the Debtor], Law Offices, and SMDC, on all causes of action [regarding the State Court Action]." *See id.* at p. 34. The LA State Court found that the Debtor, Law Offices of Jonathan Stein, and Santa Monica Development Company, LLC "acted with malice, oppression, and fraud." *See id.* As to the fraud finding, the LA State Court "found [the Debtor] had committed multiple acts of fraud against the Tribe." *See id.* Including \$7 million in punitive damages, the LA State Court awarded the Tribe, and as against the Debtor, Law Offices of Jonathan Stein, and Santa Monica Development Company, LLC, a total judgment of \$20,411,067.23 in the State Court Action (the "Judgment"). *See id.* at p. 42. Apart from a reduction in

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

the amount of the Judgment from \$20,411,067.23 to \$19,161,067.23, the Court of Appeal of the State of California, Second Appellate District, Division Five affirmed the LA State Court's Judgment in the State Court Action. *See id.*, generally. Chora Young & Manasserian LLP ("CYM") represented the Tribe at trial in the LA State Court, and in the Debtor's appeal of the Judgment.

*The Malpractice Action*

On September 27, 2018, Glenn Golden and G2 Database Marketing, Inc. (collectively, hereinafter, "Golden") filed a complaint against the Debtor in the U.S. District Court for the Southern District of Idaho (the "Idaho District Court"), alleging professional negligence (the "Malpractice Action"). *See* Docket No. 65, *Exhibit 3*, pp. 68-80. In response to Golden's complaint, the Debtor in the Malpractice Action filed a counterclaim against, among others, Golden, for unpaid legal fees in the amount of \$880,825 (the "Counterclaim"). *See id.* at pp. 81-106. According to the Debtor's wife, Hong Sun ("Sun"), between the dates of December 1, 2018 and February 1, 2019, two (2) assignments were entered into as between the Debtor and Sun whereunder the Debtor assigned certain of his interests in the Counterclaim to Sun in exchange for \$900,000, "which [was] paid in cash and cancellations of indebtedness." *See* Docket No. 87, *Chapter 7 Trustee's Omnibus Reply In Support of Motion to Approve Compromise with Gabrielino-Tongva Tribe Including Partial Subordination and Release of Claims, Exhibit 1*, Bates stamped pp. 17-18. On October 16, 2020, the Tribe filed in the Malpractice Action that *Motion to Stay Trial* and that *Motion to Intervene*. *See id.* at p. 20. The Idaho District Court granted the *Motion to Intervene* on February 5, 2021. *See id.* The Tribe filed that *Complaint in Intervention* on that same date. *See id.* "The primary basis for the Tribe's first cause of action is that [the Debtor] fraudulently conveyed his rights to the Federal Deposit and [the Counterclaim] to [Sun] through the two written Assignments to obstruct and evade the Tribe's levies on those assets." *See id.* The Tribe alleges that pursuant to Iowa Code § 630.18, "upon service of the Complaint In Intervention on [Sun], the Tribe is entitled to a lien on [the Debtor's] causes of action in [the Counterclaim] and the Federal Deposit, which were wrongfully conveyed from [the Debtor to Sun], whether in the possession of [the Debtor or Sun]." *See id.* In granting in part and denying in part the Tribe's motion for summary judgment on the *Complaint In Intervention*, the Idaho District Court found that the Tribe was "entitled to summary

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

judgment on some of the ‘badges of fraud’ on which the Tribe relies," but that "there are genuine issues of material fact on both the ‘good faith’ and ‘reasonably equivalent value’ elements of [the Debtor’s] defense" to the Counterclaim." *See id.* at p. 41. As with the State Court Action, CYM represented the Tribe in the Malpractice Action and the Counterclaim.

*The UVTA Action*

On January 19, 2021, the Tribe filed against the Debtor, Sun, Law Offices of Jonathan Stein, P.C. and the Milpas Company a complaint to avoid fraudulent transfers (the "UVTA Action") in the Superior Court for the County of Santa Barbara (the "SB State Court"). *See* Docket No. 65, p. 5, lines 20-22. The UVTA Action requests that the SB State Court avoid certain transfers of real and personal property as fraudulent transfers. *See id.* at lines 23-25. According to the Chapter 7 Trustee of the Bankruptcy Estate of the Debtor, those transfers relate to "(1) the Murrell Property; (2) the Kirk Property; (3) the Milpas Company/Milpas Property; (4) the Law Offices of Jonathan Stein, P.C." *See id.* at lines 23-25. CYM represented the Tribe with respect to the UVTA Action.

*The Debtor’s Bankruptcy Case*

On March 10, 2023 (the "Petition Date"), the Debtor filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the U.S. Code (this "Bankruptcy Case"). *See* Docket No. 1. Jerry Namba (the "Trustee") is serving as the duly appointed Chapter 7 trustee.

*The Tribe’s Claims*

On April 18, 2023, the Tribe filed Claim No. 1 in the amount of \$37,065,922.66 related to the Judgment. *See* Claim No. 1.

*The Employment Application*

On June 9, 2023, the Trustee filed that *Application by Chapter 7 Trustee to Employ Chora Young & Manasserian LLP as Special Litigation Counsel* (the "Application"). *See* Docket No. 55. Through the Application, the Trustee seeks to employ CYM as special litigation counsel pursuant to 11 U.S.C. §§ 327(a) and (c) to litigate to conclusion the Malpractice Action, the Counterclaim and the UVTA Action. *See id.*

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**      **Jonathan Alan Stein**  
at fn. 4.

**Chapter 7**

*The Adversary Actions*

On June 23, 2023, the Tribe filed that *Complaint for Determination that Debt is Excepted from Discharge Under 11 U.S.C. § 523, and Denial of Discharge Under 11 U.S.C. § 727* (the "Tribe Adversary"). See Docket No. 63. The Tribe, through the Tribe Adversary seeks to except from the Debtor's discharge the Judgment pursuant to 11 U.S.C. §§ 523(a)(2)(A), 523(a)(4), and 523(a)(6), and to deny the Debtor a discharge from any obligations as of the Petition Date pursuant to 11 U.S.C. §§ 727(a)(3) and 727(a)(4). See *id.*

