

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

9:00 AM

6:18-15928 Jacive L Sanchez

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 8-29-18 between Debtor and Golden 1 Credit Union in the amount of \$20,082.48

RE: 2015 Dodge Journy

FROM: 8-4-18

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacive L Sanchez

Represented By
Peter L Lago

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

9:00 AM

6:18-16036 Agustin Lopez-Velasquez and Lucia Salas-Abendano

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 8-21-18 between Debtors and Ally Financial in the amount of \$15,469.67

RE: 2015 Nissan Sentra

FROM: 8-4-18

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Lopez-Velasquez

Represented By
Michael H Colmenares

Joint Debtor(s):

Lucia Salas-Abendano

Represented By
Michael H Colmenares

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17630 Gregory L. Patterson

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory L. Patterson

Represented By
Kahlil J McAlpin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17636 Richard Daniel Hurley and Selina Erika Hurley

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Daniel Hurley

Represented By
Aaron Lloyd

Joint Debtor(s):

Selina Erika Hurley

Represented By
Aaron Lloyd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17641 Dennis Joseph Ferguson and Susan Winifred Ferguson

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis Joseph Ferguson

Represented By
Jenny L Doling

Joint Debtor(s):

Susan Winifred Ferguson

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17643 Willie Earl Reed

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-25-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie Earl Reed

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17670 Patsy Ruth Wade

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patsy Ruth Wade

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17720 May Dang

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

May Dang

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:30 PM

6:18-17736 Harry Edward Benton

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 5

***** VACATED *** REASON: CASE DISMISSED 10-16-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harry Edward Benton

Represented By
Anthony P Cara

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

1:45 PM

6:18-17639 Crystal Garcia

Chapter 13

#10.00 Hrg re status conference

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-26-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Crystal Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
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Courtroom 304 Calendar

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:13-21658 Alice Berumen

Chapter 13

#11.00 Hrg re trustee's motion to dismiss regarding delinquency

Docket 78

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 10-16-18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice Berumen

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:14-13161 Martha Campa

Chapter 13

#12.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 112

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 10-18-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Campa

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:16-11125 Jon Joseph LeLeux

Chapter 13

#13.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 90

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 10-3-18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jon Joseph LeLeux

Represented By
Michael Jones
Sara Tidd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:16-14641 Cassandra Lynett White-Elliott

Chapter 13

#14.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cassandra Lynett White-Elliott

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:17-15748 Juan Carlos Melgar and Patricia Carmen Melgar

Chapter 13

#15.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 74

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Melgar

Represented By
Dana Travis

Joint Debtor(s):

Patricia Carmen Melgar

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:17-15956 Joseph Nathaniel Brown

Chapter 13

#16.00 Hrg re trustee's motion to dismiss regarding delinquency

Docket 47

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 10-18-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Nathaniel Brown

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-11721 Chandararith Mean and Thy Voeun-Mean

Chapter 13

#17.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chandararith Mean

Represented By
Charles Shamash
Joseph Caceres

Joint Debtor(s):

Thy Voeun-Mean

Represented By
Charles Shamash
Joseph Caceres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-12399 Juan Diaz and Marcela Barajas

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 37

Tentative Ruling:

10/24/2018:

On October 10, 2018, the debtors appeared at a meeting of creditors. Later that day, counsel for the debtors and the chapter 13 trustee appeared at a status conference at 1:30 p.m. and reported an agreement between all appearing parties to confirm the chapter 13 plan filed in this bankruptcy case. The agreed terms of confirmation were recited on the record. The Court provided counsel for the debtors and the trustee with a proposed form of order which contained their agreed upon terms and which they approved on the record.

In the interim, the Court has reviewed the docket and no objection to confirmation has been filed. Nor has any other pleading been filed since the status conference which would appear to impact the terms of confirmation recited at the status conference. Accordingly, the Court assumes the debtors still concur with the confirmation terms recited on the record at the status conference and, therefore, the Court hereby excuses the debtors and counsel for the debtors from appearing at the confirmation hearing. No appearances by the debtors or counsel for the debtors are required at the confirmation hearing.

