

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

Thursday, March 13, 2025

Hearing Room 301

9:30 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.

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.

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Meeting ID: 161 260 0710

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Password: 672745

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 -

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

9:30 AM

1:25-10091 Peyman Elyasi

Chapter 13

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

fr. 2/13/25

Docket 12

Tentative Ruling:

The Court will deny the *Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 12] filed by Peyman Elyasi ("Debtor"). In accordance with 11 U.S.C. § 362(c)(3)(B), Debtor must demonstrate that the filing of this case is in good faith. Pursuant to 11 U.S.C. § 362(c)(3)(C), a presumption has arisen that this case was not filed in good faith; such presumption may be rebutted by clear and convincing evidence to the contrary.

After the February 13, 2025 hearing, the Court entered its *Order Continuing Hearing on Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Order") [doc. 19]. The Order provided, in relevant part, that:

Debtor must timely pay: (1) to Fay Servicing, his first deed of trust payments for February and March 2025 as to the real property located at 5403 Beckford Ave, Tarzana, CA 91356 (the "Property"); (2) to M&N Financing, his second deed of trust payments for February and March 2025 as to the Property; and (3) his February 2025 chapter 13 plan payment; and it is further

ORDERED, that, **by no later than March 3, 2025**, Debtor must file: (1) a declaration which demonstrates that he has made his required postpetition deed of trust payments and his required chapter 13 plan payment; and (2) **because Debtor states that he intends to sell the Property within four months, a declaration of Debtor's broker with a description of the marketing plan for the Property and a**

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**Peyman Elyasi
copy of the listing agreement for the Property...**

Chapter 13

Order, p. 2 (emphasis in original).

Here, Debtor has not rebutted the presumption of bad faith with clear and convincing evidence. As of March 5, 2025, Debtor has not filed a declaration which demonstrates that he timely made his February and March 2025 deed of trust payments to Fay Servicing and M&N Financing and his February 2025 chapter 13 plan payment. In addition, as of March 9, 2025, Debtor has not filed a declaration of his broker with a description of the marketing plan for the Property and a copy of the listing agreement for the Property.

Given that Debtor has not shown that he has the ability to make the required deed of trust and chapter 13 plan payments and that he has not filed his broker's declaration, despite the Court's directive to do so in the Order, it appears that this case will not conclude with a confirmed plan that will be fully performed and that Debtor did not file this case in good faith. Consequently, the Court will deny the Motion.

The Court will prepare the order.

Party Information

Debtor(s):

Peyman Elyasi

Represented By
Joshua Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-11273 Charlotte Ann Lamb

Chapter 13

#1.01 Motion for relief from stay [PP]

CAPITAL ONE AUTO FINANCE
VS
DEBTOR

fr. 2/6/25; 2/27/25

Docket 34

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the property.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant 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 movant will be so notified.

Party Information

Debtor(s):

Charlotte Ann Lamb

Represented By
Kenneth H J Henjum

Movant(s):

Capital One Auto Finance, a division

Represented By
Jennifer C Wong

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CONT... Charlotte Ann Lamb

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

1:24-12143 David Franklin Palley and Lucia Berenice Palley

Chapter 7

#2.00 Motion for relief from stay [AN]

JONATHAN FINDLEY
VS
DEBTOR

Docket 15

Tentative Ruling:

The Court will continue the hearing on the *Notice of Motion and Motion for Relief From the Automatic Stay Under 11 U.S.C. § 362 (Action in Nonbankruptcy Forum)* (the "Motion") [doc. 15] to **9:30 a.m. on April 17, 2025**.

Contrary to Local Bankruptcy Rule 4001-1(c)(1)(C), the movant did not serve the Motion on the debtors.

In addition, in the Declaration of Jesse J. Thaler ("Thaler Decl.") [doc. 15], the movant's attorney of record in the nonbankruptcy action, Mr. Thaler states that "[t]rue and correct copies of the documents filed in the Nonbankruptcy Action are attached as Exhibit 1." Thaler Decl., ¶ 5.b. However, there are no exhibits attached to the Thaler Decl.

By no later than March 20, 2025, the movant must serve on the debtors a copy of the Motion and notice of the continued hearing date and time and the deadline to file any response 14 days prior thereto.

By no later than March 20, 2025, the movant may file and serve on the debtors a supplemental declaration with the exhibit(s) referred to in the Thaler Decl. attached thereto. The movant is advised that he must comply with Local Bankruptcy Rule 5005-2(d)(1) and Judge Kaufman's procedures regarding service of judge's copies of documents. Judge Kaufman's procedures can be found here: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman>.

The Court will prepare the order.