On December 13, 2023, the Debtor filed that *Initial Complaint by Debtor Jonathan Stein and Demand for Jury Trial* (the "Stein Adversary"). See Docket No. 161. The Stein Adversary was filed as against CYM, certain of CYM's partners individually, and the Tribe for (1) declaratory relief as to the Tribe's capacity to maintain actions in this Bankruptcy Case, the Idaho District Court and the SB State Court, (2) violation of the automatic stay, (3) violation of the anti-alienation provisions of the ERISA Act and ERISA plan, (4) equitable action to dissolve preliminary injunction on ERISA plan assets, (5) assault, (6) intentional infliction of physical harm and emotional distress, (7) willful misconduct, (8) elder abuse violations, (9) malicious prosecution, (10) abuse of process, (11) intentional interference with contract, and (12) violation of Cal. Bus. & Prof. Code § 6129. See *id.*

On January 19, 2024, the Trustee filed that *Complaint to Deny Discharge Pursuant to 11 U.S.C. §§ 727(a)(2)(A), (a)(2)(B), (a)(4)(A), (a)(4)(D), and (a)(6)(A)* (the "Trustee Adversary"). See Docket No. 170. The Trustee Adversary seeks denial of the Debtor's discharge through sixteen (16) causes of action under 11 U.S.C. §§ 727(a)(2)(A), 727(a)(2)(B), 727(a)(3), 727(a)(4)(A), 727(a)(4)(D), and 727(a)(6)(A). See *id.*

*The 9019 Order*

On July 3, 2023, the Trustee filed *Chapter 7 Trustee's Motion to Approve Compromise with Gabrielino-Tongva Tribe Including Partial Subordination and Release of Claims* (the "9019 Motion"). See Docket No. 65. Through the 9019 Motion the Trustee ultimately sought approval of a settlement agreement reached among the Trustee and the Tribe, which agreement was memorialized through that

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

*Amended Subordination Agreement and Release* (the "Agreement"). *See id.* at *Exhibit 1*. The Agreement addresses the liens of the Tribe against the Debtor's estate's personal and real property, reduces the Tribe's unsecured claim by \$200,000, and discounts any fees to be charged by CYM for prosecution of the Malpractice Action, Counterclaim and UVTA Action by \$25,000 should the Court approve CYM's employment by the Trustee to prosecute said actions. *See* Docket No. 111, *Exhibit 1*. Upon approval of the 9019 Motion, the Tribe would be deemed to have valid and unavoidable liens against the Debtor's estate's interest in the Murrell and Kirk properties, and a valid and unavoidable lien against the Debtor's estate's personal property, subject to a sharing of any recoveries on the Counterclaim and the UVTA Action between the Debtor's estate and the Tribe on its liens. *See id.* The Agreement also provided a release to the Tribe and CYM from the Trustee and the Debtor's bankruptcy estate for any claims that "may have arisen prior to the Petition Date," but "[t]he Estate is not releasing any rights held by the Estate, or any other party-in-interest in this case, to seek disallowance of the Tribe's Claim, including filing any objection to such claim after the California Supreme Court rules on the Petition for Review." *See id.* On February 21, 2024, the Court entered that *Order Granting Chapter 7 Trustee's Motion to Approve Compromise with Gabrielino-Tongva Tribe Including Partial Subordination and Release of Claims* (the "9019 Order"), granting the 9019 Motion. *See* Docket No. 177.

Analysis

"A bankruptcy court's decisions regarding the employment and qualification of professionals are reviewed for abuse of discretion." *In re Tevis*, 347 B.R. 679, 685 (9th Cir. BAP 2006)(internal citations omitted).

*11 U.S.C. § 327(a)*

Section 704(a)(1) of the Bankruptcy Code provides that, as one of their duties, "[t]he trustee shall [] collect and reduce to money the property of the estate for which such trustee serves..." 11 U.S.C. § 704(a)(1). Pursuant to 11 U.S.C. § 327(a), "the trustee, with the court's approval, may employ one or more attorneys [] that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title."

"Section 327(a) requires the application of a two-pronged test for the employment of



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

professional persons. A [] trustee may employ attorneys with court approval only if (1) they do not hold or represent an interest adverse to the estate, and (2) they are disinterested persons." *In re Tevis*, 347 B.R. at 687.

"The term 'adverse interest' is not defined in the Bankruptcy Code. The reported cases have defined what it means to hold an adverse interest as follows: (1) to possess or assert any economic interest that would tend to lessen the value of the bankruptcy estate or that would create either an actual or potential dispute in which the estate is a rival claimant; or (2) to possess a predisposition under circumstances that render such a bias against the estate." *In re Tevis*, 347 B.R. at 688 (internal citations omitted).

"Whether an interest is 'materially adverse' necessarily requires an objective and fact-driven inquiry." *In re AFI Holding, Inc.*, 530 F.3d at 848 (internal citations omitted).

"To represent an adverse interest means to serve as an attorney for an entity holding such an adverse interest." *Id.* (internal citations omitted). "Section 327(a) has been interpreted 'to mean that the attorney must not represent an adverse interest relating to the services which are to be performed by that attorney.'" *In re Hummer Transportation*, 2014 WL 412534 at \*4 (citing *In re Fondiller*, 15 B.R. 890, 892 (9th Cir. BAP 1981)).

A disinterested person is defined as a person that (A) is not a creditor, an equity security holder, or an insider; (B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and (C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason." 11 U.S.C. § 101(14). Section 101(14)(C) is referred to as a catch-all clause. "The purpose of the catch-all clause is to prevent a conflict even if the professional person under consideration promises to report such conflict if it arises." 3 *Collier on Bankruptcy* ¶ 327.04 2[a][iii][E] (Richard Levin & Henry J. Sommer eds., 16th ed)(internal citations omitted). "Caution must be exercised to avoid the application of the catch-all provision to the detriment of the case." *Id.*

"The Code's definition of disinterestedness 'covers not only actual impropriety, but the appearance of impropriety as well.'" *In re AFI Holding, Inc.*, 530 F.3d 832, 850 (9th Cir. 2008)(internal citations omitted). "For the purposes of disinterestedness, a lawyer has an interest materially adverse to the interest of the estate if the lawyer

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

either holds or represents such an interest." *Id.* at 848. "'A person who is not disinterested as that term is defined in §101(14) is disqualified from acting as a professional for the estate.'" *In re Hummer Transportation*, 2014 WL 412534 \*4 (Bankr. E.D. Cal. 2014)(citing *In re Capitol Metals Co., Inc.*, 228 B.R. 724, 726-727 (9th Cir. BAP 1998)). In terms of disinterestedness, it appears to the Court that 11 U.S.C. § 101(14)(C) is the only subpart at issue in the Application.

