

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

Wednesday, November 15, 2023

Hearing Room 5B

1:30 PM
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: 160 202 7677
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- 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.
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- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have

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completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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8:23-11518 America Maria Hernandez

Chapter 13

**#1.00 Confirmation Of Chapter 13 Plan
(cont'd from 10-18-23)**

Docket 2

Tentative Ruling:

Tentative for November 15, 2023

Five prior Chapter 13s, all dismissed. Has debtor provided declaration regarding post-petition secured creditor payments? The plan is unclear about requested conduit payments. No tentative. Appearance required.

Tentative for October 18, 2023

The comments of the Trustee and objection from U.S. Bank require a response. Appearance required.

Party Information

Debtor(s):

America Maria Hernandez

Represented By
Daniel King

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:23-11606 Peter Aguon Quinata

Chapter 13

**#2.00 Confirmation Of Chapter 13 Plan
(cont'd from 10-18-23)**

Docket 10

Tentative Ruling:

Tentative for November 15, 2023

In view of relied of stay will this plan be pursued? Has a plan payment been made? Appearance required.

Tentative for October 18, 2023

The comments of the Trustee and objection from Wilmington require a response. Appearance required.

Party Information

Debtor(s):

Peter Aguon Quinata

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11689 Amparo M Ulloa

Chapter 13

**#3.00 Confirmation Of Chapter 13 Plan
(cont'd from 10-18-23)**

Docket 2

***** VACATED *** REASON: OFF CALENDAR - ORDER AND NOTICE
OF DISMISSAL ARISING FROM DEBTOR'S REQUEST FOR
VOLUNTARY DISMISSAL OF CHAPTER 13 ENTERED 11-06-23**

Tentative Ruling:

Tentative for October 18, 2023
First Amended Plan only recently filed. Is this the third bankruptcy filing?
Appearance required.

Party Information

Debtor(s):

Amparo M Ulloa

Represented By
Matthew D. Resnik

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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8:23-11791 Michelle Lavoy Filbrun

Chapter 13

#4.00 Confirmation Of Chapter 13 Plan

Docket 2

Tentative Ruling:

Tentative for November 15, 2023

Moved from the Dismiss/Continued calendar. Ready for confirmation?

Appearance required.

Party Information

Debtor(s):

Michelle Lavoy Filbrun

Represented By
Anthony B Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, November 15, 2023

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8:23-11836 Denise L Nguyen

Chapter 13

#5.00 Confirmation Of Chapter 13 Plan.

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise L Nguyen

Represented By
Charles W Daff

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11845 Charles Brian Sloan

Chapter 13

#6.00 Confirmation Of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: OFF CALENDAR - CASE DISMISSED
FOR FAILURE TO FILE SCHEDULES, STATEMENTS AND/OR PLAN -
SEE DOCUMENT #12**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Brian Sloan

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11862 Jose Oscar Magana

Chapter 13

#7.00 Confirmation Of 1st Amended Chapter 13 Plan

Docket 15

Tentative Ruling:

Tentative for November 15, 2023

Several deficiencies noted. Amount of arrears and increase from prior proceeding suggest conduit payments would be appropriate. Missing documents per Trustee must be addressed. Arrearages considerably higher than reported and priority claims must be addressed in plan. Appearance required.

Party Information

Debtor(s):

Jose Oscar Magana

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11897 Francisco Javier Andrade

Chapter 13

#8.00 Confirmation Of Chapter 13 Plan

Docket 13

Tentative Ruling:

Tentative for November 15, 2023

Repeat filer (four earlier filings). Amended plan was to provide conduit treatment, but was it done? Per Barclays, why should the in rem relief of stay earlier ordered not apply? See #15. Appearance required.

Party Information

Debtor(s):

Francisco Javier Andrade

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 5B

3:00 PM

8:18-11869 Belinda Caceres

Chapter 13

#9.00 Trustee's Motion To Dismiss Chapter 13 Case

Docket 96

Tentative Ruling:

Tentative for November 15, 2023
Grant unless current. Appearance required.

Party Information

Debtor(s):

Belinda Caceres

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:20-13318 Aureliano Saucedo

Chapter 13

#10.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 36

Tentative Ruling:

Tentative for November 15, 2023

Grant unless current or motion on file. Appearance required.

