

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
WEDNESDAY, FEBRUARY 15, 2012

10:00 AM

1 - 11-18706-LA Ch 13 ELRIC R DAWSON

MOTION FOR ORDER TO RETURN LEVIED FUNDS FILED BY ANDREW H. GRIFFIN III ON BEHALF OF ELRIC R DAWSON

Tentative Ruling: Motion **GRANTED**. Unopposed.

Appearance of counsel excused; submit order forthwith. Counsel will be awarded an administrative claim in the amount of the guideline fee for motions of this type. He should notify the trustee of the amount of that fee to which he is entitled.

ATTORNEY: ANDREW H. GRIFFIN (ELRIC R DAWSON)

2 - 07-04052-LA Ch 13 MARK STEVEN CARLSON

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN

Tentative Ruling: Motion **GRANTED**. Unopposed

As this motion was unopposed, no appearances required. Trustee to submit order

ATTORNEY: PAUL STALEY (MARK STEVEN CARLSON)

3 - 09-05920-LA Ch 13 FREDERICK B. & SONYA M. BYERS

MOTION FOR ORDER AUTHORIZING APPROVAL OF LOAN MODIFICATION

Tentative Ruling: Motion GRANTED. Unopposed.

Appearance of counsel excused; order to be submitted forthwith. Counsel awarded an administrative claim in the amount of a guideline fee for motions of this type. Counsel should notify trustee as to the amount of award he is claiming for these services.

ATTORNEY: KERRY A. DENTON (FREDERICK B. BYERS, SONYA M. BYERS)

4 - 10-18248-LA Ch 13 JIM L. & WILMA C. DESQUITADO

1) MOTION FOR RELIEF FROM STAY, RS # RSL-001 .00 FILED BY ROBERT S. LAMPL ON BEHALF OF NAVY FEDERAL CREDIT UNION (Fr 1/4/12)

Tentative Ruling: If counsel for movant is prepared to accept that treatment provided in modified plan which is being confirmed today, he should withdraw this motion, notify counsel for debtor and the courtroom deputy and appearance will be excused.

2) MOTION TO MODIFY PLAN

Tentative Ruling: Motion to Modify Plan GRANTED. Unopposed.

Appearance of counsel on this matter excused; submit order forthwith. Counsel awarded an administrative claim in the amount of the guideline fee for motions of this type. Counsel must notify trustee as to the amount of his claim.

ATTORNEY: STEVEN R. HOUBECK (JIM L. DESQUITADO, WILMA C. DESQUITADO)

10:00 AM

5 - 11-00518-LA Ch 13 ANNE C. STINCHCOMB

APPLICATION FOR COMPENSATION & REIMBURSEMENT FOR MICHAEL KOCH, DEBTOR'S ATTORNEY, PERIOD: 10/12/2011 TO 12/27/2011, FEE: \$ 2330.00, EXPENSES: \$55.44.

Tentative Ruling: Court has reviewed First Interim Application for Compensation and Expense Reimbursement filed by counsel for the Ch. 13 debtor. Court awards the amounts requested in full as interim compensation only without a determination of reasonableness at this time.

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

ATTORNEY: MICHAEL KOCH (ANNE C. STINCHCOMB)

6 - 11-03578-LA Ch 13 FOSTER PAUL CARR

OPPOSITION TO DEBTOR'S OBJECTION TO CLAIM #4-1 OF EDUCATIONAL CREDIT MANAGEMENT CORPORATION FILED BY TIMOTHY BURKE

Tentative Ruling: Objection to Claim of ECMC **OVERRULED**. This is the debtor's third try to defeat this claim. Court overruled a claim objection on 9/14/11 in which debtors was claiming there was no evidence of this debt. [ECF #47, 53].

Then debtor filed an adversary proceeding attempting to defeat the claim as having been discharged in his previously Ch. 7 case in 1995. Court granted ECMC's motion to dismiss with prejudice, holding as a matter of law there is no statute of limitations barring collection of student loans under 20 U.S.C. Sec. 1091(a)

Now debtor brings this claims objection, alleging that the itemized statement of claimant is false; that claimant filed a p.o.c. in a different amount in the 1995 bankruptcy and that the prior discharge discharged this debt.

A claim is *prima facie* evidence of its validity unless objecting party submits sufficient evidence to overcome the presumption. In this case, the debtor has not done so. The fact debtor scheduled the debt at \$47,798 in 1995 does not prove that (1) it was the correct amount then and (2) ignores the fact that the p.o.c. states that interest accrued at 9% (the contract rate) and that ECMC was entitled as well to collection costs (which are likely substantial, given debtor's litigious disposition). Debtor has provided absolutely no evidence why the calculation in the p.o.c. submitted by ECMC is incorrect.

If debtor is prepared to accept the tentative ruling, he should notify counsel for ECMC and the courtroom deputy and appearances will be excused. In that event, counsel for ECMC should submit an order forthwith.