"There is, as courts have observed, an overlap between 'disinterestedness' and 'interest adverse.'" 3 *Collier on Bankruptcy* ¶ 327.04 2[b] (Richard Levin & Henry J. Sommer eds., 16th ed)(internal citations omitted). "Some courts have held that the two tests are fundamentally the same." *Id.*

CYM represents the Tribe, and the Tribe is a creditor of the Debtor's estate, the largest creditor, in-fact.

The analysis in this Bankruptcy Case, as to the Application, it seems to the Court, must start with setting the table with what CYM is being tasked with by the Trustee were the Application approved. Employment by the Trustee as general insolvency counsel involves different issues than employment for other limited purposes. Here, the Trustee is seeking solely to employ CYM for the limited purpose of litigating to conclusion the Malpractice Action, the Counterclaim and the UVTA Action, akin to employment of special counsel by the debtor under 11 U.S.C. § 327(e). *See* Docket No. 55, fn. 4., and *Declaration of Armen Manasserian*, p. 12, lines 15-19.

Keeping the limited tasks CYM is to perform under the Application in mind, the Court will determine whether CYM has an adverse interest to the Debtor's bankruptcy estate and is disinterested.

The Court finds that CYM does not have an economic interest that conflicts with the Debtor's bankruptcy estate or the Tribe. First, CYM has no claim against the Debtor's estate. Second, CYM is receiving no retainer to complete these services. Third, the sole source for payment of CYM's fees and costs will be the Debtor's estate. Fourth, as the Debtor's estate has little to no cash, the recoveries from the Counterclaim and the UVTA Action are the sole source from which the Debtor's estate can pay for the services to-be rendered by CYM. CYM has no economic interest that would tend to lessen the value of the Debtor's bankruptcy estate or that would create either an actual or potential dispute in which the estate is a rival

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

claimant. In fact, CYM's efforts would, if successful, add value to the Debtor's estate.

It is also important to note that the Tribe has secured, unavoidable liens in the recoveries of the Counterclaim and the UVTA Action, and through the Agreement has partially subordinated these liens in favor of the Debtor's estate's unsecured creditors. *See* Docket No. 111, *Exhibit 1*. The Trustee, the Tribe and CYM were all parties to the Agreement, which sets forth the distribution of any recoveries from this litigation. The Trustee believes that after payment of administrative expenses, there will be substantial recoveries from these actions for the Debtor's estate outside the Tribe's secured claims. *See* Docket No. 111, p. 17, lines 7-9. The Tribe apparently believes the same. CYM stands to benefit from any recoveries from the litigation in the form of a fee. The Tribe's, CYM's, and the Debtor's other unsecured creditors' interests are aligned in seeking to liquidate these litigation assets.

Sun argues that the Tribe owes CYM for legal fees in its representation of the Tribe, but it is unclear how any monies owed by the Tribe to CYM for legal fees presents an economic conflict, or any conflict for that matter, with the interests of the Debtor's bankruptcy estate. *See In re Hummer Transportation*, 2014 WL 412534 at \*4-5. The Tribe is not entitled to any more under the 9019 Order or the Agreement because of any monies that may be owed to CYM. In fact, if CYM is owed legal fees by the Tribe, this would seem to only incentivize CYM's efforts to obtain as much from the Counterclaim and UVTA Action as possible.

Sun argues that there could be a global resolution of the Malpractice Action, the Counterclaim and the UVTA Action, and that CYM would be presented with a conflict of interest in how any settlement payment is apportioned among the Tribe and the balance of the Debtor's bankruptcy estate under the Agreement. *See* Docket No. 185, pp. 9-10. The Court disagrees. CYM represented the Tribe in the Malpractice Action, the Counterclaim and the UVTA Action prior to and after the Petition Date, but the Agreement specifically contemplates the Trustee substituting in the Tribe's place in the Malpractice Action, the Counterclaim and the UVTA Action. CYM would then be employed as counsel to the Trustee in these matters. The Trustee, for the Debtor's bankruptcy estate, has the sole authority regarding any of the litigation actions, including settlement. Neither the Tribe, Sun nor CYM has any authority to make any decisions on behalf of the Debtor's estate regarding the Malpractice Action,

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT...

**Jonathan Alan Stein**

**Chapter 7**

the Counterclaim or the UVTA Action. What is more, "problems as to settlement are 'systematic to § 327(c), applying to every instance where a creditor's attorney is employed by the Chapter 7 Trustee.'" *In re Hummer Transportation*, 2014 WL 412534 at \*6. The Court, however, is satisfied that the notice procedures of Fed. R. Bankr. P. 9019 and the fact that the Trustee will replace the judgment of the Tribe in resolving the litigation at issue work to quell this concern.

Lastly, CYM does not possess a predisposition under circumstances that render a bias against the Debtor's bankruptcy estate. Again, interests are aligned as between the Debtor's estate, the Tribe, and by extension, CYM. The Debtor and Sun believe that CYM "have such a deep-seated dislike or even hatred of [the Debtor] that such attorneys cannot uphold the 'objectivity' requirement for special counsel under Section 327." *See* Docket No. 185, p. 15, lines 15-19. Even if this is true, it is the Trustee that will make any decisions regarding the Malpractice Action, the Counterclaim and the UVTA Action, and not CYM.

The Court is also mindful of the fact that the only parties-in-interest that opposed the Application were the Debtor and Sun, both of whom are targets of certain of the underlying litigation.

The Court finds that employment would be appropriate under 11 U.S.C. § 327(a), as CYM does not hold or represent an adverse interest to the Debtor's bankruptcy estate and is disinterested. However, when an applicant for employment by a trustee has been, or is currently employed by a creditor, and a creditor or the Office of the United States trustee opposes the application, 11 U.S.C. § 327(c) applies. While "[t]his provision prevents disqualification based solely on the professional's prior representation of or employment by a creditor—it 'does not preempt the more basic requirements of subsection (a).'" *In re Arochem Corp.*, 176 F.3d 610, 621 (2nd Cir. 1999)(citing *In re Interwest Business Equip.*, 23 F.3d 311, 316 (10th Cir. 1994)).

*11 U.S.C. § 327(c)*

Pursuant to 11 U.S.C. § 327(c), "a person is not disqualified for employment under this section solely because of such person's employment by or representation of a creditor, unless there is objection by another creditor or the United States trustee, in which case the court shall disapprove such employment if there is an actual conflict of interest." "When 'the trustee seeks to appoint counsel only as special counsel for a

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT...