Party Information

Debtor(s):

Aureliano Saucedo

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:21-12423 Steven Eugene Marr

Chapter 13

#11.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 47

Tentative Ruling:

Tentative for November 15, 2023

Grant unless current or motion on file. Appearance required.

Party Information

Debtor(s):

Steven Eugene Marr

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-10350 Brook Xibu Chang and Tiffany M Cheng

Chapter 13

#12.00 Trustee's Motion to Dismiss Case Failure to Make Plan Payments.

Docket 49

Tentative Ruling:

Tentative for November 15, 2023

Grant unless current or motion on file. Appearance required.

Party Information

Debtor(s):

Brook Xibu Chang

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Tiffany M Cheng

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:21-12745 Brittany Nicole Sam

Chapter 13

#13.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments

Docket 39

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
VOLUNTARY DISMISSAL OF TRUSTEE'S MOTON FOR ORDER
DISMISSING CHAPTER 13 (11 U.S.C. - 1307(C) FILED 10-05-23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brittany Nicole Sam

Represented By
Anthony B Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-10217 Richard Ching-Koon Yee

Chapter 13

#14.00 Trustee's Motion to Dismiss Case failure to make plan payments

Docket 51

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
VOLUNTARY DISMISSAL OF TRUSTEE'S MOTION FOR ORDER
DISMISSING CHAPTER 13 FILED 10-26-2023.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Ching-Koon Yee

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11897 Francisco Javier Andrade

Chapter 13

#15.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 10

Tentative Ruling:

Tentative for November 15, 2023

Has Debtor overcome the presumption of bad faith? This is the fifth filing.

Proving "good faith" begins with a statutory presumption that every subsequent case filed within one year after dismissal is "filed not in good faith." *In re Thu Thi Dao*, 616 B.R. 103, 113 (Bankr. E.D. Cal. 2020) (citing 11 U.S.C. § 362(c)(3)(C)). Rebutting the presumption of "filed not in good faith" must be by "clear and convincing evidence to the contrary." *Id.* Section 362(c)(3)(B) does not define good faith for purposes of making this determination. Courts have imported pre-BAPCPA case law into the statute to utilize a "totality of the circumstances" test. *In re Castenada*, 342 B.R. 90, 96 (Bankr. S.D. Cal. 2006).

The "totality of the circumstances" test for determining whether a debtor filed a chapter 13 case in good faith includes: (1) whether debtor misrepresented facts in the petition or the plan, unfairly manipulated the Code or otherwise filed the current chapter 13 plan or petition in an inequitable manner; (2) debtor's history of filings and dismissals; (3) whether debtor only intended to defeat state court litigation; and (4) whether egregious behavior is present. *Id.* (citing *In re Villanueva*, 274 B.R. 836, 841 (9th Cir. BAP 2002)).

Here, the first and third *Castenada* elements are not relevant to the case. The primary issue at bar is weighing Debtor's history of filings. This is the fifth bankruptcy proceeding concerning the Property. The record of Debtor's past filings could be said to show bad faith because Debtor failed to timely submit forms after the initial filings, and even filed a case (the fourth) fifteen minutes before the foreclosure sale, while the third bankruptcy filing

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CONT... **Francisco Javier Andrade**

Chapter 13

was still going on. In *Castenada*, the court found the Debtor filed in good faith partly because the Debtor was not a repeat filer. *Castenada*, 342 B.R. at 97. The same cannot be said here. Furthermore, unlike *Castenada*, where the debtor consistently made their plan payments and significantly reduced the amount of secured debt, no such debt reduction has occurred here. On the other hand, Debtor's asserted change in circumstances, retention of better counsel and consent to conduit payments appear as an admirable attempt to get on the right track.

No tentative. Appearance required.

Party Information

Debtor(s):

Francisco Javier Andrade

Represented By
Michael D Franco

Movant(s):

Francisco Javier Andrade

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-12163 Mac Dilani

Chapter 13

#16.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property & Personal Property

Docket 11

Tentative Ruling:

Tentative for November 15, 2023
Grant as unopposed. Appearance is optional.