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CONT... David Franklin Palley and Lucia Berenice Palley

Chapter 7

Party Information

Debtor(s):

David Franklin Palley

Represented By
Lauren Ross

Joint Debtor(s):

Lucia Berenice Palley

Represented By
Lauren Ross

Movant(s):

Jonathan Findley

Represented By
Jesse J Thaler

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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9:30 AM

1:24-11160 Michael Stefan Madzar

Chapter 13

#3.00 Motion for relief from stay [RP]

FIRST FINANCIAL CREDIT UNION
VS
DEBTOR

Docket 28

***** VACATED *** REASON: Contrary to Local Bankruptcy Rule 5005-2 (d)(1) and Judge Kaufman's procedures regarding service of judge's copies, exhibits to the judge's copy of the motion are not appropriately tabbed. Post-it notes are not sufficiently durable to serve as appropriate tabs.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Stefan Madzar

Represented By
Gregory M Shanfeld

Movant(s):

First Financial Credit Union, a

Represented By
Amanda N Ferns

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

1:25-10267 Joanne Edith Sabetta

Chapter 13

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

Docket 8

Tentative Ruling:

Grant.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant 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 movant will be so notified.

Party Information

Debtor(s):

Joanne Edith Sabetta

Represented By
Donald Iwuchukwu

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

1:24-11886 Right Size Plumbing & Drain Co Inc.

Chapter 11

#5.00 Motion for relief from stay [PP]

ALLY BANK
VS
DEBTOR

Docket 72

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the property.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

Movant must submit the order within seven (7) days.

Party Information

Debtor(s):

Right Size Plumbing & Drain Co

Represented By
Michael Jay Berger

Movant(s):

Ally Bank

Represented By
Jennifer C Wong

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

1:25-10123 Magic Car Rental Inc.

Chapter 11

#6.00 Motion for relief from stay [RP]

PERPETUAL INVESTMENTS, LLC
VS
DEBTOR

Docket 29

Tentative Ruling:

The Court will deny the movant's request for relief from the automatic stay: (1) under 11 U.S.C. § 362(d)(1), on the grounds that this case was not filed in good faith; and (2) under 11 U.S.C. § 362(d)(2).

Regarding movant's request for relief under 11 U.S.C. § 362(d)(1), on the basis that the movant lacks adequate protection of its interest in the real property at issue, the Court will continue the hearing in order for the debtor and the movant to submit appraisals of the real property.

When will the parties be able to obtain and file their respective appraisals of the real property?

Party Information

Debtor(s):

Magic Car Rental Inc.

Represented By
Onyinye N Anyama

Movant(s):

Perpetual Investments, LLC

Represented By
Donald W Reid

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1:30 PM

1:23-11082 Philip M. Lawrence, II

Chapter 7

Adv#: 1:23-01050 Lawrence v. Lawrence, II

#7.00 Status conference re: first amended complaint to determine debt non-dischargeable under 11 U.S.C. §523

fr. 2/21/24; 2/28/24; 4/24/24; 5/8/24; 7/10/24; 11/14/24; 11/13/24

Stipulation to continue filed 3/27/25

Docket 20

***** VACATED *** REASON: Hearing continued to 7/17/25 at 1:30 PM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Defendant(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Plaintiff(s):

Urbana Chapa Lawrence

Represented By
David L Oberg
Madison B Oberg

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Jeffrey S Kwong

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1:30 PM

1:24-11278 Rosa Emilia Aguilar Duran

Chapter 7

Adv#: 1:24-01062 Aguilar Duran v. UNITED STATES DEPARTMENT OF EDUCATION et al

#8.00 Status conference re first amended complaint for
 hardship discharge of student loan

Docket 9

Tentative Ruling:

On November 18, 2024, the Court issued a summons [doc. 11]. On January 7, 2025, plaintiff filed a summons returned unexecuted and a *Request that the Clerk Issue Another Summons and Notice of Status Conference* [docs. 12 and 13]. In the request, plaintiff did not identify which parties were not timely served. On January 8, 2025, the Court issued another Summons [doc. 14]. Plaintiff did not timely and properly serve the summons on the defendant United States Department of Education (the "Dep't of Ed.>").

Pursuant to Fed. R. Bankr. P. 7004(e), a summons must be served within 7 days of being issued. Section 2.6 of the Court's Central Guide Supplement to Fed. R. Bankr. P. 5003(e) provides:

In student loan adversary proceedings where the [Dep't of Ed.] is the defendant, the plaintiff must serve the complaint and summons on the [Dep't of Ed.] **at all three addresses listed below:**

Office of U.S. Attorney
Civil Process Clerk
Room 7516
Federal Building
300 North Los Angeles Street
Los Angeles, CA 90012

Attorney General
U.S. Department of Justice
Ben Franklin Station
P.O. Box 683

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CONT...

