

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

Wednesday, July 10, 2024

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.

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Docket 0

Tentative Ruling:

- NONE LISTED -

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1:21-11971 Farooq Humayun Akhtar

Chapter 13

#1.00 Motion for relief from stay [RP]

SELENE FINANCE LP, AS SERVICER FOR U.S. BANK TRUST NATIONAL
ASSOCIATION
VS
DEBTOR

fr. 5/29/24

Docket 130

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Farooq Humayun Akhtar

Represented By
Kevin T Simon

Movant(s):

U.S. BANK TRUST NATIONAL

Represented By
Theron S Covey
Sean C Ferry

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10806 Ashu Garg

Chapter 7

#2.00 Motion for relief from stay [AN]

CLAUDIA YEPEZ
VS
DEBTOR

Docket 9

Tentative Ruling:

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

Movant states the claims arise under nonbankruptcy law and can be most expeditiously resolved in the nonbankruptcy forum.

Movant may proceed under applicable nonbankruptcy law to proceed to final judgment in the nonbankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the debtor and property of the debtor's bankruptcy estate.

The Court will not annul the automatic stay. Movant has not identified what, if any, acts were taken postpetition in violation of the stay.

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.

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CONT... Ashu Garg

Chapter 7

Debtor(s):

Ashu Garg

Represented By
Raj T Wadhvani

Movant(s):

Claudia Yepez

Represented By
Thomas J Polis

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:24-10913 NoHo 10 LLC

Chapter 7

#3.00 Motion for relief from stay [AN]

ALEX YUTKOVSKY, TRUSTEE OF THE ALEX YULKOVSKY LIVING TRUST
VS
DEBTOR

Docket 6

*** VACATED *** REASON: No chambers copy of motion provided.
Motion is not on calendar.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

NoHo 10 LLC

Represented By
Hamid R Rafatjoo

Movant(s):

Alex Yutkovsky, Trustee of the Alex

Represented By
Alla Tenina

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:24-10623 Anthony Gonzalez Aldana

Chapter 7

#4.00 Motion for relief from stay [PP]

AMERICAN HONDA FINANCE CORPORATION
VS
DEBTOR

Docket 10

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.

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):

Anthony Gonzalez Aldana

Represented By
Michael E Clark

Movant(s):

American Honda Finance

Represented By
Kirsten Martinez

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CONT... Anthony Gonzalez Aldana

Chapter 7

Trustee(s):

Nancy J Zamora (TR)

Pro Se

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1:24-10674 Joseph O. Macabuhay

Chapter 7

#5.00 Motion for relief from stay [PP]

MERCEDES-BENZ VEHICLE TRUST
VS
DEBTOR

Docket 9

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2).

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.

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):

Joseph O. Macabuhay

Represented By
Gary Polston

Movant(s):

Mercedes-Benz Vehicle Trust

Represented By
Sheryl K Ith

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CONT... Joseph O. Macabuhay

Chapter 7

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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1:23-10006 Byron G Williams

Chapter 13

#6.00 Motion for relief from stay [RP]

CARRINGTON MORTGAGE SERVICES, LLC
VS
DEBTOR

Docket 61

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.

Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation. Movant, through its servicing agent, may contact the debtor by telephone or written correspondence to offer such an agreement.

The co-debtor stay of 11 U.S.C. § 1201(a) and § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the debtor.

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.

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CONT... Byron G Williams

Chapter 13

Party Information

Debtor(s):

Byron G Williams

Represented By
Nathan A Berneman

Movant(s):

Carrington Mortgage Services, LLC,

Represented By
Christina J Khil

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10107 Tigran Kamalyan

Chapter 13

#7.00 Motion for relief from stay [RP]

APEX BANK
VS
DEBTOR

Docket 27

*** VACATED *** REASON: Case dismissed on 6/13/24.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tigran Kamalyan

Represented By
Khachik Akhkashian

Movant(s):

APEX BANK

Represented By
Dane W Exnowski

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10940 Alexander Bidny

Chapter 13

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

Docket 13

Tentative Ruling:

Deny.

On July 3, 2023, the debtor's prior chapter 13 case [1:23-10938-VK] was dismissed at the plan confirmation hearing. On June 11, 2024, the debtor filed another chapter 13 petition to initiate this case. This is the debtor's tenth bankruptcy case and the third chapter 13 bankruptcy case in less than five years.

On June 13, 2024, the debtor filed a *Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 13]. The debtor did not serve the Motion and notice thereof on PHH Mortgage Services ("PHH") in accordance with Fed. R. Bankr. P. 9014(b) and 7004(h), *i.e.*, by delivering a copy of the motion and notice thereof to an **officer, a managing or general agent or any other agent authorized by appointment or by law to receive service of process** for PHH Mortgage Services. Furthermore, PHH filed a proof of claim in the debtor's prior bankruptcy case, 1:23-bk-10938-VK. The debtor did not serve PHH at its proof of claim address.

