

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
THURSDAY, OCTOBER 22, 2020

02:00 PM

13-09338-LA Ch 11 MOHAMMAD R. BAHAE

TELE

DEBTOR'S MOTION FOR FINAL DECREE AND CASE CLOSING FILED BY DAVID L. SPECKMAN ON BEHALF OF MOHAMMAD R. BAHAE

Tentative Ruling: Motion for Final Decree and Cases Closing **GRANTED**. Unopposed and debtor has met those factors entitling him to an order:

- 1) The Confirmation Order is a final order;
- 2) Required payments to creditors have commenced, and the Confirmation Order states that debtor need not complete plan payments prior to the estate being determined to have been fully administered; and
- 3) All motions and contested matters involving debtor have been finally resolved, and no matter is now pending before the Court.

As this motion is unopposed, the hearing is vacated, appearances excused and counsel may submit an order forthwith in accordance with the tentative ruling.

ATTORNEY: DAVID L. SPECKMAN (MOHAMMAD R. BAHAE)

17-01568-LA Ch 7 JORDON WALLACE SCHULTZ

TELE

1) FIRST AND FINAL APPLICATION FOR COMPENSATION & REIMBURSEMENT OF COSTS OF ACCOUNTANT FOR TRUSTEE FOR ALAN MYERS, ACCOUNTANT, PERIOD: 5/19/2020 TO 9/21/2020, FEE: \$ 2588.00, EXPENSES: \$406.00.

Tentative Ruling: Court has reviewed First and Final Application for Compensation and Expense Reimbursement filed by the accountant for the Ch. 7 trustee and finds services necessary and charges for same reasonable. Court awards amounts requested in full. The Court also awards an "up to" request not to exceed \$300 without further application for cases closing services.

As this application is unopposed, Mr. Myers is excused from attending this hearing and may submit an order forthwith.

2) FIRST APPLICATION FOR FINAL PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR BRIAN A. KRETSCH, TRUSTEE'S ATTORNEY, PERIOD: 1/24/2018 TO 9/18/2020, FEE: \$ 22,995.00, EXPENSES: \$350.00.

Tentative Ruling: Court has reviewed First and Final Application for Compensation and Expense Reimbursement filed by counsel for the Ch. 7 trustee and finds services necessary and charges for same reasonable. Court awards amounts requested in full.

As this application is unopposed, counsel is excused from attending this hearing and may submit an order forthwith.

02:00 PM

20-02932-LA Ch 7 PAUL RAMIREZ LOPEZ & JHOANNA VERDUGO ALCARAZ

TELE

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND SUN COMMUNITY
FEDERAL CREDIT UNION

Tentative Ruling: MATTER OFF CALENDAR. Debtor is seeking to reaffirm a debt secured by a lien on Debtors' residence located at 1221 Rainbow Ave, Calexico, CA. Pursuant to 11 U.S.C. §§ 524(c)(6)(B), (d)(2) and (k)(3)(J)(i)(7), no court approval is required for a reaffirmation agreement secured by lien on the debtors' residence to become effective. Appearances are excused; no order is necessary.

ATTORNEY: TRISTAN BROWN (PAUL RAMIREZ LOPEZ, JHOANNA VERDUGO ALCARAZ)

20-04042-LA Ch 7 ERIC L. & ZANETTE A. HORTON

TELE

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND TOYOTA MOTOR
CREDIT CORPORATION

Tentative Ruling: Motion to reaffirm debt to Toyota Motor Credit Corp. **GRANTED if debtors are current** on payments and insurance as of the date of this hearing. Debtors' budget is negative but they have only 2 payments remaining for a total reaffirmed debt of \$852.33, at which point it appears they will own their Truck valued at \$17K free and clear. If the debtors have continued to make their payments timely, by the time of this hearing only 1 payment will remain so this Agreement is somewhat pointless. Notwithstanding their negative budget, Debtors should be able to cobble together sufficient funds to make their final payments without undue hardship so, if they prefer to reaffirm the debt rather than accept a Moustafi order, the Court will approve the reaffirmation. 2 days before this hearing, Debtors must contact the courtroom deputy, Ms. Fearce **[(619) 557-6594]**, and inform her whether they are current as required by this tentative ruling. If not, they should plan to virtually attend this scheduled hearing.

