

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

Tuesday, November 4, 2025

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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#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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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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Meeting ID: 160 642 8401

Password: 170235

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
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Tuesday, November 4, 2025

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10:30 AM

1:21-10156 Gloria Stephanie Ruiz and Oscar Ernesto Lima

Chapter 13

#29.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/10/25; 8/12/25

Docket 101

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Stephanie Ruiz

Represented By
Thomas B Ure

Joint Debtor(s):

Oscar Ernesto Lima

Represented By
Thomas B Ure

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, November 4, 2025

Hearing Room 301

10:30 AM

1:22-10106 Narkell Hobbs-James

Chapter 13

#30.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

fr. 6/10/25; 8/12/25; 10/14/25

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narkell Hobbs-James

Represented By
Devin Sawdayi

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

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10:30 AM

1:23-10571 Jennifer Claire Bautista Jacinto

Chapter 13

#31.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

fr. 10/14/25

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Claire Bautista Jacinto

Represented By
Rabin Pournazarian

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, November 4, 2025

Hearing Room 301

10:30 AM

1:23-10844 Abraham James Horowitz

Chapter 13

#32.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abraham James Horowitz

Represented By
Leon D Bayer
Jeffrey N Wishman

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

Hearing Room 301

10:30 AM

1:23-10976 Gilbert J Azcarate, Jr

Chapter 13

#33.00 Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

Docket 123

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert J Azcarate Jr

Represented By
Stella A Havkin

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, November 4, 2025

Hearing Room 301

10:30 AM

1:24-11246 Marielle Marjorie Flores Seno

Chapter 13

#34.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 24

***** VACATED *** REASON: Trustee filed a withdrawal on 10/15/25 - #28.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marielle Marjorie Flores Seno

Represented By
H. Jasmine Papian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 4, 2025

Hearing Room 301

11:00 AM

1:24-10384 John Richard Gutierrez, Jr. and Lindsay Zelaya Gutierrez

Chapter 13

#35.00 Motion to Retain Insurance Proceeds under 11 USC 363(b)

Docket 39

Tentative Ruling:

Grant.

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

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

Party Information

Debtor(s):

John Richard Gutierrez Jr.

Represented By
Rabin Pournazarian

Joint Debtor(s):

Lindsay Zelaya Gutierrez

Represented By
Rabin Pournazarian

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 4, 2025

Hearing Room 301

11:00 AM

1:25-11081 Carlos Isaac Ventura Alvarado and Claudia Beatriz Cornejo

Chapter 13

#36.00 Motion for Setting Property Value Toyota Motor Credit Corp

Docket 24

Tentative Ruling:

The Court will deny the motion for an order determining the value of collateral (the "Motion") [doc. 24].

I. BACKGROUND

On June 18, 2025, Carlos Issac Ventura Alvarado and Claudia Beatriz Cornejo ("Debtors") filed a chapter 13 petition. In their amended schedule A/B, Debtors identified an interest in a 2023 Toyota Corolla (the "Corolla"), with a value of \$20,203. In their schedule D, Debtors disclosed a debt owed to Toyota Financial Services in the amount of \$30,077, secured by the Corolla.

In August 2025, Toyota Motor Credit Corporation ("Toyota") filed proof of claim no 7-1 against the estate, asserting a secured claim in the amount of \$30,333.22. According to Toyota, its claim is secured by a lien against the Corolla. To its proof of claim, Toyota attached a retail installment contract dated February 15, 2023 (the "Contract"). The Contract states that Mrs. Cornejo gave Toyota a security interest in the Corolla. *See* Contract, p. 3.

On October 13, 2025, Debtors filed the Motion and the supporting declaration of Mrs. Cornejo (the "Cornejo Decl."). In her declaration, Mrs. Cornejo states that "[m]y opinion of the value of [the Corolla] is \$14,000.00 as of 10/10/2025 based upon my personal knowledge, including but not limited to...[a] Carmax Appraisal Offer." Cornejo Decl., ¶ 4. To her declaration, Mrs. Cornejo attached as Exh. A an alleged appraisal offer (the "Appraisal Offer").

Debtors contend that the balance of Toyota's lien as of June 18, 2025 was \$30,333.22. Debtors request that, pursuant to 11 U.S.C. § 506(a), the Court determine that the secured portion of Toyota's claim is \$14,000 and the unsecured portion of Toyota's claim is \$16,333.22.

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CONT... Carlos Isaac Ventura Alvarado and Claudia Beatriz Cornejo

Chapter 13

On October 17, 2025, Toyota filed an opposition to the Motion (the "Opposition") [doc. 27]. In the Opposition, Toyota represents that the Corolla is for Debtors' personal use and that Mrs. Cornejo purchased the Vehicle within 910 days of filing the bankruptcy petition. For those reasons, Toyota asserts that 11 U.S.C. § 1325(a) prevents Debtors from cramming down Toyota's lien. In addition, Toyota contends that the Appraisal Offer is inadmissible because it lacks foundation; the document is not authored by anyone under penalty of perjury or authenticated by an expert witness.

II. ANALYSIS

Pursuant to 11 U.S.C. § 506(a):

- (a) (1) An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to setoff 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 or 13, 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.

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CONT... Carlos Isaac Ventura Alvarado and Claudia Beatriz Cornejo

Chapter 13

11 U.S.C. § 506(a).

Prior to October 17, 2005, the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), debtors could bifurcate claims into secured and unsecured portions pursuant to 11 U.S.C. § 506(a). To the extent the claim was undersecured, the debtor could pay that portion as an unsecured claim. This is commonly referred to as "cramdown." However, under BAPCPA, a provision was added to the end of § 1325(a)(9) that prevents the bifurcation of certain claims. This unnumbered provision, referred to as the "hanging paragraph," provides:

For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 910-day period preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing....

In order to avoid cramdown, four conditions must be satisfied: (1) the creditor has a purchase money security interest; (2) the debt was incurred within 910 days preceding the filing of the petition; (3) the collateral for the debt is a motor vehicle; and (4) the motor vehicle was acquired for the personal use of the debtor.

In re Acaya, 369 B.R. 564, 566–67 (Bankr. N.D. Cal. 2007), quoting "hanging paragraph" of 11 U.S.C. § 1325(a).

In plain English, a purchase money security interest arises when a person buys a good and the seller (if a dealer financed transaction) or lender (if the sale is financed by a loan) retains a security interest in that good for all or part of the price.

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Chapter 13

In re Penrod, 611 F.3d 1158, 1161 (9th Cir. 2010).

Mrs. Cornejo signed the Contract on February 15, 2023. Debtors filed their chapter 13 petition on June 18, 2025, i.e., 854 calendar days after February 15, 2023. Consequently, Mrs. Cornejo incurred the debt owed to Toyota within 910 days prior to filing the petition.

The Contract states that Mrs. Cornejo gave Toyota a security interest in the Corolla. Contract, p. 3. The Corolla is collateral for the debt owed to Toyota, and Debtors do not contest that the Corolla is their personal property. As a result, Debtors cannot bifurcate Toyota's claim into secured and unsecured portions pursuant to 11 U.S.C. § 506(a).

III. CONCLUSION

The Court will deny the Motion.

Respondent must submit the order within seven days.

Party Information

Debtor(s):

Carlos Isaac Ventura Alvarado

Represented By
Juanita V Miller

Joint Debtor(s):

Claudia Beatriz Cornejo

Represented By
Juanita V Miller

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se