Pursuant to Local Bankruptcy Rule 9013-1(c)(2), the notice of the hearing on the Motion must advise the respondent that Local Bankruptcy Rule 9013-1(f) requires a written response to be filed and served at least 14 days before the hearing. The debtor did not provide this information. *See p. 1 of the motion.*

Aside from the inaccurate notice, the debtor has not presented sufficient evidence that there has been a substantial change in his financial affairs since the dismissal of the previous case. Rather, the debtor merely has stated in the Motion that he is earning a "more steady and more reliable income." Motion, p. 5. The debtor has not provided any details as to how he has improved his financial affairs. Instead, his income and expenses have remained the same since the filing of his prior case. *See schedules I*

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Alexander Bidny

Chapter 13

and J, 1:23-10938-VK [doc. 1]; *See* schedules I and J, 1:24-10940-VK [doc. 1].
Consequently, under 11 U.S.C. § 362(c)(3)(C)(i)(III)(bb), a presumption has arisen that the debtor did not file this case in good faith. In order to rebut this presumption, the debtor must provide clear and convincing evidence that he filed this case in good faith. Here, that evidence is lacking.

In light of these issues, the debtor has not met his burden to demonstrate that he has filed this chapter 13 case in good faith and that there is reason to conclude that this case will end with a confirmed plan that will be fully performed.

The Court will prepare the order.

Party Information

Debtor(s):

Alexander Bidny

Pro Se

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10964 Francisco E Giron

Chapter 13

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

Docket 17

Tentative Ruling:

Deny.

On May 13, 2024, the debtor's immediately preceding chapter 13 case was dismissed for failure to file initial petition documents. On June 13, 2024, the debtor filed his chapter 13 petition to initiate this case.

On June 25, 2024, the debtor filed a *Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Motion") [doc. 17]. On June 28, 2024, three days after this motion was filed, Newrez LLC ("Secured Creditor") filed a proof of claim in the amount of \$545,684.15.

This is the debtor's tenth bankruptcy case. In the Motion, the debtor asserts he has increased his income within the last six months. Motion, p. 5. However, this does not appear to be accurate. In the debtor's prior chapter 13 case, 1:24-10751 (the "Prior Case"), the debtor did not file schedules or a chapter 13 plan. However, in a previous case, 1:22-10352, which the debtor converted from a chapter 13 case to one under chapter 7, the debtor listed gross monthly income of \$9,000 [doc. 11]. This is the same amount of income as listed in the debtor's schedule I in this case [1:24-10964, doc. 1].

Moreover, the servicing agent of the beneficiary of the first trust deed against the debtor's residence has filed an objection to confirmation of the debtor's chapter 13 plan, on the basis that the arrears to be paid under the debtor's proposed chapter 13 plan, i.e., \$12,147.00, are far less than the debtor's actual arrears - in the amount of \$115,113.97 [doc. 24].

Under 11 U.S.C. § 362(c)(3)(C)(i)(III)(bb), a presumption has arisen that the debtor

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Francisco E Giron

Chapter 13

did not file this case in good faith. In order to rebut this presumption, the debtor must provide clear and convincing evidence that he filed this case in good faith. Here, that evidence is lacking.

Because the debtor has not met his burden to demonstrate that he has filed this chapter 13 case in good faith and that there is reason to conclude that this case will end with a confirmed plan that will be fully performed, the Court will deny the motion.

The Court will prepare the order.

Party Information

Debtor(s):

Francisco E Giron

Represented By

Aldo A Flores

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10836 Levon Dzhabayran

Chapter 13

#9.01 Motion for relief from stay [RP]

S.M.L. INVESTMENTS, LLC
VS
DEBTOR

Docket 16

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(4).

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.

If recorded in compliance with applicable state laws governing notices of interests or liens in real property, the order is binding in any other case under this title purporting to affect the property filed not later than 2 years after the date of the entry of the order by the court, except that a debtor in a subsequent case under this title may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.

Any other request for relief is denied.

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

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

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CONT... Levon Dzhabrayan

Chapter 13

Debtor(s):

Levon Dzhabrayan

Pro Se

Movant(s):

S.M.L. Investments, LLC

Represented By
Vahe Khojayan

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:24-10946 Cheryl E. Placencia

Chapter 13

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

Docket 15

Tentative Ruling:

Deny as moot.

On April 13, 2023, the debtor's most recently preceding chapter 13 case, 1:22-bk-11329-VK, which the debtor filed on November 15, 2022, was dismissed. 11 U.S.C. § 362(c)(3) pertains only to cases pending **within the preceding one-year period** which have been dismissed.