ATTORNEY: PAMELA F. KLEINKAUF (ERIC L. HORTON, ZANETTE A. HORTON)

02:00 PM

20-03488-LA Ch 7 SASSON & LYDIA LAVI

TELE

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND TD AUTO FINANCE LLC (2017 VOLKSWAGEN JETTA) (Fr 9/10/20)

Tentative Ruling:

Motion to Reaffirm Debt to TD Auto Finance **DENIED**. Based on Schedules I and J originally filed in this bankruptcy, a presumption of undue hardship exists which the debtor(s) has not rebutted. Debtor(s) must explain the differences between Part D income/expenses and those on originally filed Schedules I and J. A declaration must be submitted explaining in detail the changes in debtor(s)' financial circumstances since filing this bankruptcy. General statements that debtor(s) will try to adjust their budget to afford the payment are not sufficient to rebut the presumption of hardship.

If debtor(s) still desires to reaffirm this debt, upon a request for a continuance made to the courtroom deputy **Karen Fearce [(619) 557-6594]**, the court will give debtor(s) a **ONE TIME CONTINUANCE** to file a **declaration under penalty of perjury** explaining the differences between Part II and the originally filed Schedules I and J and attaching to the declaration **new Schedules I and J showing current income and expenses**. If the continuance is requested, (1) Ms. Fearce will assign the hearing date/time; (2) the new Schedules and Declaration must be filed no later than one (1) week in advance of the continued hearing date and (3) the debtor and/or his/her counsel are excused from attending today's hearing date.

Court notes that debtor(s) original schedules show a deficit of income/expenses of in excess of \$134.00/mo. Income/expense information contained in the reaffirmation agreement the same deficit. If debtor(s) cannot show sufficient income at present to pay normal monthly living expenses plus this vehicle payment, Court strongly urges debtor(s) NOT to request a continued hearing and instead discuss with their counsel accepting a *Moustafi* order denying this reaffirmation agreement.

If counsel is recommending debtor accept a *Moustafi* order, counsel must appear at this hearing **or** file a declaration one week in advance (and notify the courtroom deputy) whether debtor meets the deadlines required to be eligible for the *Moustafi* order.

ATTORNEY: SEVAG NIGOGHOSIAN (SASSON LAVI, LYDIA LAVI)

20-04097-LA Ch 11 DIMAS ACEVEDO

TELE

CHAPTER 11 PETITION 1) SETTING STATUS CONFERENCE; 2) SETTING COMPLIANCE DEADLINES; AND 3) SETTING SANCTIONS, IF APPROPRIATE, INCLUDING DISMISSAL, CONVERSION OR APPOINTMENT OF A CHAPTER 11 TRUSTEE OR EXAMINER BECAUSE OF NONCOMPLIANCE WITH ABOVE-REFERENCE REQUIREMENTS

ATTORNEY: EDWARD JUN FETZER (DIMAS ACEVEDO)

02:00 PM

11-02444-LA Ch 7 ALMA LYDIA CARPENTER

TELE

SECOND AND FINAL APPLICATION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND REIMBURSEMENT OF COSTS TO SLATER & TRUXAW, LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE APPLICATION FOR FINAL PROFESSIONAL COMPENSATION FOR SLATER & TRUXAW, LLP, TRUSTEE'S ATTORNEY, PERIOD: 9/1/2014 TO 8/31/2020, FEE: \$ 145,610.75, EXPENSES: \$2,347.45.

Tentative Ruling: Court has reviewed Second and Final Application for Compensation and Expense Reimbursement filed by counsel for the Ch. 7 trustee and finds services necessary and charges, as reduced, for same are reasonable. Court awards amounts requested in full. Additionally, the Court awards the holdback from the First Interim Fee Application.

As this application is unopposed, counsel is excused from attending this hearing and may submit an order forthwith.

ATTORNEY: DAVID GRIFFIN (ALMA LYDIA CARPENTER)
ATTORNEY: GUSTAVO E. BRAVO (DAVID CARPENTER)

19-07133-LA Ch 7 WILLIAM WAYNE WILLIAMS

ADV: 20-90034 LEONARD J. ACKERMAN v. PATRICK A WILLIAMS

TELE

- 1) PRE-TRIAL STATUS CONFERENCE (Fr 9/3/20)
- 2) MOTION FOR DECLARATORY RELIEF FILED BY BRIAN A. KRETSCH ON BEHALF OF LEONARD J. ACKERMAN.

ATTORNEY: BRIAN A. KRETSCH (LEONARD J. ACKERMAN)
ATTORNEY: MICHAEL T. O'HALLORAN (PATRICK A WILLIAMS)