Rosa Emilia Aguilar Duran
Washington, D.C. 20044

Chapter 7

United States Department of Education
Office of General Counsel
400 Maryland Ave.
SW, Room 6E353
Washington, D.C. 20202

Plaintiff must request a second Another Summons from the Court pursuant to Local Bankr. R. 7004-1(a)(1)(B)(i). Plaintiff can obtain a second Another Summons by filing form F 7001-1.2.REQUEST.ANOTHER.SUMMONS, located on the Court's website. Upon receiving the filing of the *Request that the Clerk Issue Another Summons and Notice of Status Conference*, the clerk will issue a second Another Summons.

The second Another Summons must be served upon defendant Dep't of Ed. at the addresses set forth above within seven (7) days of its issuance by the Court. Plaintiff must attach to the second Another Summons a copy of the complaint and a copy of Judge Kaufman's Status Conference Instructions.

To demonstrate proper service of the second Another Summons and the complaint and instructions to be served with that summons, plaintiff must file a signed proof of service indicating that the second Another Summons and the documents to be served with that summons were timely and properly served on the defendants. If plaintiff can obtain a second Another Summons issued by the Court by March 27, 2025, the status conference will be continued to **1:30 p.m. on May 22, 2025**.

No later than **May 8, 2025**, the parties must submit a joint status report in accordance with Local Bankruptcy Rule 7016-1(a).

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

Appearances on March 13, 2025 are excused.

Party Information

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CONT... Rosa Emilia Aguilar Duran

Chapter 7

Debtor(s):

Rosa Emilia Aguilar Duran

Represented By
Shirlee L Bliss

Defendant(s):

UNITED STATES DEPARTMENT

Pro Se

Nelnet Education Loan Services

Pro Se

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

Rosa Emilia Aguilar Duran

Represented By
Shirlee L Bliss

Trustee(s):

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court
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1:24-11115 Peter John Rudinkas

Chapter 7

Adv#: 1:25-01003 Rudinkas v. US Department of Education

#9.00 Status conference re: complaint to determine dischargeability of student loan

Docket 1

Tentative Ruling:

Plaintiff did not properly serve the summons on the defendant United States Department of Education (the "Dep't of Ed."). *See Notice of Plaintiff's Failure to Serve* [doc. 4].

Section 2.6 of the Court's Central Guide Supplement to Fed. R. Bankr. P. 5003(e) provides:

In student loan adversary proceedings where the [Dep't of Ed.] is the defendant, the plaintiff must serve the complaint and summons on the [Dep't of Ed.] **at all three addresses listed below:**

Office of U.S. Attorney
Civil Process Clerk
Room 7516
Federal Building
300 North Los Angeles Street
Los Angeles, CA 90012

Attorney General
U.S. Department of Justice
Ben Franklin Station
P.O. Box 683
Washington, D.C. 20044

United States Department of Education
Office of General Counsel
400 Maryland Ave.

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CONT...

Peter John Rudinkas
SW, Room 6E353
Washington, D.C. 20202

Chapter 7

Plaintiff must request Another Summons from the Court pursuant to Local Bankr. R. 7004-1(a)(1)(B)(i). Plaintiff can obtain Another Summons by filing form F 7001-1.2.REQUEST.ANOTHER.SUMMONS, located on the Court's website. Upon receiving the filing of the *Request that the Clerk Issue Another Summons and Notice of Status Conference*, the clerk will issue Another Summons.

The Another Summons must be served upon defendant Dep't of Ed. at the addresses set forth above within seven (7) days of its issuance by the Court pursuant to Fed. R. Bankr. P. 7004(e). Plaintiff must attach to the Another Summons a copy of the complaint and a copy of Judge Kaufman's Status Conference Instructions.

To demonstrate proper service of the Another Summons and the complaint and instructions to be served with that summons, plaintiff must file a signed proof of service indicating that the Another Summons and the documents to be served with that summons were timely and properly served on the defendant. If plaintiff can obtain an issued Another Summons from the Court by March 27, 2025, the status conference will be continued to **1:30 p.m. on May 22, 2025**.

No later than **May 8, 2025**, the parties must submit a joint status report in accordance with Local Bankruptcy Rule 7016-1(a).

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

Appearances on March 13, 2025 are excused.

Party Information

Debtor(s):

Peter John Rudinkas

Pro Se

Defendant(s):

US Department of Education

Pro Se

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CONT... Peter John Rudinkas

Chapter 7

Plaintiff(s):

Peter John Rudinkas

Pro Se

Trustee(s):

Amy L Goldman (TR)

Pro Se