If the trustee, a creditor or any other party appears at the confirmation hearing (or the status conference) and requests that the Court take action adverse to the debtors (i.e. deny confirmation, dismiss the case or otherwise take any action other than confirm the plan on the agreed terms set forth on the record at the status conference), the Court will not do so in the absence of counsel for the debtors. Instead, under those circumstances, the Court would continue the matter a week or two and provide an opportunity for the debtors and counsel for the debtors to appear and address such matters.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
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2:00 PM

CONT... Juan Diaz and Marcela Barajas

Chapter 13

Debtor(s):

Juan Diaz

Represented By
Christopher Hewitt

Joint Debtor(s):

Marcela Barajas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-12399 Juan Diaz and Marcela Barajas

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-10-18

Docket 0

Tentative Ruling:

10/24/2018:

The Court has posted a ruling regarding confirmation of the chapter 13 plan. Pursuant to that ruling, no appearances are required by the debtors or counsel for the debtors at the confirmation hearing or the status conference. As set forth in the posted ruling, the Court intends to confirm the plan and conclude the status conference.

Party Information

Debtor(s):

Juan Diaz

Represented By
Christopher Hewitt

Joint Debtor(s):

Marcela Barajas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17230 Shawn Howard

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-6-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Howard

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17277 Vanessa Y. McClenny

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-10-18; CONT'D TO 11-30-18 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vanessa Y. McClenny

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17283 Virgilio G. Soribello and Rosario S. Soribello

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Virgilio G. Soribello

Represented By
Javier H Castillo

Joint Debtor(s):

Rosario S. Soribello

Represented By
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17285 Willie Alfred Cox, Sr.

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie Alfred Cox Sr.

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17335 Imogene Hardrick

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9-6-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Imogene Hardrick

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17336 Aura Violeta Cordero

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aura Violeta Cordero

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17350 Robert Bakke and Cheryl Lynn Bakke

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Bakke

Represented By
Julie J Villalobos

Joint Debtor(s):

Cheryl Lynn Bakke

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17398 Diosdado Pioquinto Dizon, Jr.

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

10/24/2018:

On October 10, 2018, the debtor appeared at a meeting of creditors. Later that day, counsel for the debtor and the chapter 13 trustee appeared at a status conference at 1:30 p.m. and reported an agreement between all appearing parties to confirm the chapter 13 plan filed in this bankruptcy case. The agreed terms of confirmation were recited on the record. The Court provided counsel for the debtor and the trustee with a proposed form of order which contained their agreed upon terms and which they approved on the record.

In the interim, the Court has reviewed the docket and no objection to confirmation has been filed. Nor has any other pleading been filed since the status conference which would appear to impact the terms of confirmation recited at the status conference. Accordingly, the Court assumes the debtor still concurs with the confirmation terms recited on the record at the status conference and, therefore, the Court hereby excuses the debtor and counsel for the debtor from appearing at the confirmation hearing. No appearances by the debtor or counsel for the debtor are required at the confirmation hearing.

If the trustee, a creditor or any other party appears at the confirmation hearing (or the status conference) and requests that the Court take action adverse to the debtor (i.e. deny confirmation, dismiss the case or otherwise take any action other than confirm the plan on the agreed terms set forth on the record at the status conference), the Court will not do so in the absence of counsel for the debtor. Instead, under those circumstances, the Court would continue the matter a week or two and provide an opportunity for the debtor and counsel for the debtor to appear and address such matters.

Party Information

**United States Bankruptcy Court
Central District of California
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2:00 PM

CONT... Diosdado Pioquinto Dizon, Jr.

Chapter 13

Debtor(s):

Diosdado Pioquinto Dizon Jr.

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17398 Diosdado Pioquinto Dizon, Jr.