**Jonathan Alan Stein**

**Chapter 7**

specific matter, there need only be no conflict between the trustee and counsel's creditor client with respect to the specific matter itself." *In re Hummer Transportation*, 2014 WL 412534 at \*5 (citing *Stoumbos v. Kilimnik*, 988 F.2d 949, 964 (9th Cir. 1993)); see also *In re Arochem Corp.*, 176 F.3d at 622. "Thus, where the interest of the special counsel and the interest of the estate are identical with respect to the matter for which special counsel is retained, there is no conflict and the representation can stand." *In re Hummer Transportation*, 2014 WL 412534 at \*5 (citing *In re AroChem Corp.*, 176 F.3d at 622). "A conflict of interest is 'actual and warrants disqualification under § 327(c) if there is active competition between two interests, in which one interest can only be served at the expense of the other.'" *Id.* (citing *In re Johnson*, 312 B.R. 810, 822 (E.D. Va. 2004)). "When 'an attorney is employed by both the trustee and a creditor, there is no actual conflict of interest' warranting disqualification unless (i) the interests of the trustee and the creditor are in fact directly conflicting or (ii) the creditor is actually afforded a preference that is denied to other creditors.'" *Id.*

Here, CYM represents the Tribe as a creditor in this Bankruptcy Case and represented the Tribe as plaintiff in the Counterclaim and the UVTA Action. However, the Trustee is now the appropriate plaintiff in all the underlying litigation, and so CYM now represents the Tribe as a creditor that will receive a distribution from any recoveries from the Counterclaim and UVTA Action. As to the Malpractice Action, the Counterclaim and the UVTA Action, CYM's aim is singular, to represent the Trustee in an attempt to obtain judgments favorable to the Debtor's estate, which includes the Tribe.

What is more, the Tribe's and the Debtor's estate's interests in the distribution of the Counterclaim and the UVTA are defined through the Agreement and the 9019 Order. The Tribe and the balance of the Debtor's estate share a common interest in the outcome of the Malpractice Action, the Counterclaim and the UVTA Action. There is no preference afforded either the Tribe or the balance of the Debtor's estate that has not already been negotiated and approved by this Court through the 9019 Order.

The Stein Adversary presents no conflict here. First, the Agreement and the 9019 Order resolve any claims against CYM for any pre-petition causes of action from the Stein Action. Second, whatever claims Stein personally has against CYM for post-petition conduct of CYM and the Tribe are separate and apart from the Malpractice

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... **Jonathan Alan Stein**

Chapter 7

Action, the Counterclaim and the UVTA Action.

Similarly, the Tribe Adversary presents no actual conflict of interest. Both the Tribe Adversary and the Trustee Adversary seek to deny the Debtor a discharge pursuant to 11 U.S.C. § 727. The Tribe Adversary also seeks denial of the Debtor's discharge under 11 U.S.C. § 523. Denial of the Debtor's discharge has no impact on the Malpractice Action, the Counterclaim or the UVTA Action. The Counterclaim and the UVTA Action relate to specific assets that the Trustee believes should be transferred to the Debtor's bankruptcy estate for distribution in accordance with, *inter alia*, the Agreement. As noted, the interests of the Tribe and the balance of the Debtor's bankruptcy estate are aligned in those matters, including through application of the Agreement and the 9019 Order. Additionally, 11 U.S.C. § 727(a) "is a blanket prohibition against a debtor's discharge, that protects the rights of all creditors of the debtor at issue." *In re de Armond*, 240 B.R. 51, 55 (Bankr. C.D. Cal. 1999)(citing *In re Chalasani*, 92 F.3d 1300, 1309 (2nd Cir. 1996)). "The denial of a discharge under § 727 benefits all the creditors of the bankruptcy estate equally." *Id.* "A creditor who joins a § 727 claim with a § 523 claim wears two hats: a fiduciary hat for the § 727 claim, which is brought on behalf of all creditors, and an individual hat for the § 523 claim. In settling the litigation, the creditor may not disregard the fiduciary hat." *Id.* at 57. "Having assumed fiduciary duties to those creditors, the plaintiff may not now dismiss the § 727 claim in exchange for a settlement of the § 523 claim if the settlement will benefit solely the plaintiff." *Id.* at 58. The Tribe and the Debtor's bankruptcy estate are aligned in the furtherance of the Tribe Adversary in that the Tribe Adversary, because it has joined a cause of action under 11 U.S.C. § 727, is being advanced for the benefit of all creditors of the Debtor's bankruptcy estate, and not just the Tribe.

Sun argues that CYM would become a lienholder under its retention agreement with the Trustee, which would pose an actual conflict of interest with the Debtor's bankruptcy estate. *See* Docket No. 185, p. 25, lines 8-18. The Court does not follow. At worst, CYM would have an administrative expense priority claim, senior in position for distribution to all but other administrative expense and secured creditors. *See* 11 U.S.C. § 726(a)(1). No secured or administrative expense creditor has opposed the Application. For Sun's part, she claims to be an unsecured creditor. *See* Claim No. 10. Whether an administrative claim or secured claim, CYM's approved



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

fees would be senior in priority to Sun's claim.

Sun argues that the scope of employment is too broad in that CYM is being employed to, perhaps, "su[e] other parties and instigat[e] other lawsuits" other than the Malpractice Action, the Counterclaim and the UVTA Action. *See* Docket No. 185, pp. 28-29. The Court's understanding is that the Application relates to the employment of CYM for the sole purpose of litigating to conclusion the Malpractice Action, the Counterclaim and the UVTA Action, but excluding the Debtor's claimed exemption in a defined benefit retirement plan. *See* Docket No. 55, *Declaration of Armen Manasserian*, p. 12, lines 15-19. With this limited scope, the Court disagrees with Sun's description of the breadth of CYM's employment.

Sun argues that the Trustee's Adversary and the UVTA Action include overlapping facts, and so there will be double-billing by the Trustee's general insolvency counsel and that of CYM. *See* Docket No. 185, p. 30, lines 3-14. Any fees and costs of CYM or general insolvency counsel to the Trustee will be subject to appropriate application, on notice to all creditors, pursuant to 11 U.S.C. § 330. Both sets of counsel are aware of the application of 11 U.S.C. § 330, and both understand that only reasonable, actual and necessary fees and costs are to be reimbursed by the Debtor's bankruptcy estate. While there may necessarily be some duplication of effort, the Court expects that the two firms will work to ensure that such duplication is minimized. Further, Sun fails to highlight the fact that CYM has spent years litigating against the Debtor on behalf of the Tribe. CYM comes to the case with years' long knowledge that any other law firm would have to get up to speed on. The Trustee's employment of CYM in the Malpractice Action, the Counterclaim and the UVTA Action should in-fact be less expensive than simply employing a law firm new to the facts at issue and the underlying cases themselves. Sun fails to mention that CYM is reducing substantially its hourly rates, and taking a voluntary reduction of \$25,000 from any fees awarded. Sun also fails to mention that CYM is agreeable to being employed without a retainer, and with only litigation recoveries to be paid from. The Trustee could find it difficult to replace CYM at this stage in the proceedings to be employed under similar contingencies, and it would likely be more expensive for the estate.

