

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
WEDNESDAY, SEPTEMBER 15, 2021

10:00 AM

16-05650-LA Ch 13 MICHAEL A. & RAHIMA A. CLEVERS

TELE

TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: Trustee's Motion to Dismiss **SUSPENDED ON CONDITIONS.**

The debtor(s) plan is now at the 60 month limit, the case having been filed on 9/14/2016. The Court suspends dismissal of this case on condition that debtor(s) pay the remaining balance of the plan no later than Nov. 15, 2021. If the required payment fails to post to the Trustee's lock box account within 2 weeks from the date of this deadline, the Trustee may upload an order dismissing this case without further hearing.

If counsel for the debtor(s) is prepared to accept the tentative ruling, s/he should inform the courtroom deputy and the Trustee and appearances will be excused. In that event, counsel will be awarded a guideline fee for services and must inform the Trustee whether counsel is looking to the estate or to the debtor directly for payment of that fee.

ATTORNEY: AHREN A. TILLER (MICHAEL A. CLEVERS, RAHIMA A. CLEVERS)

17-06048-LA Ch 13 STEVEN & GLORIA CIMOCHOWSKI

TELE

TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: **MATTER CONTINUED TO SEPT. 29, 2021 AT 10:00 A.M.** In Opposition to this dismissal motion, on 8/5/21, debtor stated he would be filing a modified plan under the CARES Act. If such motion is not on file by September 27, 2021 at 12:00 pm (noon), the Trustee is authorized to upload a dismissal order. If the motion to modify the plan under the CARES Act is indeed filed timely, counsel is directed to notify the Trustee and the courtroom deputy who will continue this dismissal order to the date/time of the noticed motion to modify the plan.

If counsel is prepared to accept this tentative ruling, he should notify the Trustee and the courtroom deputy and appearances at today's hearing will be excused and this matter continued subject to the terms stated above. If there is a dismissal order entered prior to the continued hearing date, Court awards debtor's counsel the guideline fee for his services.

ATTORNEY: BRIAN CROZIER WHITAKER (STEVEN CIMOCHOWSKI, GLORIA CIMOCHOWSKI)

10:00 AM

18-03584-LA Ch 13 JEREMIAH E. & MIA R. RODRIGUEZ

TELE

TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: **MATTER OFF CALENDAR.** Trustee has withdrawn his dismissal motion. No appearances required. Guideline fees awarded counsel.

ATTORNEY: AHREN A. TILLER (JEREMIAH E. RODRIGUEZ, MIA R. RODRIGUEZ)

20-04368-LA Ch 13 JOSEPHINE ANDREWS

TELE

- 1) OBJECTION TO CONFIRMATION OF CH. 13 PLAN FILED BY CAROLINE D'ARCY, TARA ANDREWS, SINAIOIFE ANDREWS FLD BY BARBARA RICHARDS. (Fr 3/3/21)

Tentative Ruling: The Court concurs with the Trustee's observation that this case, pending for over one year without plan confirmation or disbursements to creditors, must move forward **now**. The Trustee's proposed compromise makes sense: Agree that the D'Arcy Claim #5 is allowed in the amount of \$40K (the undisputed amount scheduled by the debtor) subject to resolution by the state court. If state court determines that the actual amount owed is greater than \$40K, the debtor must file an amended plan within 60 days of entry of that court order, increasing plan payments to permit completion within 60 months. The Trustee has made suggestions on how this might be incorporated into a Preconfirmation Modification which will allow plan confirmation.

If debtor's counsel is **NOT** prepared to accept this compromise, this case will be dismissed at today's hearing for unreasonable delay prejudicial to creditors.

If debtor's counsel is prepared to accept this compromise, counsel shall notify the trustee, the objecting party and the courtroom deputy and this matter will be **CONTINUED ONE LAST TIME to Sept. 29, 2021 at 10:00 a.m.** for debtor's counsel to prepare and file the preconfirmation modification and submit same to the Trustee for approval. In that event, appearances at today's hearing will be excused.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON (Fr 3/3/21)
- 3) OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS (Fr 3/3/21)

ATTORNEY: JASON E. TURNER (JOSEPHINE ANDREWS)

18-05492-LA Ch 13 JOHN E. & JULIET TERESE GOMEZ

TELE

TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: Trustee's Motion to dismiss case **GRANTED**. Debtor's counsel, after conferring with debtors, agrees this plan is no longer feasible and the debtors are prepared to convert this case to one under Ch 7. Appearances at today's hearing are excused. Trustee is requested to hold dismissal order for 14 days from date of today's hearing to permit debtors to convert the case. Guideline fees are awarded counsel for his services, however, since the debtor is already \$17K delinquent, it is highly unlikely there are funds on hand to pay him.