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-10-18

Docket 2

Tentative Ruling:

10/24/2018:

The Court has posted a ruling regarding confirmation of the chapter 13 plan. Pursuant to that ruling, no appearances are required by the debtor or counsel for the debtor at the confirmation hearing or the status conference. As set forth in the posted ruling, the Court intends to confirm the plan and conclude the status conference.

Party Information

Debtor(s):

Diosdado Pioquinto Dizon Jr.

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17402 Daniel David Skinner and Julie Skinner

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel David Skinner

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Julie Skinner

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17402 Daniel David Skinner and Julie Skinner

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-10-18

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel David Skinner

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Julie Skinner

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Hearing Room 304

2:00 PM

6:18-17402 Daniel David Skinner and Julie Skinner

Chapter 13

#31.00 Hrg re motion to value collateral held by Capital One Bank (USA), National Association

Docket 18

Tentative Ruling:

10/24/2018:

None.

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 506 with the following relief:

(1) The lien held by Capital One Bank (USA), N.A., on the 2006 Suzuki GSXR, has a secured value of \$4,920 in accordance with the NADA Guide average retail value. *See In re Morales*, 387 B.R. 36, 45 (Bkrtcy.C.D.Cal. 2008).

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CONT... Daniel David Skinner and Julie Skinner

Chapter 13

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Daniel David Skinner

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Julie Skinner

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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2:00 PM

6:18-17419 Raul Lara

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Lara

Represented By
David L Speckman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17444 Theodore M Lorenzen and Robert L Bostic, Jr

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: CASE DISMISSED 10-11-18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theodore M Lorenzen

Represented By
Kevin M Cortright

Joint Debtor(s):

Robert L Bostic Jr

Represented By
Kevin M Cortright

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17450 Kraiwut Niltasuwan

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kraiwut Niltasuwan

Represented By
Nicholas S Nassif

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

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2:00 PM

6:18-17505 Chase Becsi

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-13-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chase Becsi

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17523 Daniel K Murphy and Paula C Murphy

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel K Murphy

Represented By
Paul Y Lee

Joint Debtor(s):

Paula C Murphy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17536 Oscar Alberto Sevilla

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

10/24/2018:

On October 10, 2018, the debtor appeared at a meeting of creditors. Later that day, counsel for the debtor and the chapter 13 trustee appeared at a status conference at 2:30 p.m. and reported an agreement between all appearing parties to confirm the chapter 13 plan filed in this bankruptcy case. The agreed terms of confirmation were recited on the record. The Court provided counsel for the debtor and the trustee with a proposed form of order which contained their agreed upon terms and which they approved on the record.

In the interim, the Court has reviewed the docket and no objection to confirmation has been filed. Nor has any other pleading been filed since the status conference which would appear to impact the terms of confirmation recited at the status conference. Accordingly, the Court assumes the debtor still concurs with the confirmation terms recited on the record at the status conference and, therefore, the Court hereby excuses the debtor and counsel for the debtor from appearing at the confirmation hearing. No appearances by the debtor or counsel for the debtor are required at the confirmation hearing.

If the trustee, a creditor or any other party appears at the confirmation hearing (or the status conference) and requests that the Court take action adverse to the debtor (i.e. deny confirmation, dismiss the case or otherwise take any action other than confirm the plan on the agreed terms set forth on the record at the status conference), the Court will not do so in the absence of counsel for the debtor. Instead, under those circumstances, the Court would continue the matter a week or two and provide an opportunity for the debtor and counsel for the debtor to appear and address such matters.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

CONT... Oscar Alberto Sevilla

Chapter 13

Debtor(s):

Oscar Alberto Sevilla

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17536 Oscar Alberto Sevilla

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-10-18

Docket 2

Tentative Ruling:

10/24/2018:

The Court has posted a ruling regarding confirmation of the chapter 13 plan. Pursuant to that ruling, no appearances are required by the debtor or counsel for the debtor at the confirmation hearing or the status conference. As set forth in the posted ruling, the Court intends to confirm the plan and conclude the status conference.