Sun argues that an actual conflict exists because one or more members of CYM will be material fact witnesses as to an Exhibit O to the compliant at issue in the UVTA Action. *See id.* at pp. 30-31. Sun argues that CYM forged the Exhibit O. *See id.* at p.

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

30, lines 25-26. However, Sun has already withdrawn her objection to the authenticity of Exhibit O in the UVTA Action after the Tribe filed a copy of Exhibit O "with a Secretary of State stamp on its back. *See* Docket No. 191, *Response to Linda Stein's Objection to Trustee's Application to Employ Chora Young & Manasserian, LLP as Special Counsel, Exhibit 3*, pp. 1-2. Sun has not shown that CYM or any of its members will be material witnesses in the UVTA Action.

The Court finds no actual conflict of interest. The Court finds that employment of CYM under 11 U.S.C. § 327(c) would be appropriate.

*Rule 2014*

Pursuant to Fed. R. Bankr. P. 2014, an order authorizing the employment of a professional under 11 U.S.C. § 327 must be preceded by an application of the trustee that states "to the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee."

Sun argues that the Application fails to satisfy Fed. R. Bankr. P. 2014 because it is not accompanied by a declaration outlining the issues she believes to present actual conflicts of interest as between CYM and the Debtor's bankruptcy estate. *See* Docket No. 185, p. 17, lines 11-19. The *Declaration of Armen Manasserian* provides that CYM "[a]s of the Petition Date, [] represented the Tribe as a secured creditor," and on the Tribe's behalf, "filed proof of claim number 1-1." *See* Docket No. 55, p. 18, lines 12-15. It is clear to all in this Bankruptcy Case that CYM has represented the Tribe prior to the Petition Date, and afterwards. The Application meets Fed. R. Bankr. P. 2014.

*Conclusion*

The Application is granted. The Trustee is to upload a conforming order within seven (7) days.

**June 18, 2024**



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein  
Appearances waived.**

**Chapter 7**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Movant(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

**#64.00** CONT'D Hearing  
RE: [155] Motion to Avoid Lien judicial liens with Gabrielino-Tongva Tribe  
Judgment Creditor vol 1 Table Decla and Exhibits 1 to 19 # 2 Volume(s) vol 2  
Table Decla and Exhibits 20 to 27 # 3 Proposed Order # 4 Affidavit Proof of  
service) (Stein, Jonathan)

FR. 1-23-24, 3-5-24, 5-7-24, 5-22-24, 6-18-24, 7-9-24

Docket 155

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**July 9, 2024**

**Appearances waived.**

This matter is specially set to be heard on July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**May 7, 2024**

**Appearances waived.**

This matter is continued to May 22, 2024, at 10:00 a.m.

**March 5, 2024**

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Appearances required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Movant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

**#65.00** CONT'D Hearing  
RE: [194] Motion to Abandon 1% Remainderman Interests in Golden Chose In  
Actions. Jonathan)

FR. 5-22-24, 6-18-24

Docket 194

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 21, 2024**

**Appearances waived. This matter is continued to June 18, 2024, at 1:00 p.m. by stipulation**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Movant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein  
Jonathan Stein

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Trustee(s):**

Jerry Namba (TR)

Represented By

Laila Masud

Sarah Rose Hasselberger

D Edward Hays

Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

**#66.00** CONT'D Hearing  
RE: [210] Objection to Debtor's Claim of Exemptions Notice of Motion and Motion Objecting to Debtor's Claimed Exemptions and For Turnover with Proof of Service . (Hays, D)

FR. 6-18-24, 7-9-24

Docket 210

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**July 9, 2024**

**Appearances waived.**

This matter is specially set to be heard on July 18, 2024, at 1:00 p.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01023 Gabrielino-Tongva Tribe v. Stein

**#67.00** CONT'D Hearing  
RE: [73] Motion To Compel Depositions and Award Sanctions (Stein, Jonathan)

FR. 5-8-24, 5-22-24, 6-18-24

Docket 73

**Tentative Ruling:**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**May 8, 2024**

**Appearances waived.**

This matter is continued May 22, 2024, at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Jonathan Alan Stein

Represented By

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

Jonathan Stein

**Movant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Plaintiff(s):**

Gabrielino-Tongva Tribe

Represented By  
Paul P Young  
Nikko Salvatore Stevens  
Armen Manasserian  
Joseph Chora

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01023 Gabrielino-Tongva Tribe v. Stein

**#68.00** CONT'D Hearing  
RE: [83] Motion for Protective Order with proof of service

FR. 5-22-24, 6-18-24

Docket 83

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Movant(s):**

Gabrielino-Tongva Tribe

Represented By  
Paul P Young  
Nikko Salvatore Stevens  
Armen Manasserian  
Joseph Chora

**Plaintiff(s):**

Gabrielino-Tongva Tribe

Represented By  
Paul P Young  
Nikko Salvatore Stevens  
Armen Manasserian  
Joseph Chora

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01023 Gabrielino-Tongva Tribe v. Stein

**#69.00** CONT'D Status Hearing  
RE: [1] Adversary case 9:23-ap-01023. Complaint by Gabrielino-Tongva Tribe against Jonathan Alan Stein. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Stevens, Nikko)

FR. 8-23-23, 12-13-23, 3-6-24, 3-20-24, 6-5-24, 6-18-24

Docket 1

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**June 5, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024, at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

The Court has reviewed the *Joint Status Report*. See Docket No. 67.

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... Jonathan Alan Stein

Chapter 7

**March 6, 2024**

**Appearances waived.**

The Court finds no status conference report. The Court continues the status conference to March 20, 2024 at 10:00 a.m. so that a joint status report may be filed to inform the Court of the status of the litigation.

**December 13, 2023**

**Appearances required.**

See Calendar Item 15.

**August 23, 2023**

**Appearances required.**

The Court has reviewed the *Joint Status Report*. See Docket No. 10. The Court will establish the discovery cutoff as January 31, 2024, including the time by which responses to any served discovery are required to be provided. The Court will continue the status conference to December 13, 2023 at 10:00 a.m., at which time the Court will set the matter for trial in March 2024.