Because the debtor's most recently preceding case was dismissed more than one year prior to the filing of the pending case, the provisions of 11 U.S.C. § 362(c)(3) do not apply.

The Court will prepare the order.

Party Information

Debtor(s):

Cheryl E. Placencia

Represented By
H. Jasmine Papian

Movant(s):

Cheryl E. Placencia

Represented By
H. Jasmine Papian
H. Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:20-10026 Joseph Wanamaker

Chapter 7

Adv#: 1:22-01038 The Affiliati Network, LLC et al v. Wanamaker et al

#10.00 Pre-Trial Conference re first amended complaint

fr. 9/21/22; 10/5/22; 10/12/22; 11/16/22, 10/18/23, 1/24/24;
6/12/24

Stip to continue filed 5/29/24

Docket 49

***** VACATED *** REASON: Continued to 8/14/24 at 1:30 PM per Order
entered 5/30/24 [Dkt. 98]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Wanamaker

Represented By
Peter M Lively

Defendant(s):

Joseph Wanamaker

Represented By
David P Reiner II

UR Media Group, Inc.

Represented By
David P Reiner II

Plaintiff(s):

The Affiliati Network, LLC

Represented By
Stella A Havkin
Travis A Corder
Daniel J McCarthy

Sanjay Palta

Represented By
Stella A Havkin
Travis A Corder

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CONT... Joseph Wanamaker

Daniel J McCarthy

Chapter 7

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

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1:22-11138 Alan Barry Bursteen

Chapter 7

Adv#: 1:22-01070 Inferno California, Inc. v. Bursteen

#11.00 Status conference re: complaint to determine nondischargeability under 11 U.S.C. § 523(a)(6)

fr. 2/22/23; 4/12/23; 7/19/23; 10/18/23, 4/10/24

Docket 1

Tentative Ruling:

Plaintiff has failed to file a motion for default judgment by the deadline of **June 26, 2024** [*see* doc. 28]. Pursuant to Local Bankruptcy Rule ("LBR") 7016-1(f) and (g), this adversary proceeding will be dismissed for failure to prosecute.

PROCEDURAL BACKGROUND

In September 2022, Alan Barry Bursteen ("Defendant") filed a chapter 7 petition, initiating bankruptcy case no. 1:22-bk-11138-VK (the "Bankruptcy Case"). In March 2023, Defendant received a discharge [Bankruptcy Case, doc. 35].

In December 2022, Inferno California, Inc. ("Plaintiff") filed a complaint against Defendant (the "Complaint"), initiating this adversary proceeding. In the Complaint, Plaintiff alleges that, before Defendant filed the Bankruptcy Case, Plaintiff brought a state court action against Defendant and another party (the "State Court Action") and obtained a default against Defendant in that action. *See* Complaint, doc. 1, ¶ 9.

In February 2023, the clerk entered a default against Defendant in this adversary proceeding under LBR 7055-1(a) [doc. 13]. The same month, Plaintiff filed a unilateral status report [doc. 16], stating that it was evaluating whether to proceed first with the default judgment in the State Court Action. Consequently, Plaintiff requested that the Court continue the status conference for approximately 90 days.

The Court continued the initial status conference to April 2023. In its tentative ruling for the February 22, 2023 status conference, the Court stated that if Plaintiff would be pursuing a default judgment, Plaintiff must serve a motion for default judgment (if

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CONT... Alan Barry Bursteen

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such service is required) and must file that motion by March 24, 2023.

In March 2023, Plaintiff filed a unilateral status report [doc. 17], asserting that it would prefer to liquidate its judgment against all defendants in the State Court Action, before it proceeded against Defendant in this adversary proceeding. The Court continued the status conference to July 19, 2023. *See* doc. 18.

In July 2023, Plaintiff filed a unilateral status report [doc. 19], representing that counsel in the State Court Action had not yet filed its motion for default judgment against Defendant. In addition, Plaintiff stated that it had recently changed state court counsel, which had delayed resolution of the State Court Action. Plaintiff also reiterated its desire to liquidate its judgment against all defendants in the State Court Action, before addressing nondischargeability in this adversary proceeding. For those reasons, Plaintiff requested that the Court continue the status conference for 90 days. The Court continued the status conference to October 18, 2023. *See* doc. 20.

In October 2023, Plaintiff filed a unilateral status report (the "October Status Report") [doc. 21], contending that discussions regarding settlement of the State Court Action, which could potentially moot this adversary proceeding, had temporarily stalled because of Plaintiff's change in state court counsel. Plaintiff further stated that its new state court counsel was up to speed and intended to continue settlement discussions. Plaintiff requested that the Court continue the status conference for 6 months, and the Court continued the status conference to April 10, 2024.