Party Information

Debtor(s):

Oscar Alberto Sevilla

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17541 Bruce Leichty and Kathryn Anne Leichty

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 10-10-08; CONT'D TO 11-30-18 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Leichty

Represented By
Paul Y Lee

Joint Debtor(s):

Kathryn Anne Leichty

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17571 Nennette Wyatt

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-13-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nennette Wyatt

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17574 Mekiel Ijah

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-11-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mekiel Ijah

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17575 Sid G. Castrejon and Veronica Castrejon

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sid G. Castrejon

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Veronica Castrejon

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17575 Sid G. Castrejon and Veronica Castrejon

Chapter 13

#43.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-10-18

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sid G. Castrejon

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Veronica Castrejon

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17577 Marsha M. Zachary

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

Docket 2

Tentative Ruling:

10/24/2018:

On October 10, 2018, the debtor appeared at a meeting of creditors. Later that day, counsel for the debtor and the chapter 13 trustee appeared at a status conference at 3:30 p.m. and reported an agreement between all appearing parties to confirm the chapter 13 plan filed in this bankruptcy case. The agreed terms of confirmation were recited on the record. The Court provided counsel for the debtor and the trustee with a proposed form of order which contained their agreed upon terms and which they approved on the record.

In the interim, the Court has reviewed the docket and no objection to confirmation has been filed. Nor has any other pleading been filed since the status conference which would appear to impact the terms of confirmation recited at the status conference. Accordingly, the Court assumes the debtor still concurs with the confirmation terms recited on the record at the status conference and, therefore, the Court hereby excuses the debtor and counsel for the debtor from appearing at the confirmation hearing. No appearances by the debtor or counsel for the debtor are required at the confirmation hearing.

If the trustee, a creditor or any other party appears at the confirmation hearing (or the status conference) and requests that the Court take action adverse to the debtor (i.e. deny confirmation, dismiss the case or otherwise take any action other than confirm the plan on the agreed terms set forth on the record at the status conference), the Court will not do so in the absence of counsel for the debtor. Instead, under those circumstances, the Court would continue the matter a week or two and provide an opportunity for the debtor and counsel for the debtor to appear and address such matters.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

CONT... Marsha M. Zachary

Chapter 13

Debtor(s):

Marsha M. Zachary

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:00 PM

6:18-17577 Marsha M. Zachary

Chapter 13

#45.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-10-18

Docket 2

Tentative Ruling:

10/24/2018:

The Court has posted a ruling regarding confirmation of the chapter 13 plan. Pursuant to that ruling, no appearances are required by the debtor or counsel for the debtor at the confirmation hearing. Likewise, no appearances are required today at the status conference. Neither the debtor nor counsel for the debtor should appear today.

However, the Court would like to confer with the debtor once about the confirmed plan in order to (1) insure its essential requirements are understood by the debtor, (2) discuss the important payment issues, (3) answer any questions of the debtor and (4) address any other pertinent issues. A discussion with the debtor should increase the debtor's understanding of the case and increase the chances of success in the case. The debtor did not appear at the prior status conference and, for scheduling reasons, appearing today will not likely be practicable (given the caseload volume expected for today).

Therefore, the Court hereby continues the status conference to December 12, 2018 at 11:00 a.m. The debtor must appear at the continued status conference at that date and time. Counsel for the debtor is welcome to attend (and encouraged to do so). However, counsel for the debtor is not required to appear at the continued status conference. Prior to the status conference, counsel for the debtor should provide the debtor with an entered copy of the order confirming the chapter 13 plan and the debtor should bring a copy of that order to the status conference.

If the designated date and time (December 12, 2018 at 11:00 a.m.) presents a significant scheduling problem for the debtor, counsel should file a declaration stating as much at least a week or two prior to the status conference explaining the scheduling

**United States Bankruptcy Court
Central District of California
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2:00 PM

CONT... Marsha M. Zachary

Chapter 13

problem. In addition, the declaration should provide at least three or four other proposed dates (on Fridays) on which it would be convenient for the debtor to appear at a status conference.