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Plaintiff(s):**

Gabrielino-Tongva Tribe

Represented By  
Paul P Young

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

Nikko Salvatore Stevens  
Armen Manasserian  
Joseph Chora

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

9:23-10174 Jonathan Alan Stein

Chapter 7

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#70.00** CONT'D Hearing  
RE: [6] Motion Real Party-In-Interest Trustee's Notice of Motion and Motion to Dismiss Claim 1 and Claims 3 through 12 Inclusive of Initial Complaint by Debtor Jonathan Stein Filed December 12, 2023 with Proof of Service (Hays, D)

FR. 2-7-24, 2-21-24, 3-20-24, 5-22-24, 6-18-24

Docket 6

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**Background**

On March 10, 2023 (the "Petition Date"), Jonathan Alan Stein (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the United States Code. See Case No. 9:23-bk-10174-RC, Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*.

On August 18, 2023, Jerry Namba (the "Trustee"), the duly appointed Chapter 7 trustee, the Gabrielino-Tongva Tribe (the "Tribe"), and Chora Young & Manasserian LLP ("CYM") entered into that *Amended Subordination Agreement and Release* (the "Agreement"). See Docket No. 111, *Exhibit 1*. The Agreement provides that upon the Court's approval of the Agreement:

[T]he Estate shall release the Tribe, its officers, directors, shareholders, representatives, employees, lawyers, including the law firm of CYM, and CYM's attorneys, shareholders, officers, directors, and employees from any and all interests, rights, claims, judgments, demands, controversies, debts, duties, obligations, promises, contributions, indemnities, recoupments, amounts, disgorgements, damages, accounts, payments, costs, expenses, sums of money, acts, suits,

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT...

**Jonathan Alan Stein**

**Chapter 7**

actions, causes of action, actual, alleged, or potential liabilities of every nature, at law and in equity, whether in tort, contract, equity, or otherwise, or arising pursuant to any state or federal statute, rule or regulation, including, without limitation, the federal bankruptcy statutes, the California Civil Code, the California Corporate Code, or other California Code or law, and including any claim arising out of a direct, derivative, or vicarious liability in any form, whether known or unknown, suspected or unsuspected, and whether matured contingent or disputed (collectively, the "Estate Claims"), that Estate has, or may have arisen prior to the Petition Date, against the Tribe and CYM. The Estate is not releasing any rights held by the Estate, or any other party-in-interest in this case, to seek disallowance of the Tribe's Claim, including filing any objection to such claim after the California Supreme Court rules on the Petition for Review.

*See id.* at Bates stamped p. 23 (the "Release").

On February 21, 2024, the Court entered that *Order Granting Chapter 7 Trustee's Motion to Approve Compromise with Gabrielino-Tongva Tribe Including Partial Subordination and Release of Claims* (the "Order"). *See* Docket No. 177. Pursuant to the Agreement, the Release became effective upon entry of the Order, thereby affording the Tribe and CYM with a release of claims of the Debtor's bankruptcy estate that arose prior to the Petition Date with the exception of any objections to the Tribe's claims against the Debtor's estate.

On December 13, 2023, the Debtor filed that *Initial Complaint by Debtor Jonathan Stein* (the "Complaint") as against Armen Manasserian, Paul Young, Chora Young & Manasserian LLP ("CYM"), Sandonne Goad ("Goad"), and the Gabrielino Tongva Tribe (the "Tribe"). *See* Case No. 9:23-ap-01066-RC, Docket No. 1. [FN1] The Complaint contains twelve (12) causes of action: (1) Declaratory Relief Regarding Gabrielino-Tongva Tribe (the "Tribe") Having No Legal Capacity; (2) Violations of the Automatic Stay; (3) Violations of the ERISA Act; (4) Equitable Relief to Dissolve a Preliminary Injunction on ERISA Plan Assets; (5) Assault; (6) Intentional Infliction of Physical Harm and Emotional Distress; (7) Willful Misconduct; (8) Elder Abuse; (9) Malicious Prosecution; (10) Abuse of Process; (11) Intentional Interference with Contract; and (12) Negligence Per Se: Violation of California Business and

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT...

**Jonathan Alan Stein**

**Chapter 7**

Professional Code §6129. *See id.* The Complaint provides as to each cause of action that they are "owned by the Debtor and not the Trustee..." *See e.g.*, p. 18, lines 25-26.

On January 16, 2024, prior to the entry of the Order, the Trustee filed that *Notice of Substitution of Chapter 7 Bankruptcy Trustee Jerry Namba for Plaintiff as Real Party-In-Interest with Respect to Eleven Claims* (the "Notice of Substitution"). *See* Docket No. 5. On January 16, 2024, the Trustee filed that *Real Party-In-Interest Trustee's Notice of Motion and Motion to Dismiss Claims 1 and Claims 3 through 12 Inclusive of Initial Complaint by Debtor Jonathan Stein* (the "Trustee's MTD"). *See* Docket No. 6. Through the Trustee's MTD, the Trustee alleges that causes of action one (1) and three (3) through twelve (12) of the Complaint constitute property of the estate, as they arose pre-petition. *See id.* at p. 1, lines 3-6. The Trustee seeks to have the causes of action that constitute property of the estate dismissed pursuant to Fed. R. Civ. P. 41, because these causes of action were improperly brought by the Debtor without the authority to do so, the Trustee believes these causes of action "are without merit," the Trustee believes that these causes of action have little value that "would be far outweighed by the cost of litigation," and these causes of action have all been released through the Release. *See id.* at p. 4, lines 1-13.

On January 16, 2024, the Tribe, CYM, Armen Manasserian, Paul Young, and Goad filed that *Motion to Dismiss Complaint* (the "Tribe's MTD"). *See* Docket No. 10. As with the Trustee's MTD, the Tribe's MTD was filed prior to the entry of the Order.

On February 14, 2024, the Debtor filed *Debtor's Response to Trustee Motion to Dismiss*. *See* Docket No. 46. On March 13, 2024, the Trustee filed that *Omnibus Reply of Trustee's Motion to Dismiss Claim 1 and 3 through 12, Inclusive*. *See* Docket No. 67.

