

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM
8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Case participants may connect to the video and audio feeds, free of charge, using the connection information provided below.

BY MANDATE OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, MEMBERS OF THE PUBLIC AND THE MEDIA MAY ONLY CONNECT TO THE ZOOMGOV AUDIO FEED, AND ONLY BY TELEPHONE. ACCESS TO THE VIDEO FEED BY THESE INDIVIDUALS IS PROHIBITED. IN THE CASE OF A TRIAL OR EVIDENTIARY HEARING, NO AUDIO ACCESS WILL BE PROVIDED.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608308596>

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room

5B

10:30 AM

CONT...

Chapter

ZoomGov meeting number: 160 830 8596

Password: 844318

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

CONT...

Chapter

completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:24-10459 Ted Titmas

Chapter 7

#1.00 Motion for relief from the automatic stay UNLAWFUL DETAINER RE:
RESIDENTIAL
(OST Signed 3-22-24)

Docket 14

Tentative Ruling:

Tentative for April 2, 2024
Grant. Appearance required.

Party Information

Debtor(s):

Ted Titmas Pro Se

Trustee(s):

Karen S Naylor (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:24-10487 Roberto Valencia Marquez and Veronica Ugalde Resendiz

Chapter 7

#2.00 Motion for relief from the automatic stay UNLAWFUL DETAINER

GP MIRALOMA LLC

Vs.

DEBTORS

Docket 11

Tentative Ruling:

Tentative for April 2, 2024
Grant as unopposed. Appearance required.

Party Information

Debtor(s):

Roberto Valencia Marquez

Represented By
Randy Alexander

Joint Debtor(s):

Veronica Ugalde Resendiz

Represented By
Randy Alexander

Movant(s):

GP MIRALOMA LLC

Represented By
Larry Rothman

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:23-12710 Nhung Thi Tuyet Nguyen

Chapter 7

#3.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**BMW BANK OF NORTH AMERICA
Vs.
DEBTOR**

Docket 11

Tentative Ruling:

Tentative for April 2, 2024
Grant as unopposed and no equity. Appearance required.

Party Information

Debtor(s):

Nhung Thi Tuyet Nguyen

Represented By
Kevin J Kunde

Movant(s):

BMW Bank of North America

Represented By
Cheryl A Skigin

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:24-10021 Christopher B Cole

Chapter 7

#4.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**ACAR LEASING LTD dba GM FINANCIAL LEASING
Vs.
DEBTOR**

Docket 20

Tentative Ruling:

Tentative for April 2, 2024
Grant. Appearance required.

Party Information

Debtor(s):

Christopher B Cole

Represented By
A Mina Tran

Movant(s):

ACAR Leasing LTD d/b/a GM

Represented By
Sheryl K Ith

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:24-10274 Shuhao Zheng

Chapter 7

#5.00 Motion for relief from the automatic stay PERSONAL PROPERTY

VW CREDIT, INC.

Vs.

DEBTOR

Docket 8

Tentative Ruling:

Tentative for April 2, 2024
Grant as unopposed. Appearance required.

Party Information

Debtor(s):

Shuhao Zheng

Represented By
Rex Tran

Movant(s):

VW Credit, Inc.

Represented By
Kirsten Martinez

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

8:22-11186 Philip Gus Randazzo

Chapter 7

**#6.00 Motion for relief from the automatic stay REAL PROPERTY
(cont'd from 2-27-24)**

**WILMINGTON TRUST, NATIONAL ASSOCIATION
Vs.
DEBTOR**

Docket 206

Tentative Ruling:

Tentative for April 2, 2024
Nothing additional? Valuation? Grant. Appearance required.

Tentative for February 27, 2024

This motion for relief of stay is brought by the creditor Wilmington Trust, holding a claim of \$2,640,000 secured by the first deed of trust. The motion is brought under alternate theories of: 1. "cause", including lack of adequate protection [§362(d)1)] and/or 2. no equity and not necessary for a reorganization [§362(d)(2). Since this is now a chapter 7 we can safely assume the property is not necessary to a reorganization. So both prongs turn on the question of value, i.e. whether there is any equity in the property or at least whether the movant's lien is senior enough such that we are concerned primarily with whether the value behind the first trust deed is sufficient to warrant delaying foreclosure because the movant is adequately protected (at least in the absence of adequate protection payments). The evidence on the measure of that value is sketchy. We have a broker's opinion of a value @\$4,100,000. Creditor offers a valuation @\$3,580,000, taken apparently from the debtor's schedules. But even at the higher value the extent of cushion is speculative given a still slower real estate market.

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

10:30 AM

CONT... Philip Gus Randazzo

Chapter 7

The trustee's lack of any opposition can also be read as his conclusion that there is no value net of liens that could be obtained here.