Party Information

Debtor(s):

Mac Dilani

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:22-10262 Rilla Ann Huml

Chapter 13

#17.00 Motion to Reconsideration For Cause of Wilmington Savings Fund Society's Allowed Amended Claim 3.4 And Denial Of Debtor's Claim Objection, Pursuant To: 11 USC §502(j); FRBP 3008

Docket 171

***** VACATED *** REASON: CONTINUED TO 1-17-24 AT 3:00 P.M.
PER ORDER GRANTING MOTION TO STAY HRG SCHEDULED FOR
NOVEMBER 15, 2023, DEBTOR'S MOTION FOR RECONSIDERATION,
UNTIL JANUARY 17, 2024 AND TO STAY ANY AND ALL ACTIVITY
ENTERED 11-09-23**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rilla Ann Huml

Represented By
Brad Weil - DECEASED -

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:22-10262 Rilla Ann Huml

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

Docket 168

***** VACATED *** REASON: CONTINUED TO 1-17-24 AT 3:00 P.M.
PER ORDER GRANTING MOTION TO STAY HEARING SCHEDULED
FOR NOVEMBER 15, 2023 DETOR'S MOTION FOR
RECONSIDERATION UNTIL JANUARY 17, 2024 ENTERED 11-09-23 -
SEE DOCUMENT #182**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rilla Ann Huml

Represented By
Brad Weil - DECEASED -

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11393 Gregory P. Sorensen and Leah K. Kingston

Chapter 13

#19.00 Confirmation Of Chapter 13 Plan
(cont'd from 10-18-23)

Docket 10

Tentative Ruling:

Tentative for November 15, 2023

As observed by the Trustee, the plan does not deal with two Laguna Audubon claims nor impaired creditor Monty Sorensen. Feasibility is very much in doubt. This is a continued hearing, counsel is seeking to withdraw and apparently little progress has been made since last hearing. See #20.

Deny. Appearance required.

Tentative for October 18, 2023

Several problems appear here. Are the documents requested by the Trustee received? Feasibility is a big question. The amount of debt is much higher than first stated. Appearance required.

Tentative Ruling for September 19, 2023

This is the 9th Chapter 13 filing? Proof of regular income is very sketchy and not feasible at proposed payment. Plan payments already in arrears? There may also be good faith issues having to do with rejection of the contract to sell the residence, which appears to be the better approach from the standpoint of creditors. Can debtors meet the best interest test? Why should not this case be dismissed with a bar?

Appearance required.

Party Information

Debtor(s):

Gregory P. Sorensen

Represented By
Christopher J Langley

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CONT... Gregory P. Sorensen and Leah K. Kingston

Chapter 13

Joint Debtor(s):

Leah K. Kingston

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11393 Gregory P. Sorensen and Leah K. Kingston

Chapter 13

#20.00 Chapter 13 Trustee's Objection To Claim Of Homestead Exemption
(cont'd from 10-18-23)

Docket 34

Tentative Ruling:

Tentative for November 15, 2023

In view of #19 does this change the picture? Shouldn't a trustee examine the Monty Sorensen lien for possible avoidance? Convert? Appearance required.

Tentative for October 18, 2023

As in #23 there are issues. Normally, when confronted by a homestead that eclipses all equity there is no incentive for a trustee to sell over encumbered property at all. This case might present a wrinkle in that a junior judgment lien might be avoidable. But the court sees practical issues presented in a forced sale (and it doesn't feel right exactly). The debtors opposition to the sale they contracted for might also implicate "best efforts" issues on any plan. Is dismissal better? No tentative. Appearance required.

Party Information

Debtor(s):

Gregory P. Sorensen

Represented By
Christopher J Langley

Joint Debtor(s):

Leah K. Kingston

Represented By
Christopher J Langley

Movant(s):

Amrane (SA) Cohen (TR)

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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8:23-11033 Jason Paul Reynolds

Chapter 11

**#21.00 Motion For Authorization To Apply To California's Mortgage Relief Program
(OST SIGNED 11-13-23)**

Docket 86

Tentative Ruling:

Tentative for November 15, 2023
Opposition due at hearing. Appearance required.

Party Information

Debtor(s):

Jason Paul Reynolds

Represented By
Anerio V Altman