*Analysis*

Pursuant to 11 U.S.C. § 541(a)(1), "[t]he commencement of a [bankruptcy case] creates an estate," comprised of "all legal or equitable interests of the debtor in property as of the commencement of the case." Assets of the estate include any causes of action. *See Cusano v. Klein*, 264 F.3d 936, 945 (9th Cir. 2001)(citing *Sierra Switchboard Co. v. Westinghouse Elec. Corp.*, 789 F.2d 705, 708 (9th Cir. 1986)). Pursuant to 11 U.S.C. § 323(a), "[t]he trustee in a case under this title is the



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

representative of the estate." Pursuant to 11 U.S.C. § 323(b), "[t]he trustee in a case under this title has capacity to sue and be sued." "[T]he bankruptcy code endows the bankruptcy trustee with the exclusive right to sue on behalf of the estate." *Spirtos v. San Bernardino Superior Court Case Numbered SPR 02211*, 443 F.3d 1172, 1176 (9th Cir. 2006); *see also In re Eisen*, 31 F.3d 1447 (9th Cir. 1994).

Pursuant to Fed. R. Bankr. P. 7041, "Rule 41 F.R.Civ.P. applies in adversary proceedings..." Pursuant to Fed. R. Civ. P. 41(a)(1), "the plaintiff may dismiss an action without court order by filing [] a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Pursuant to Fed. R. Civ. P. 41(a)(2), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."

In the instant case, the parties agree that the second cause of action of the Complaint, the purported violations of the stay, should survive as causes of action the Debtor may litigate. The Trustee also seems to agree that the ninth cause of action, to the extent it relates solely to pre-petition conduct, and where judgment was not entered until after the Petition Date, should survive as a cause of action that the Debtor may litigate. *See* Docket No. 9, pp. 14-15; *see* Docket No. 46, pp. 21-22.

The first procedural question that then arises is, how may the Court parse out the Trustee's MTD where the Trustee must replace the Debtor as the plaintiff of the Complaint, but where certain causes of action are to survive with the Debtor as the plaintiff? The second procedural question relates to the timing of the entry of the Order, which affects the Complaint in material ways. As to the Tribe's MTD, it seems to the Court that the most logical path to eliminating all but causes of action 1, 2, 4, 9 and possibly 11 is to apply the terms of the Agreement and Order. The Agreement and Order, however, because of the timing of their entry, were not grounds that the Trustee or the Tribe has to move under to dismiss the Complaint. The Order, now, however, is a final, non-appealable order that in the Court's view resolves certain of the Complaint's causes of action.

The Order, and the Release that the Order approves, dispenses with the third, fifth, sixth, seventh, eighth, tenth, eleventh (in part), and twelfth causes of action of the Complaint. As noted, the Release provides a broad release of CYM and the lawyers of CYM for claims of the Debtor's estate that arose prior to the Petition Date. The

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT...

**Jonathan Alan Stein**

**Chapter 7**

Order also releases the Tribe and its officers, directors, shareholders, representatives, and employees for claims of the Debtor's estate that arose prior to the Petition Date. Goad, according to the Complaint, was "formerly the head of [the Tribe]." *See* Docket No. 1, p. 4, lines 11-12. What the Debtor means by Goad being the "head" of the Tribe is unclear, but it appears that Goad was at all relevant times at least a representative of the Tribe, and so covered by any actions released under the Release.

The Complaint's third cause of action relates to the Tribe's, Goad's and CYM's alleged "caus[ing] of the Los Angeles County Sheriff to levy upon the ERISA Plan Fidelity brokerage account, in violation of federal and California law." *See* Docket No. 1, pp. 19-20. This conduct occurred prior to the Petition Date, and so has been released through the Release. *See id.* at p. 12, lines 10-15 ([The Tribe] and its attorneys unlawfully levied upon the ERISA Plan in 2021" and "[The Tribe] and its attorneys filed another Sheriff's levy in 2023, which lead directly to this Chapter 7 filing by Debtor").

The Complaint's fifth cause of action relates to CYM's lawyer's alleged pre-petition assault of the Debtor. *See id.* at pp. 21-22; *see also* pp. 14-15 (alleged assault occurred on March 7, 2023). The pre-petition alleged assault is subject to the Release and the Order.

The Complaint's sixth cause of action relates to the tort of intentional infliction of emotional stress by CYM and its lawyers, and Goad based on alleged conduct prior to the Petition Date. *See id.* at pp. 22-23. Again, this alleged pre-petition conduct is subject to the Release and the Order.

The Complaint's seventh cause of action relates to alleged conduct of CYM, its lawyers and Goad in relation to "debtors exams and depositions." *See id.* at pp. 23-24. The only debtors' examinations of the Debtor that the Court can make out from the Complaint occurred prior to the Petition Date, beginning on June 23, 2022, August 3, 2022, and March 7, 2023. *See id.* at p. 14, lines 1-2, 8-9, and 27-28. These examinations occurred prior to the Petition Date, and so are subject to the Release and the Order.

The Complaint's eighth cause of action relates to alleged elder abuse of CYM, its lawyers and Goad. *See id.* at pp. 24-25. All the facts set forth in the eighth cause of

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

action of the Complaint relate to pre-petition issues, and, therefore, are subject to the Release and the Order. *See id.* at p. 24, lines 14-21.

The Complaint's tenth cause of action relates to alleged abuses of process of CYM, its lawyers and Goad. *See id.* at pp. 26-27. The only facts listed relate to the alleged "sheriff's levies in Iowa and California." *See id.* at p. 26, lines 21-23. Two of the alleged levies allegedly took place in September 2020 and on November 6, 2020, in Iowa. *See id.* at pp. 10-11. Two other alleged levies allegedly took place in California in 2021 and 2023, prior to the Petition Date. *See id.* at p. 12, lines 10-14. These alleged levies allegedly took place prior to the Petition Date, subjecting them to the Release and the Order.

The Complaint's eleventh cause of action relates to the alleged interference by the CYM, its lawyers, and Goad. *See id.* at pp. 27-28. The allegation is that "[t]here was a valid contract between [the Debtor] and each of his attorneys," and the defendants' "conduct prevented performance, or made performance more expensive or difficult, for one or more attorney contracts." *See id.* at p. 27, lines 12-15. The Complaint alleges that the efforts of the defendants were aimed at "stripping the Debtor or Hong Sun of chosen counsel." *See id.* at p. 10, lines 14-16. First, it is unclear, and not alleged that the Debtor is entitled to a cause of action against the defendants for damages caused to Hong Sun, a non-debtor and non-party to the Complaint. Second, as to any prior counsel to the Debtor that the Complaint's eleventh cause of action relate to, it is not clear the timeframes within which these alleged actions occurred. To the extent any of these actions occurred prior to the Petition Date, the Release and Order are triggered.