ATTORNEY: MICHAEL KOCH (JOHN E. GOMEZ, JULIET TERESE GOMEZ)

10:00 AM

18-07726-LA Ch 13 HORACE W. & TIFFANY R. HOLMAN

TELE

MOTION FOR RELIEF FROM STAY, RS # GB-1 .00 FILED BY ADAM THURSBY ON BEHALF OF U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST

Tentative Ruling: If parties manage to agree on an APO in advance of this hearing, please notify the courtroom deputy and appearances will be excused.
In that event, debtor's counsel will be awarded the guideline fee for his/her services in this matter.

ATTORNEY: AHREN A. TILLER (HORACE W. HOLMAN, TIFFANY R. HOLMAN)

11:00 AM

19-07213-LA Ch 13 ROBERT BARRAGAN & LEONORA JOSE GACULA

TELE

1) TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: See tentative ruling w/r/t Motion to Modify Plan, etc.

This matter will also be continued to Sept. 29, 2021 at 11:00 a.m.

2) DEBTOR'S MOTION TO MODIFY CHAPTER 13 PLAN FILED BY ANTHONY VIGIL

Tentative Ruling: As the Court understands Trustee's Opposition to the debtors' motion to suspend 5 plan payments, reduce plan payments going forward and extend debtors' plan to 84 months, Trustee's objections are procedural in nature: That is, the debtors have not filed a modified plan stating in para. 9 that the requested extension is pursuant to sec. 1329(d). **If** this is the only objection to the debtors' proposed modified plan. this **MATTER CONTINUED TO SEPT. 29, 2021 at 11:00 a.m.** for debtors' counsel to confer with the Trustee to identify an acceptable solution to this objection and prepare an acceptable amendment to cure it.

If an amended modified plan is filed curing this objection, the Court will consider the tracking order disposition suggested by the trustee to resolve the Motion to Dismiss which is also on calendar today.

ATTORNEY: ANTHONY VIGIL (ROBERT BARRAGAN GACULA, LEONORA JOSE GACULA)

20-03933-LA Ch 13 ALISON M. CAVEY HARRIS

TELE

MOTION FOR RELIEF FROM STAY, RS # EMM-1 FILED BY ERIN MCCARTNEY ON BEHALF OF LAKEVIEW LOAN SERVICING, LLC

Tentative Ruling: If parties manage to agree on an APO in advance of this hearing, please notify the courtroom deputy and appearances will be excused.
In that event, debtor's counsel will be awarded the guideline fee for his/her services in this matter.

ATTORNEY: AHREN A. TILLER (ALISON M. CAVEY HARRIS)

11:00 AM

20-05051-LA Ch 13 MARIO E. MENDOZA

TELE

- 1) (stip to cont to 10-27 at 11:00 to come)STATUS CONFERENCE RE: DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF U.S. BANK TRUST, NA, TRUSTEE FOR KINGSMEAD ASSET HOLDING TRUST (Fr 8/4/21)

Tentative Ruling: Court has been informed that counsel may be preparing to request a continuance of the hearing on this matter because they have not completed discovery. Because this matter is holding up confirmation of the plan, no continuance will be granted without a detailed declaration from each counsel as to what each has done by way of discovery since the previous hearing held 5/12/21 and what remains to be completed. Alternatively, counsel can appear at today's hearing with their respective trial calendars so that this matter can be set for trial."

- 2) (stip to cont to 10-27 at 11:00 to come)OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS BANKRUPTCY CASE . FILED BY THOMAS H. BILLINGSLEA (Fr 8/4/21)

Tentative Ruling: Matter will not be continued on stipulation unless parties comply with conditions to obtain a continuance as set forth in the tentative ruling on the motion to value real property.

ATTORNEY: ALLAN CATE (MARIO E. MENDOZA)

21-01693-LA Ch 13 PATRICK FRANCIS O'CONNOR

TELE

MOTION TO SELL PERSONAL PROPERTY (Fr 8/4/21)

Tentative Ruling: Motion to Sell Personal Property **DENIED** on grounds set forth in Ch 13 Trustee's Objection to plan confirmation and motion to dismiss or convert case (ECF #58) which is scheduled for hearing on 10/13/21. In order to obtain an order on this motion, debtor will be required to make corrections/changess to his Ch. 13 plan in order to reflect debtor's current situation.

ATTORNEY: THOMAS F. MILES (PATRICK FRANCIS O'CONNOR)

19-01375-LA Ch 13 LAMAR B. BROWN

TELE

- 1) TRUSTEE'S MOTION TO DISMISS CASE (Fr 9/1/21)

Tentative Ruling: Trustee's statement of case status (ECF #37) is silent on whether approval of the motion to incur debt "cures" the Motion to dismiss. Parties must appear telephonically on this matter. Also, trustee has inquired about fee requests if any.

- 2) DEBTOR'S APPLICATION FOR TO INCUR DEBT FILED BY THOMAS B. GORRILL ON BEHALF OF LAMAR B. BROWN

Tentative Ruling: Motion to Incur Debt **GRANTED**. Trustee has no opposition.

ATTORNEY: THOMAS B. GORRILL (LAMAR B. BROWN)