On April 4, 2024, Plaintiff filed a unilateral status report [doc. 24], which largely conveyed the same information as the October Status Report. In addition, Plaintiff repeated its desire to liquidate its judgment against all defendants in the State Court Action and then address nondischargeability in this adversary proceeding.

The next day, Plaintiff filed another unilateral status report (the "Second April Status Report") [doc. 26]. In the Second April Status Report, Plaintiff stated that its counsel in this adversary proceeding changed firms and, as a result of conflicts, was unable to continue representing Plaintiff. Plaintiff further represented that it was retaining new bankruptcy counsel and that its state court counsel would appear at the April 10, 2024 status conference. In addition, Plaintiff asserted that it had filed a motion for default judgment in the State Court Action against Defendant, and that, once that judgment is

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Alan Barry Bursteen

Chapter 7

entered, Plaintiff intended to file a motion for default judgment in this adversary proceeding. For those reasons, Plaintiff requested that the Court continue the status conference and the deadline for it to file a motion for default judgment before this Court for 90 days.

In its ruling regarding the April 10, 2024 status conference, the Court stated, in relevant part:

This adversary proceeding has been pending since December 2022. Since the clerk entered a default against Defendant in February 2023, *i.e.*, over one year ago, the Court has continued the status conference and the deadline to file a motion for default judgment numerous times, at Plaintiff's request. **Plaintiff's ability to obtain numerous continuances of time for Plaintiff to file a motion for default judgment with this Court has reached its conclusion.**

Doc. 27, p. 3 (emphasis in original).

On April 12, 2024, the Court entered an order continuing the status conference and setting the deadline for Plaintiff to file and serve a motion for default judgment as **June 26, 2024** (the "Order") [doc. 28]. Pursuant to the Order, the Court would not continue that deadline any further. *See also* doc. 27.

Contrary to the Order, as of July 2, 2024, Plaintiff has not filed a motion for default judgment before this Court. Consequently, the Court will dismiss this adversary proceeding pursuant to LBR 7016-1(f) and (g) for failure to prosecute.

The Court will prepare the order.

Party Information

Debtor(s):

Alan Barry Bursteen

Represented By
Raymond H. Aver

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CONT... Alan Barry Bursteen

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Defendant(s):

Alan B Bursteen

Pro Se

Plaintiff(s):

Inferno California, Inc.

Represented By
Kyra E Andrassy

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:23-11082 Philip M. Lawrence, II

Chapter 7

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

#12.00 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

Docket 20

Tentative Ruling:

Parties should be prepared to discuss the following:

Deadline to comply with FRBP 7026 and FRCP 26(a)(1) and (f): 10/24/24.

Deadline to submit joint status report: 10/31/24.

Continued status conference 11/14/24 at 1:30 p.m.

In accordance with Local Bankruptcy Rule 7016-1(a)(4), within seven (7) days after this status conference, the plaintiff must submit a Scheduling Order.

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).

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Defendant(s):

Philip M. Lawrence II

Represented By

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CONT... Philip M. Lawrence, II

Chapter 7

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

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

Wednesday, July 10, 2024

Hearing Room 301

1:30 PM

1:23-11082 Philip M. Lawrence, II

Chapter 7

Adv#: 1:24-01015 Everett v. Gottlieb et al

#13.00 Status conference re: complaint to quiet title

Stipulation to continue filed 6/26/24

Docket 1

*** VACATED *** REASON: Continued to 8/14/24 at 1:30 PM per Order entered 6/26/24. [Dkt. 5]

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip M. Lawrence II

Represented By
Robert M Yaspan

Defendant(s):

David K. Gottlieb

Pro Se

9639 Amigo Avenue, LLC

Pro Se

Plaintiff(s):

Ashley Everett

Represented By
Steven A Morris

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Jeffrey S Kwong

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

Wednesday, July 10, 2024

Hearing Room 301

2:00 PM

1:21-10295 John Mario Peric

Chapter 7

Adv#: 1:22-01024 United States Trustee (SV) v. Peric

#14.00 Trial re: Complaint for revocation of discharge
pursuant to 11 U.S.C. § 727(d)(1)
FOR RULING

fr. 5/23/24

Docket 1

*** VACATED *** REASON: The Court has issued its final ruling from
trial. The United States Trustee must submit the order within seven (7) days.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Mario Peric

Represented By
Giovanni Orantes

Defendant(s):

John Mario Peric

Represented By
Giovanni Orantes

Plaintiff(s):

United States Trustee (SV)

Represented By
Kristin T Mihelic
David Samuel Shevitz

Trustee(s):

Nancy J Zamora (TR)

Represented By
David Seror
Ryan Coy