So, in summary, the status conference is continued to December 12, 2018 at 11:00 a.m. and neither the debtor nor their counsel should appear today.

Party Information

Debtor(s):

Marsha M. Zachary

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:15-18933 Alfredo Serna and Norma Lilia Serna

Chapter 13

#46.00 Motion for relief from stay

U.S. BANK TRUST VS DEBTORS

Property: 1130 South Palm Avenue, Ontario, CA 91762
[Real Prop] Nancy Lee, attorney/movant

Docket 72

Tentative Ruling:

10/24/2018:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. §§ 362(d)(1) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property, foreclose its lien upon the property and to sell the property.

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Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

CONT... Alfredo Serna and Norma Lilia Serna

Chapter 13

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

(3) The creditor or counsel for the creditor may communicate with the debtors or counsel for the debtors regarding the property that is the subject of this motion and the debt owed to the creditor.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Alfredo Serna

Represented By
Phillip Myer

Joint Debtor(s):

Norma Lilia Serna

Represented By
Phillip Myer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:17-15817 Brixton T Silva and Aimee V Silva

Chapter 13

#47.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTORS

Property: 2016 Lexus RS350
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brixton T Silva

Represented By
Paul Y Lee

Joint Debtor(s):

Aimee V Silva

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:17-17615 Jose A Medina

Chapter 13

#48.00 Motion for relief from stay

WELLINGTON SAVINGS FUND SOCIETY VS DEBTOR

Property: 80694 Columbia Avenue, Indio, CA 92201
[Real Prop] Alexander K. Lee, attorney/movant

Docket 78

Tentative Ruling:

10/24/2018:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. §§ 362(d)(1) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property, foreclose its lien upon the property and to sell the property.

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2:30 PM

CONT...

Jose A Medina

Chapter 13

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

(3) The creditor or counsel for the creditor may communicate with the debtor or counsel for the debtor regarding the property that is the subject of this motion and the debt owed to the creditor.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Jose A Medina

Represented By
Randolph L Neel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:17-17865 George Manning, III and Krystle Manning

Chapter 13

#49.00 Motion for relief from stay

FORD MOTOT CREDIT VS DEBTORS

Property: 2015 Ford Explorer
[Personal Prop] Jennifer Wang, attorney/movant

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Manning III

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Krystle Manning

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:17-18287 Henry Stephen Luce, Jr. and Debbie Ann Luce

Chapter 13

#50.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTORS

Property: 2015 Dodge Dart
[Non Bk Forum] Sheryl K. Ith, attorney/movant

Docket 32

Tentative Ruling:

10/24/2018:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 362(d)(1) with the following relief:

- (1) Termination of the stay solely to pursue insurance proceeds.
- (2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

**United States Bankruptcy Court
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Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

CONT... Henry Stephen Luce, Jr. and Debbie Ann Luce

Chapter 13

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Henry Stephen Luce Jr.

Represented By
Steven A Alpert

Joint Debtor(s):

Debbie Ann Luce

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:17-19525 Muhammed Baker

Chapter 13

#51.00 Motion for relief from stay

PACIFIC UNION FINANCIAL VS DEBTOR

Property: 22987 Vought Street, Moreno Valley, CA 92553
[Real Prop] Darlence C. Vigil, attorney/movant

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Muhammed Baker

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18383 Arturo Cervantes

Chapter 13

#52.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Cervantes

Represented By
Phillip Myer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18452 Hanne T. Panquin

Chapter 13

#53.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hanne T. Panquin

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18105 James Shelton

Chapter 13

#53.01 Motion for relief from stay

KMC INVESTMENT VS DEBTOR

Property: 23609 Blooming Meadow Road, Moreno Valley, CA 92557
[UD] Barry Lee O'Connor, attorney/movant

