

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

Tuesday, April 5, 2022

Hearing Room 301

9:30 AM

1:

Chapter

#0.00 PLEASE BE ADVISED THAT THE CHAPTER 13 CONFIRMATION CALENDAR
CAN BE VIEWED ON THE COURT'S WEBSITE UNDER:
JUDGES >KAUFMAN,V. >CHAPTER 13 > CHAPTER 13 CALENDAR
(WWW.CACB.USCOURTS.GOV)

Docket 0

Tentative Ruling:

- NONE LISTED -

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1:

Chapter

#0.00 You will not be permitted to be physically present in the courtroom. All appearances for this calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

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.

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Video/audio web address: <https://cacb.zoomgov.com/j/1611651920>

Meeting ID: 161 165 1920

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Docket 0

**United States Bankruptcy Court
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

9:30 AM

CONT...

Chapter

Tentative Ruling:

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**United States Bankruptcy Court
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Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:16-12523 Brent Carpenter

Chapter 13

#16.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 3/8/22

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brent Carpenter

Represented By
David S Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:17-13039 Benjawan Rachapaetayakom

Chapter 13

#17.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 3/8/22

Docket 143

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benjawan Rachapaetayakom

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:17-13313 Pedro Mejia Lopez

Chapter 13

#18.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 3/8/22

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Mejia Lopez

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:18-11941 Nathan Cohen

Chapter 13

#19.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 108

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nathan Cohen

Represented By
Sanaz Sarah Bereliani

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:19-10345 Amir Ali Barani

Chapter 13

#20.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 11/9/21; 1/11/22; 2/8/22; 3/8/22

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amir Ali Barani

Represented By
Steven Abraham Wolvek

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:19-12509 Elia Blanco

Chapter 13

#21.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elia Blanco

Represented By
Donald E Iwuchuku

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-10460 Veronica E Pledger

Chapter 13

#22.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica E Pledger

Represented By
Ali R Nader

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-11300 Gilbert Louis Villanueva

Chapter 13

#23.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 3/8/22

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert Louis Villanueva

Represented By

Ramiro Flores Munoz

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-11433 Paul Anthony Matulewicz

Chapter 13

#24.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Anthony Matulewicz

Represented By
Matthew D. Resnik

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-11501 Gorden Eugene Campbell, Jr.

Chapter 13

#25.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 3/8/22

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gorden Eugene Campbell Jr.

Represented By
Jeffrey J Hagen

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-11616 Martin Cohn

Chapter 13

#26.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 12/14/21; 2/8/22

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Cohn

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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San Fernando Valley
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:20-11816 Margarita Anzora

Chapter 13

#27.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 3/8/22

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Anzora

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

10:30 AM

1:19-12947 Ronaldo Garcia

Chapter 13

#27.01 Trustee's motion to dismiss case for failure to make plan payments

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronaldo Garcia

Represented By
Daniel King

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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

Tuesday, April 5, 2022

Hearing Room 301

11:00 AM

1:21-10143 Alda M Lutz

Chapter 13

#28.00 Alda Lutz's Motion to Request an Order That a Portion of
JP Morgan Mortgage Acquisition Corp.'s Proof of Claim Be
Added to the Loan Balance

fr. 3/8/22

Docket 81

Tentative Ruling:

As discussed in the cases cited by the debtor, the secured creditor's attorneys' fees have become additional debt of the debtor and are secured by the residential real property, in accordance with the deed of trust. Consequently, the secured creditor may not obtain a "judgment" for payment of these attorneys' fees.

However, these cases are not pertinent to whether the debtor's nonpayment of the secured creditor's attorneys' fees constitutes a default that must be cured under the debtor's chapter 13 plan. *See* 11 U.S.C. § 1322(b)(2), (3) and (5) and § 1322(c)(1)

The pertinent provision in the deed of trust at issue states: "Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement **and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.**"

Regarding the debtor's motion and the permissible provisions of the debtor's chapter 13 plan, the parties must address the following issues:

Prepetition, did the secured creditor provide notice to the debtor that it was requesting payment of these attorneys' fees?

Given that the secured creditor has included these attorneys' fees in its proof of claim, does that constitute a request for payment and establish a default by the debtor?

Does the debtor's nonpayment of these attorney's fees constitute a "default" under the

**United States Bankruptcy Court
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

11:00 AM

CONT... Alda M Lutz

Chapter 13

note, the Foreclosure Forbearance Agreement, dated as of 9/26/2016, and/or the deed of trust?

Is the debtor's default (if any) regarding the nonpayment of these attorneys' fees subject to the provisions of 11 U.S.C. § 1322(c) and § 1322(b)(3) and (5)? *See In re McCollum*, 76 B.R. 797, 799-802 (Bankr. D. Oregon 1987).

If the debtor's nonpayment of these attorney's fees is a default and it may be cured under 11 U.S.C. § 1322, over what period of time may the debtor cure the default? *See In re Steinacher*, 283 B.R. 768, 773 (9th Cir. BAP 2002).

Party Information

Debtor(s):

Alda M Lutz

Represented By
William R Cumming

Movant(s):

Alda M Lutz

Represented By
William R Cumming

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Courtroom 301 Calendar**

Tuesday, April 5, 2022

Hearing Room 301

11:00 AM

1:21-11963 Behzad Haghiri

Chapter 13

#29.00 Motion for order disallowing claim no. 5 filed by
Verizon by American Infosource as Agent

Docket 27

Tentative Ruling:

For the reasons set forth below, the Court will continue the hearing on the objection to claim to **May 10, 2022 at 11:00 a.m.**

Assuming the documentation attached to the proof of claim is insufficient (*see In re Heath*, 331 B.R. 424, 433-34 (9th Cir. B.A.P. 2005)), the proof of claim would not constitute prima facie evidence of the validity and amount of the claim. *See* Fed. R. Bankr. P. 3001(c)(3) and (f).

However, in order to have the claim disallowed, the debtor needs to raise a sufficient legal or factual basis for disallowance. A claim cannot be disallowed simply because the proof of claim lacks prima facie validity. *In re Campbell*, 336 B.R. 430, 436 (9th Cir. B.A.P. 2005)("[o]bjections without substance are inadequate to disallow claims, even if those claims lack the documentation required by Rule 3001(c)"); *Heath*, 331 B.R. at 437-38.

The debtor has failed to submit his declaration in support of the objection to the claim. The declaration of the debtor's attorney is not sufficient.

If the debtor is basing the objection on the expiration of the applicable statute of limitations under Cal. Code Civ. Pro. § 337, then the debtor must submit and serve on the creditor, **no later than April 12, 2022**, his declaration stating, among other contentions set forth in the objection to the claim, that the debtor has not made a payment on this account in four years or more.

Party Information

Debtor(s):

Behzad Haghiri

Represented By
John D Sarai

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

Tuesday, April 5, 2022

Hearing Room 301

11:00 AM

CONT... Behzad Haghiri

Chapter 13

Movant(s):

Behzad Haghiri

Represented By
John D Sarai

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se