The Complaint's twelfth cause of action relates to the alleged application of Cal. Bus. & Prof. Code § 6129. *See id.* at pp. 28-29. Pursuant to Cal. Bus. & Prof. Code § 6129, "[e]very attorney who, either directly or indirectly, buys or is interested in buying any evidence of debt or thing in action, with intent to bring suit thereon, is guilty of a misdemeanor." "The purpose of the statute, as is that of champerty laws in general, is to prevent the officious fomenting of litigation." *Martin v. Freeman*, 216 Cal.App.2d 639, 643 (1963). The Court here agrees with the Trustee, there are no facts alleged in the Complaint to support the Complaint's twelfth cause of action.

Causes of action three, five, six, seven, eight, ten, and twelve should be dismissed due

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

**Thursday, July 18, 2024**

**Hearing Room 201**

---

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

to the application of the Order and the Agreement. This would leave causes of action one, two, four, nine, and eleven. The Court will discuss two issues with the parties. First, given the Court's views of the application of the Order and Agreement, and the procedural issues raised regarding the Trustee's MTD, how should the Trustee's MTD proceed? Second, the Court is inclined, given its view of the application of the Order and the Agreement, to adopt its tentative ruling on the causes of action the Court has herein determined are released, and then ruling on the balance of the Tribe's MTD. However, given the procedural posture of the Tribe's MTD, having been filed prior to entry of the Order, and not being stated as grounds for the granting of the Tribe's MTD, the Court will hear from the parties on this issue.

[FN1] All references to the Docket, unless otherwise stated, hereinafter, refer to the docket in Case No. 9:23-ap-01066-RC.

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

**February 21, 2024**

**Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.**

**February 7, 2024**

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... Jonathan Alan Stein

Chapter 7

**Appearances required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Movant(s):**

Jerry Namba (TR)

Represented By  
D Edward Hays  
Sarah Cate Hays  
Sarah Rose Hasselberger

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Plaintiff(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#71.00** CONT'D Hearing  
RE: [7] Motion to strike Special Motion to Strike Causes of Action in Complaint  
with Proof of Service

FR. 2-7-24, 2-21-24, 3-20-24, 5-22-24, 6-18-24

Docket 7

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

**February 21, 2024**

**Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.**

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... Jonathan Alan Stein  
February 7, 2024

Chapter 7

Appearances required.

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Movant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**

**Jonathan Alan Stein**

**Chapter 7**

Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

**Plaintiff(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#72.00** CONT'D Hearing  
RE: [10] Motion to Dismiss Adversary Proceeding with Proof of Service

FR. 2-7-24, 2-21-24, 3-20-24, 5-22-24, 6-18-24

Docket 10

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

**February 21, 2024**

**Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.**

**February 7, 2024**

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... Jonathan Alan Stein

Chapter 7

**Appearances required.**

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Movant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

**Plaintiff(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#73.00** CONT'D Hearing  
RE: [41] Motion Objecting to Trustee Notice of Substitution [Dkt 5] (Stein,  
Jonathan)

FR. 3-6-24, 3-20-24, 5-22-24, 6-18-24

Docket 41

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Movant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Plaintiff(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#74.00** CONT'D Hearing  
RE: [56] Motion For Sanctions/Disgorgement (Manasserian, Armen)

FR. 3-20-24, 5-22-24, 6-18-24

Docket 56

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Movant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian



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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT...**      **Jonathan Alan Stein**  
Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

**Chapter 7**

**Plaintiff(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:23-01066 Stein v. Gabrielino-Tongva Tribe et al

**#75.00** CONT'D Status Hearing  
RE: [1] Adversary case 9:23-ap-01066. Complaint by Jonathan Alan Stein against Gabrielino-Tongva Tribe, Paul Young, Armen Manasserian, Sandonne Nicolle Goad, Chora Young & Manasserian LLP. (\$350.00 Fee Not Required). Nature of Suit: (14 (Recovery of money/property - other)),(91 (Declaratory judgment)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Stein, Jonathan)

FR. 2-7-24, 2-21-24, 3-20-24, 5-22-24, 6-18-24

Docket 1

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**May 22, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024 at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

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

Thursday, July 18, 2024

Hearing Room 201

1:00 PM

CONT... Jonathan Alan Stein  
February 21, 2024

Chapter 7

Appearances waived. This matter is continued to March 20, 2024, at 10:00 a.m.

February 7, 2024

Appearances required.

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Gabrielino-Tongva Tribe

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Paul Young

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Armen Manasserian

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Sandonne Nicolle Goad

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

Chora Young & Manasserian LLP

Represented By  
Nikko Salvatore Stevens  
Armen Manasserian

DOES 1-10

Pro Se

**Plaintiff(s):**

Jonathan Alan Stein

Represented By

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

**Thursday, July 18, 2024**

**Hearing Room 201**

---

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

Jonathan Stein

**Trustee(s):**

Jerry Namba (TR)

Represented By

Laila Masud

Sarah Rose Hasselberger

D Edward Hays

Sarah Cate Hays

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**9:23-10174 Jonathan Alan Stein**

**Chapter 7**

Adv#: 9:24-01002 Namba v. Stein

**#76.00** CONT'D Status Hearing  
RE: [1] Adversary case 9:24-ap-01002. Complaint by Jerry Namba against Jonathan Alan Stein. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Hays, D)

FR. 3-20-24, 6-5-24, 6-18-24

Docket 1

**Tentative Ruling:**

**July 18, 2024**

**Appearances required.**

**June 18, 2024**

**Appearances waived.**

This matter is specially set for July 18, 2024, at 1:00 p.m.

**June 5, 2024**

**Appearances waived.**

This matter is continued to June 18, 2024, at 1:00 p.m.

**March 20, 2024**

**Appearances required.**

The Court has reviewed the *Unilateral Status Reports*. See Docket Nos. 10 and 11.

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

**Thursday, July 18, 2024**

**Hearing Room 201**

1:00 PM

**CONT... Jonathan Alan Stein**

**Chapter 7**

The Court will set a discovery cutoff, dispositive motion deadline, pre-trial conference and a trial date at the status conference.

**Party Information**

**Debtor(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Defendant(s):**

Jonathan Alan Stein

Represented By  
Jonathan Stein

**Plaintiff(s):**

Jerry Namba

Represented By  
D Edward Hays  
Sarah Cate Hays  
Sarah Rose Hasselberger

**Trustee(s):**

Jerry Namba (TR)

Represented By  
Laila Masud  
Sarah Rose Hasselberger  
D Edward Hays  
Sarah Cate Hays