

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

Tuesday, July 9, 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.

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ZoomGov meeting number: 161 968 6023

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- Disconnect from the meeting by clicking "Leave" when you have

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completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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10:30 AM

8:24-11046 MASHindustries, Inc. and Mash Studios, Inc.

Chapter 11

**#1.00 Motion for relief from automatic stay UNLAWFUL DETAINER
(cont'd from 6-25-25 per order approving stip. to cont. entered 6-24-24)**

**BSP VBP PROPCO, LLC
Vs.
DEBTOR**

Docket 93

Tentative Ruling:

Tentative for July 9, 2024
Status? *Appearance required.*

Party Information

Debtor(s):

MASHindustries, Inc.

Represented By
Susan K Seflin
Jessica Wellington
David M Poitras

Joint Debtor(s):

Mash Studios, Inc.

Represented By
Susan K Seflin

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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8:24-11026 Silhi De Leon

Chapter 7

#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**TOYOTA LEASE TRUST
Vs.
DEBTOR**

Docket 8

Tentative Ruling:

Tentative for July 9, 2024
Grant as unopposed. *Appearance is optional.*

Party Information

Debtor(s):

Silhi De Leon

Represented By
Sundee M Teeple

Movant(s):

Toyota Lease Trust as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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8:24-10634 Geeta Swamidass

Chapter 13

#3.00 Motion for relief from the automatic stay REAL PROPERTY

**SOPHIA C. LANE, TRUSTEE OF THE LANE FAMILY TRUST
Vs.
DEBTOR**

Docket 39

Tentative Ruling:

Tentative for July 9, 2024
Grant. *Appearance is optional.*

Party Information

Debtor(s):

Geeta Swamidass

Represented By
Terrence Fantauzzi

Movant(s):

Sophia C. Lane, Trustee of the Lane

Represented By
Christina J Khil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:24-10842 Laszlo Habran

Chapter 7

**#4.00 Motion for relief from automatic stay ACTION IN NON-BANKRUPTCY FORUM
(cont'd from 6-25-24)**

**MICHELLE WEST, GUARDIAN Ad Litem for SVETLANA HABRAM
Vs.
DEBTOR**

Docket 9

Tentative Ruling:

Tentative for July 9, 2024

Is a stipulation per last hearing forthcoming? *Appearance required absent stipulation.*

Tentative for June 25, 2025

Same tentative. *Appearance required.*

Tentative for May 21, 2024

It is unclear to the court exactly what is sought to be accomplished by this motion. There exists an order on reserved issues of the domestic court which apparently predates the bankruptcy (either December 23, 2023, or possibly August 2023). That order gave the debtor an opportunity to sell or refinance the residence to buy out her community interest but not later than January 15, 2024. That time period has long elapsed without effect. Instead we have this bankruptcy petition since an appeal of the domestic court's order was not accompanied by a bond. It appears that debtor is intending not to sell the home but to continue in residence as long as possible. It is unclear whether

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Chapter 7

the entirety of the equity , or just debtor's half, is property of the estate at this point. It title had already passed there may only be a half interest as property of the estate but since it is likely not dischargeable anyway it may not matter much. Some argument is raised to the effect that debtor wants his other creditors dealt with from proceeds as well as the purportedly benign reason for the filing; but he, of course, could do that anyway from his sale proceeds which likely would be otherwise exempt as his homestead. Of significance, the Chapter 7 trustee has not appeared on this motion. One must only conclude the trustee sees no estate purpose for an administration on this property. Consequently, the court sees no purpose either but views this petition likely as a stalling tactic. Whether enough to rise to the level of bad faith warranting a dismissal is less clear, but the court can and does find that the moving spouse's interests are not being adequately protected and so lifts the stay on that basis.

The stay is relieved for the narrow purpose of enforcing the domestic court's order directing sale of the proceeds of the residence only. Not relieved are ancillary issues dealing with payment of attorney's fees or enforcement of domestic support, and the like. Only enforcement of the ordered sale of the residence and division of the resulting proceeds to account for community property halves is permitted. To be clear, recalcitrance on debtor's part in cooperating with sale is also not protected by the automatic stay; that will be the domain of the domestic court's powers, if needed, to enforce its own orders. If that should take the form of monetary sanctions to be deducted from the debtor's share, that also must be the subject of further order of this court. But make no mistake, lack of cooperation will not be lightly regarded.

Appearance required.

Party Information

Debtor(s):

Laszlo Habran

Represented By
Anerio V Altman

Movant(s):

Richard G. Heston

Represented By
Richard G. Heston

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Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:24-11472 Ala A. Abufarie

Chapter 13

#5.00 Motion In Individual Case For Order Imposing A Stay Or Continuing The Automatic Stay As The Court Deems Appropriate

Docket 9

Tentative Ruling:

Tentative for July 9, 2024

Grant as unopposed and because it appears there is equity at issue.

