

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Victoria Kaufman, Presiding  
Courtroom 301 Calendar**

**Thursday, February 1, 2024**

**Hearing Room 301**

10:30 AM

1: -

**Chapter**

**#0.00 All hearings on this calendar will be conducted in Courtroom 301 at 21041 Burbank Boulevard, Woodland Hills, California, 91367. All parties in interest, members of the public and the press may attend the hearings on this calendar in person.**

**Additionally, (except with respect to evidentiary hearings, or as otherwise ordered by the Court) parties in interest (and their counsel) may connect by ZoomGov audio and video free of charge, using the connection information provided below. Members of the public and the press may only connect to the zoom audio feed, and only by telephone. Access to the video feed by these individuals is prohibited.**

Parties in interest 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). Members of the public, the press and parties in interest may participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate remotely and there are no fees for doing so. No pre-registration or prior approval is required.

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**Chapter**

Password: 379299

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**1:23-10524 Manuel Flores Palacios**

**Chapter 7**

**#1.00** Trustee's Final Report and Applications for Compensation

Nancy Zamora, Chapter 7 Trustee

Docket 21

**Tentative Ruling:**

Nancy J. Zamora, chapter 7 trustee - approve compensation of \$242.25 and reimbursement of expenses of \$158.90.

Trustee to submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by the chapter 7 trustee or his/her professionals is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and the relevant applicant(s) will be so notified.

<b>Party Information</b>
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**Debtor(s):**

Manuel Flores Palacios

Represented By  
David H Chung

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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1:00 PM

**1:23-11110 Augustus Crumbley**

**Chapter 7**

**#2.00** Order To Show Cause Why Maureen Okwuosa Should Not  
Be Held In Civil Contempt And Sanctioned For Failing to  
Comply With A Court Order

Docket 34

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Augustus Crumbley

Represented By  
Maureen Okwuosa

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:24-10021 MRE Construction Group Inc**

**Chapter 7**

**#3.00 Order To Show Cause Re Dismissal With A 180-Day Bar**

Docket 1

**Tentative Ruling:**

Pursuant to 11 U.S.C. §§ 105 and 349 and Local Bankruptcy Rule 9011-2(a), this case will be dismissed with a 180-day bar to the debtor's filing of another petition under any chapter of the Bankruptcy Code.

MRE Construction Group Inc ("Debtor") filed its petition without counsel and apparently still has not engaged counsel to represent Debtor in this case. Although Debtor filed a chapter 7 petition on January 5, 2024, Debtor has not filed, among other things, a "Disclosure of Compensation of Attorney for Debtor" (Form B203), its schedule of assets and liabilities or its statement of financial affairs. Debtor's master mailing list of creditors, filed on January 5, 2024, includes only two creditors.

The Court will prepare the order.

<b>Party Information</b>
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**Debtor(s):**

MRE Construction Group Inc	Pro Se
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**Trustee(s):**

Amy L Goldman (TR)	Pro Se
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**1:23-10661 Kimberly Michelle VanHeertum**

**Chapter 7**

**#4.00 Motion for Authority To Redeem Personal Property and Approval  
Of Associated Financing**

fr. 1/11/24

Docket 40

**Tentative Ruling:**

For the reasons set forth below, the Court will grant the motion.

On May 16, 2023, Kimberly Michelle VanHeertum ("Debtor") filed a chapter 7 petition. In her schedule A/B [doc. 1], Debtor identified an interest in a 2015 Chevrolet Camaro (the "Vehicle"). In her schedule D [doc. 1], Debtor disclosed a claim owed to Premier Auto Credit ("Premier") in the amount of \$14,000, secured by the Vehicle. In her Schedule C [doc. 1], Debtor did not claim any exemption in the Vehicle.

On December 18, 2023, Debtor filed the *Motion for Authority to Redeem Personal Property and Approval of Associated Financing* (the "Motion") to redeem the Vehicle [doc. 40] .

On December 19, 2023, the Court entered an order setting a hearing on the Motion (the "Order Setting Hearing") and served the same on, among others, Premier [doc. 41]. Pursuant to the Order Setting Hearing, any response to the Motion was to be filed and served on Debtor and the United States trustee by no later than January 4, 2024. Order Setting Hearing, p. 2. As of January 29, 2024, no party has filed an opposition to the Motion.