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Shelton

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18350 Catalin Badescu

Chapter 13

#53.02 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catalin Badescu

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18414 Annamarie Wright

Chapter 13

#53.03 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annamarie Wright

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18448 Anthony J Sandello and Margaret A Sandello

Chapter 13

#53.04 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony J Sandello

Represented By
Paul Y Lee

Joint Debtor(s):

Margaret A Sandello

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
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Courtroom 304 Calendar

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-18463 Yeni Ramos

Chapter 13

#53.05 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 11

*** VACATED *** REASON: CASE DISMISSED 10-22-18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yeni Ramos

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17803 Curtis Anthony Ramsay and Doreen Lee Ramsay

Chapter 13

#54.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Curtis Anthony Ramsay

Represented By
Todd L Turoci

Joint Debtor(s):

Doreen Lee Ramsay

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17804 Eric J Huesca and Elizabeth Gomez Huesca

Chapter 13

#55.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: CASE CONVERTED 10-16-18 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric J Huesca

Represented By
Jenny L Doling

Joint Debtor(s):

Elizabeth Gomez Huesca

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17827 Ceazar Capili Adriano, Jr. and Fransel Enriquez Adriano

Chapter 13

#56.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ceazar Capili Adriano Jr.

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Fransel Enriquez Adriano

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17853 Alicia Vega

Chapter 13

#57.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Vega

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17864 Brian P. Bell

Chapter 13

#58.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 33

Tentative Ruling:

10/24/2018:

None.

Final Ruling. The motion is untimely. Section 362(c)(3)(A) provides that the automatic stay “shall terminate with respect to the debtor on the 30th day after the filing of the later case.” *See* 11 U.S.C. § 362(c)(3)(A). In order to avoid the termination of the stay, a motion to extend the stay must be filed and it must be heard on or before the thirtieth day after the filing of the bankruptcy case. *See* 11 U.S.C. § 362(c)(3)(B) (stating that “on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period . . .”).

Accordingly, under the plain language of the statute, the hearing regarding a motion to extend the automatic stay pursuant to section 362(c)(3)(B) must occur no later than thirty days after the filing of this bankruptcy case. It is not enough to simply file the motion within the thirty day period. The hearing regarding the motion must also occur within the thirty day period. *See, e.g., In re Moon*, 339 B.R. 668, 670 (Bankr. N.D. Ohio 2006) (denying a motion to extend the stay that was filed during the thirty day period because the debtors scheduled the motion for a hearing thirty-seven days after the petition date); *In re Garrett*, 357 B.R. 128, 131 (Bankr. C.D. Ill.

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CONT...

Brian P. Bell

Chapter 13

2006) (“Pursuant to 11 U.S.C. § 362(c)(3)(B), the Bankruptcy Court may extend the automatic stay only after notice and a hearing completed before the expiration of the 30 day period after the filing of a second bankruptcy case within one year of the dismissal of a previously filed case. If the notice and hearing are not completed within this period, the automatic stay terminates by operation of law pursuant to § 362(c)(3) (A).”); *In re Norman*, 346 B.R. 181 (Bankr. N.D. W.Va. 2006) (holding that a motion to extend the automatic stay must be heard within the thirty day period); *In re Ziolkowski*, 338 B.R. 543, 546 (Bankr. D.Conn. 2006) (denying a motion to extend the stay that was filed during the thirty day period because the initial hearing regarding the motion – which was scheduled by the clerk of the court - occurred more than two months after the petition date and stating that the debtors “were the movants and it was their ultimate burden to insure that the Motion was timely scheduled.”); *Capital One Auto Fin. v. Cowley*, 374 B.R. 601, 610 (W.D. Tex. 2006) (reversing a bankruptcy court order granting a motion to extend the stay because, while the motion was filing within thirty days of the petition date, the hearing regarding the motion occurred after the thirty day period and stating that “the Court finds that § 362(c)(3) requires notice and a hearing to be completed within thirty days of a filing of a petition by a single-repeat filer.”); *In re Wesselman*, 2008 Bankr. LEXIS 950 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-one days after the petition date.); *In re Brewster*, 2008 Bankr. LEXIS 949 (Bankr. E.D. Ky. 2008) (denying a motion to extend the stay that was filed during the thirty day period because the hearing regarding the motion occurred thirty-nine days after the petition date and stating that the “plain meaning of the statute is that the court does not have authority to extend the stay when a hearing is not completed before the expiration of the 30-day period following a bankruptcy filing.”).