However, the debtor has used up all the grace available in in this case. The court expects prompt confirmation of a plan. *Appearance required.*

Party Information

Debtor(s):

Ala A. Abufarie

Represented By
Matthew D. Resnik

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:21-12001 Joseph L Sanders

Chapter 7

#6.00 Chapter 7 Trustee's Motion For Order Authorizing Trustee: (1) To Continue Operating Certain of the Estate's Real Properties Pursuant to 11 U.S.C. Section 721; And, (2) Use Property of the Estate Pursuant to 11 U.S.C. Sections 363(b) (1) and (c)(1), and Pay Necessary Expenses Pursuant to an Existing Operating Budget

Docket 727

Tentative Ruling:

Tentative for July 9, 2024
Grant as unopposed. *Appearance required.*

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith
Ashley M Teesdale

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8:21-12001 Joseph L Sanders

Chapter 7

#7.00 Chapter 7 Trustee Motion For Order Enforcing Turnover Order and Authorizing Issuance Of Writ Of Assistance

Docket 723

Tentative Ruling:

Tentative for July 9, 2024

Bankruptcy courts have the power to authorize the issuance of a writ of assistance to enforce an order for possession of property. See 11 U.S.C. § 105(a); Fed. R. Civ. P. 70; Fed. R. Bankr. P. 7070 and 9014.

Rule 70 of the Federal Rules of Civil Procedure provides that “[w]hen any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of execution or assistance upon application to the clerk.” In re Kerlo, 311 B.R. 256, 261 (Bankr. C.D. Cal. 2004). Although Bankruptcy Rule 7070 is not among the Bankruptcy Rules governing adversary proceedings that automatically apply in contested matters, the Court may direct that it applies. See Bankruptcy Rule 9014(c). The Trustee respectfully requests that the Court direct that Bankruptcy Rule 7070 and Rule 70 apply to this contested matter.

Trustee argues that the court has already entered the Turnover Order which clearly directs Debtor and other occupants of the Laguna Beach Properties to turn over the properties to Trustee within 30 days of entry of the Turnover Order. Thirty day expired on Saturday, June 8, 2023, and no turnover has occurred. Debtor has refused to vacate or otherwise cooperate with the Trustee’s efforts to coordinate possession and marketing of the properties. Although a notice of appeal has been filed by Debtor, he has not been granted or sought a stay pending appeal. He has also failed to meet significant deadlines in the appeal. Debtor makes efforts in the opposition to request a motion for reconsideration and motion for stay pending appeal. Aside from neither being filed as separate motions, Debtor also fails to provide any supporting legal authority or argument for either request.

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Joseph L Sanders

Chapter 7

Debtor also contends that displacing him and his partner Mr. Vallarta would create hardship and Debtor is more than willing to cooperate if he has more time to secure alternative housing. First, this is not a defense to the absolute requirement of turnover found at 11 U.S.C. §542. Moreover, Trustee has provided notice to Debtor as early as March 1, 2024 about the Laguna Beach Properties and has made several attempts to work with Debtor through her agent Mr. Yoshikane and attorney Ms. Sanders but she has received no response. Further, as stated in the Turnover Motion, Debtor has other properties that he can use as his alternative housing.

Debtor's contention that Mr. Vallarta has not been afforded due process of law is refuted by Trustee because Mr. Vallarta is resident of Mexico, and he has previously requested service of documents in the case via email. Such service has been provided and he has not raised any due process concerns on his own behalf, including in his declaration supporting the opposition. Mr. Vallarta cites to California Civil Code section 708.120, which the court agrees is not applicable here.

Simply put, time is up. This case has been pending close to three years and the Trustee's duties to liquidate property of the estate has been delayed long enough. A more leisurely opportunity for debtor to find alternative accommodations is no longer any reason for more delay. Debtor is admonished to cooperate lest he face the prospect of forcible eviction by the U.S. Marshal (and loss of discharge).

Grant. Appearance required.

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith
Ashley M Teesdale

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8:23-11139 Stacy Odine Corban

Chapter 7

#8.00 Chapter 7 Trustee's Motion For Order **(1)** Authorizing Sale of Real Property Free and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§ 363(b) and (f); **(2)** Approving Overbid Procedures; **(3)** Approving Buyer, Successful Bidder, and Back-Up Bidder as Good-Faith Purchaser Pursuant to 11 U.S.C. §§ 363(m); and **(4)** Authorizing Payment of Undisputed Liens, Real Estate Broker's Commissions and Other Ordinary Costs of Sale

[22596 Killy Street, Lake Forest, California 92630, APN 614-202-48]

Docket 49

Tentative Ruling:

Tentative for July 9, 2024
Grant as unopposed. *Appearance required.*

Party Information

Debtor(s):

Stacy Odine Corban

Represented By
Benjamin Heston

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Ryan W Beall

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00126 Multiple Debtors 2024-1, see order

Chapter 0

#9.00 Order Requiring Customers Bank to Appear Through Counsel at Status Conference

Docket 1

Tentative Ruling:

Tentative for July 9, 2024
Status? *Appearance required.*

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00127 Multiple Debtors 2024-1, see order

Chapter 0

#10.00 Order Requiring Comenity Capital Ross to Appear Through Counsel at Status Conference

Docket 1

Tentative Ruling:

Tentative for July 9, 2024
Status? *Appearance required.*

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00128 Multiple Debtors 2024-1, see order

Chapter 0

#11.00 Order Requiring Supreme Court of NY Kings County to Appear Through Counsel at Status Conference

Docket 1

Tentative Ruling:

Tentative for July 9, 2024
Status? *Appearance required.*

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: **Multiple Debtors 2024-1, see order** **Chapter 0**
Misc#: 8:24-00129 Multiple Debtors 2024-1, see order

#12.00 Order Requiring US Attorneys Office Tax Division to Appear Through Counsel at Status Conference

Docket 1

Tentative Ruling:

Tentative for July 9, 2024
Status? *Appearance required.*