On January 12, 2024, the Court entered an order continuing the hearing on the Motion (the "Order Continuing Hearing") [doc. 46]. Pursuant to the Order Continuing Hearing, by no later than January 24, 2024, Debtor was to file and serve: (1) an amended schedule C, to claim an exemption in the Vehicle; and (2) Debtor's declaration, signed under penalty of perjury, in support of the Motion. To her declaration, Debtor was to attach any exhibits which support the alleged current value

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**Chapter 7**

of the Vehicle; such exhibits were to show the year, make and model of the vehicle for which they set forth a valuation. Order Continuing Hearing, p. 2. In addition, in her declaration, Debtor was to: (1) state what the exhibits are that are attached; (2) describe the Vehicle's year, make, model and condition of the Vehicle, e.g., fair, good, very good or excellent; and (3) set forth the factors which Debtor took into account when determining the Vehicle's alleged retail value. *Id.*

On January 24, 2024, Debtor filed an amended schedule C [doc. 49] and claimed a \$12,800 exemption in the Vehicle under 11 U.S.C. §§ 522, 554 and 722. The same day, Debtor filed her declaration in support of the Motion, in which she provided evidence of the Vehicle's value (the "VanHeertum Declaration") [doc. 50]. In addition, in her declaration, Debtor stated that "[t]he [Vehicle] is tangible personal property intended primarily for personal, family or household use." VanHeertum Declaration, pp. 1-2. Debtor served a copy of the amended schedule C and the VanHeertum Declaration on Premier. *See* doc. 50, p. 15.

Fed. R. Bankr. P. 6008 states, in pertinent part, that:

On motion by the debtor...and after hearing on notice as the court may direct, the court may authorize the redemption of property from a lien or from a sale to enforce a lien in accordance with applicable law.

Under 11 U.S.C. § 722:

An individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of redemption.

11 U.S.C. § 506(a) provides, in relevant part, that:

(1) An allowed claim of a creditor secured by a lien on property in

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**Kimberly Michelle VanHeertum**

**Chapter 7**

which the estate has an interest...is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property...and is an unsecured claim to the extent that the value of such creditor's interest...is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

- (2) If the debtor is an individual in a case under chapter 7...such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

Regarding valuation—

The two cases from within the Ninth Circuit to address the issue have calculated retail value "by adjusting the Kelley Blue Book or N.A.D.A. Guide retail value for a like vehicle by a reasonable amount in light of the evidence presented regarding the condition of the vehicle and any other relevant factors."

*In re Ayres*, 2010 WL 652825, at \*5 (Bankr. N.D. Cal. Feb. 16, 2010) (quoting *In re Morales*, 387 B.R. 36, 45 (Bankr. C.D. Cal. 2008)); see also *In re Guerra*, 2008 WL 3200831, \*3 (Bankr. E.D. Cal. Aug. 7, 2008). Determining the replacement value of collateral for purposes of § 506(a) is done on a case-by-case basis. *In re Labostrie*, 2012 WL 6554727, at \*3 (9th Cir. BAP Dec. 14, 2012) (citing *Taffi v. United States (In re Taffi)*, 96 F.3d 1190, 1193 (9th Cir.1996); *Morales*, 387 B.R. at 41).

Based on the evidence provided in the VanHeertum Declaration, the Court finds that:  
(1) the debt owed to Premier, secured by the Vehicle, is a dischargeable consumer



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**Chapter 7**

debt; (2) the Vehicle is tangible personal property intended primarily for personal, family, or household use; and (3) pursuant to 11 U.S.C. §§ 506(a) and 722, the Vehicle's replacement value, and the amount of Premier's allowed secured claim, is \$12,800.

**Debtor will have 21 days from the entry of the order granting the Motion to make the required lump sum payment in the amount of \$12,800 (the "Payment") to Premier.** Upon receipt of the Payment, Premier must promptly release its lien and provide clear title to the Vehicle. *See In re Ard*, 280 B.R. 910, 915 (Bankr. S.D. Ala. 2002) ("[I]n a chapter 7 redemption, the secured creditor receives a lump sum payment and the collateral is released from the creditor's lien."); *In re Williams*, 224 B.R. 873, 876 (Bankr. S.D. Ohio 1998) (granting motion to redeem and holding that, upon creditor's receipt of payment, creditor "shall promptly release its liens on the collateral.").

The Court will prepare the order.

<b>Party Information</b>
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**Debtor(s):**

Kimberly Michelle VanHeertum	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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2:00 PM

1:21-10179 Alex Foxman and Michal J Morey

Chapter 11

#5.00 Application of Debtor and Debtor-In-Possession For Authority To Employ Steven A. Morris, Esq and Quantum Law Group as Special Litigation Counsel

Docket 426

\*\*\* VACATED \*\*\* REASON: Case dismissed on 1/18/24

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alex Foxman

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Michal J Morey

Represented By  
Stella A Havkin

**Movant(s):**

Alex Foxman

Represented By  
Stella A Havkin  
Stella A Havkin

Michal J Morey

Represented By  
Stella A Havkin

**Trustee(s):**

Susan K Seflin (TR)

Pro Se