Because of this strict thirty day period for conducting a hearing regarding a motion to extend the stay, this Court (like many others) has established self-calendaring instructions which permit debtors to set hearings regarding this type of motion on shortened notice (as little as seven days). Under those procedures, debtors typically have between two to four available dates for setting hearings regarding this type of motion during the first thirty days of any bankruptcy case. For unknown reasons, the debtor did not utilize those available dates in this case.

In this case, the debtor filed a prior bankruptcy case within the last twelve

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months (case no. 6:18-bk-15606-WJ). After that case was dismissed, the debtor filed this second bankruptcy case on September 17, 2018. Thus, the automatic stay expired on October 17, 2018. The debtor did not utilize the self-calendaring procedures that permit hearings on these types of motions on shortened notice (i.e. without an order shortening time) within the first thirty days of the petition date. Pursuant to those guidelines, the motion could have been heard on September 26, 2018, or October 10, 2018. Indeed, the debtor could have scheduled the hearing regarding the motion for October 10, 2018 on regular notice to creditors (i.e. 21 days notice to creditors) or, pursuant to the Court's self-calendaring guidelines, on either seven or fourteen days notice to creditors. Instead, on September 21, 2018, the debtor filed a motion to extend the stay and the debtor selected a hearing date for the motion of October 24, 2018. However, that day is 37 days after the petition date.

Accordingly, the motion must be denied as untimely.

Party Information

Debtor(s):

Brian P. Bell

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 24, 2018

Hearing Room 304

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6:18-17864 Brian P. Bell

Chapter 13

#59.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian P. Bell

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 304

2:30 PM

6:18-17868 Martin Osuna Zatarain

Chapter 13

#60.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Osuna Zatarain

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Wednesday, October 24, 2018

Hearing Room 304

2:30 PM

6:18-17873 Cecilia Leonard

Chapter 13

#61.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 24, 2018

Hearing Room 304

3:30 PM

6:18-17879 Monica Christina Romo

Chapter 13

#62.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Christina Romo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

Hearing Room 304

3:30 PM

6:18-17894 Leonard Terry

Chapter 13

#63.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonard Terry

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Judge Wayne Johnson, Presiding
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Wednesday, October 24, 2018

Hearing Room 304

3:30 PM

6:18-17960 Marianne Maloney Hussey

Chapter 13

#64.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marianne Maloney Hussey

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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Hearing Room 304

3:30 PM

6:18-17989 Ernesto R. Munoz, III

Chapter 13

#65.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto R. Munoz III

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 24, 2018

Hearing Room 304

3:30 PM

6:18-18009 Susan Marie Garcia

Chapter 13

#66.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Marie Garcia

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Wednesday, October 24, 2018

Hearing Room 304

3:45 PM

6:18-13012 Christina Elizabeth Rinks

Chapter 13

#67.00 Hrg re motion to modify plan or suspend plan payments

FROM: 10-10-18

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Elizabeth Rinks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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Central District of California
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Courtroom 304 Calendar**

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4:00 PM

6:17-19843 Manuel Vargas

Chapter 13

#68.00 Hrg re order to show cause regarding why this bankruptcy case should not be dismissed and order directing Peter Nisson to appear in court

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Vargas

Represented By
Peter L Nisson

Trustee(s):

Rod Danielson (TR)

Pro Se