Debtor offers a very vague suggestion that negotiations with the trustee to extract some value for the estate by subordinating the third deed of trust are underway. Well, maybe. More quibbles are offered having to do with a possible reduced sale commission. Again, maybe, as in the best case that only gives a percentage or two, hardly sufficient by itself for any further delay. The court is very skeptical particularly because nothing is heard from the trustee. But the burden of valuation is upon the movant and it is not carried here, at least not convincingly so, at this juncture because we lack an appraisal. Perhaps more importantly, there seems little or no bankruptcy purpose being fulfilled here in the absence of a clear and immediate deal of some kind with the trustee. But if debtor's scheme is to provide some reason for a delay it needs far more substance than we've seen so far. The court will give thirty more days, or thereabouts, which might be extended if adequate protection payments are also made to movant or some near prospect emerges of a deal. None are offered to date and, absent some reason to put greater faith in debtor's schemes than presented so far the stay is not likely much longer in duration. Also, movant can better solidify its case for next hearing with a formal valuation of the property.

Continue thirty days. Appearance required.

Party Information

Debtor(s):

Philip Gus Randazzo

Pro Se

Movant(s):

Wilmington Trust, National

Represented By
Jennifer C Wong

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

11:00 AM

8:22-11712 Chyle E Beaird

Chapter 7

**#7.00 Objection To The Debtor's Claim Of Exemption
(cont'd from 2-27-24 per order approving stip. to cont. hrg on the tr's
objection to the debtor's exemption entered 2-26-24)**

Docket 0

***** VACATED *** REASON: CONTINUED TO 5/07/24 AT 11:00 A.M.
PER ORDER APPROVING STIPULATION TO CONTINUE HEARING
ON THE TRUSTEE'S OBJECTION TO THE DEBTOR'S EXEMPTION
ENTERED 4-01-24**

Tentative Ruling:

Tentative for April 2, 2024
Status? Absent other development, sustain. Appearance required.

Tentative for February 27, 2024
Sustain. Appearance is optional.

Party Information

Debtor(s):

Chyle E Beaird

Represented By
Julie J Villalobos

Trustee(s):

Richard A Marshack (TR)

Represented By
Anerio V Altman

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

11:00 AM

8:22-11091 Martin Arnold Van Der Hoeven

Chapter 7

**#8.00 Order To Show Cause Why Michael Kocourek Should Not Be Held In Civil Contempt Due To His:
(cont'd from 3-26-24)**

a). Failing To Appear For His FRBP 2004 Examination On The Originally Scheduled Date Of July 13, 2023, On The Erroneous Basis That He Had Emergency Business For Debtor-Related Entity Fuzelo Inc;

b). Failing To Produce Ordered Documents Responsive To Any Of 30 Categories Of Sought By Troiano's Subpoena Prior To Or At Kocourek's Rescheduled August 24, 2023 FRBP 2004 Examination Without Objecting To The Requests, Moving To Quash The Subpoena, Or Moving For A Protective Order; and

c). Failing To Performj An Adequate Search For Such Documents.

Docket 0

Tentative Ruling:

Tentative for April 2, 2024
Continued to April 23, 2024 at 11:00 a.m. Appearance excused.

Tentative for March 26, 2024
Status? Appearance required.

Tentative for March 5, 2024
Status? Appearance required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room

5B

11:00 AM

CONT... Martin Arnold Van Der Hoeven

Chapter 7

Tentative for January 30, 2024

Troiano argues in his response that Kocourek allegedly never reviewed the documents produced by Debtor or asked him about which documents have been produced, so there is no way that he could know he did not have additional documents. During the meet and confer process after the examination, Kocourek allegedly agreed to perform a supplemental search for documents, but never did so. Finally, even if Kocourek only has documents that Debtor already produced, Troiano is still entitled to know what those documents are.

Like Troiano, the court also does not buy that Kocourek, as an officer of the five debtor-related entities, does not have access or ability to provide basic corporate formational documents, responsive emails, or other communications. Kocourek's only argument here is that he did not provide documents because he either did not have them in his possession or Debtor already provided them. Further, as argued by Troiano, even if Debtor already produced relevant documents, Kocourek was still required to comply with the 2004 Examination Order, even if it would be duplicative. Especially since it is unclear at this point whether it would have been the same documents as there appears to have been no communication between Debtor and Kocourek regarding what was to be produced. Accordingly, the court finds that Troiano has provided clear and convincing evidence that there was a violation of a court order, and Kocourek has not provided a persuasive argument as to why he should not be held in civil contempt. The court is more interested in seeing that discovery obligations are met than in determining what measures are needed to compel obedience. Therefore, the parties are to meet and confer and exchange a written punch list of all the categories of documents requested, with a specific listing of what has been produced and what is known to exist but not produced. If requested documents do not exist to the knowledge of the alleged contemnor, that must be stated, with specificity in writing under penalty of perjury. The court will continue the hearing about thirty days and will thereupon evaluate any levels of willful disobedience based on this exchange in assessing remedies.

Appearance required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, April 2, 2024

Hearing Room 5B

11:00 AM

CONT... Martin Arnold Van Der Hoeven

Chapter 7

Party Information

Debtor(s):

Martin Arnold Van Der Hoeven

Represented By
Leonard M Shulman

Trustee(s):

Karen S Naylor (TR)

Pro Se