10:00 AM

7 - 11-09334-LA Ch 13 RAUL DELATORRE

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF GMAC MORTGAGE CORPORATION, DBA DITECH.COM, ITS SUCCESSORS, HEIRS AND/OR ASSIGNS (Fr 1/4/12)

Tentative Ruling: Court has reviewed Declaration of counsel filed 2/1/12 re: efforts to clarify status of HELOC on debtor's property. It appears counsel is making a good faith effort to obtain this information and the continuance request should be granted. **MATTER CONTINUED TO 3/15/12 at 10:00 a.m.** Supp. evidence required by court to support lien strip motion to be filed no later than 3/8/12.

No appearance required at this hearing.

TRUSTEE: DAVID L. SKELTON
ATTORNEY: KYLE E. PIETRZAK (RAUL DELATORRE)

8 - 11-07838-LA Ch 13 MICHAEL DALE MCCOLLEY

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY DAVID L. SKELTON (Fr 1/4/12)

Tentative Ruling: If debtor makes the Feb. payment due in the full amount promised in the PCM, plan will be confirmed.

ATTORNEY: ALISON J. MALOOF (MICHAEL DALE MCCOLLEY)

9 - 11-08614-LA Ch 13 DENIECE DEEANN DUSCHEONE

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY DAVID L. SKELTON (Fr 1/4/12)

Tentative Ruling: If trustee submits for filing the PCM containing terms agreed to by debtor, motion to dismiss will be DENIED. Modified Plan dated 1/4/12 will be confirmed.

If the foregoing occurs before hearing, appearances will be excused.

ATTORNEY: DAVID E. BRITTON (DENIECE DEEANN DUSCHEONE)

10 - 11-10102-LA Ch 13 VICENTE T & JOSEFINA O RODRIGUEZ

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WILLIAM G. MALCOLM ON BEHALF OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION. (Fr 1/4/12)

Tentative Ruling: Objection to confirmation of this Modified Plan **OVERRULED**. Counsel for objecting party has not complied with LBR 3015-6 by filing a case status report timely. It appears the problems, if any, with this modified plan are the fault of creditor who apparently still has not made a decision w/r/t debtor's loan modification request.

If counsel for objecting creditor is prepared to accept the tentative ruling, he should notify counsel for debtor and the courtroom deputy and appearances will be excused. In that event, counsel for debtor shall submit an order confirming this modified plan.

ATTORNEY: MARCO A. TORRES (JOSEFINA O RODRIGUEZ, VICENTE T RODRIGUEZ)

10:00 AM

11 - 11-12588-LA Ch 13 FRANCISCO D & YUDITH V HERNANDEZ

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF JP MORGAN CHASE BANK, N.A., AS SUCESSOR IN INTEREST TO WASHINGTON MUTUAL BANK.

Tentative Ruling: Motion **Granted** as to with conditions recited in Local Form CSD 1171.2, with respect to Affected Lienholder.

The Property is valued at no more than \$245,000.00;
The balance owing on the deeds of trust, mortgages or other liens encumbering the Property which are senior in priority to the Affected Lien exceeds the value of the Property and the Affected Lien is wholly unsecured. Pursuant to § 1322(b), Affected Lienholder's Claim will be paid pursuant to the Plan as a non-priority general unsecured claim to the extent allowed.

Counsel is excused from attending the hearing and instructed to submit an order which substantially conforms to Local Form CSD 1171.2 within 14 days of the hearing date.

Appearances are excused.

ATTORNEY: KENNETH M. COOKE (FRANCISCO D HERNANDEZ, YUDITH V HERNANDEZ)

12 - 11-13764-LA Ch 13 JANIE MARIA CLARK

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY DAVID L. SKELTON (fr. 12/21/11)

Tentative Ruling: Court has reviewed case status reports filed by counsel for debtor and the trustee (thank you both). Court agrees that this **MATTER TO BE CONTINUED TO FEB. 29, 2012 at 11:00 a.m.** [the date/time of hearing on objection to claim of Aaron Clark].

Appearances excused at this hearing.

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY ELIZABETH M. LEWIS ON BEHALF OF AARON L. CLARK (fr. 12/21/11)

ATTORNEY: JOHN C. COLWELL (JANIE MARIA CLARK)
ATTORNEY: DANIEL WIEDECKER (JANIE MARIA CLARK)
ATTORNEY: ALISON JONES (JANIE MARIA CLARK)

10:00 AM

13 - 11-15306-LA Ch 13 SHELLY HEXIMER

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY DAVID L. SKELTON

Tentative Ruling: If debtor is current on plan payments and files PCM as requested by trustee w/r/t tax refunds, this plan will be confirmed without appearance of counsel. [Creditor objection has been resolved per counsel at hearing of 2/9/12].

In that event, counsel should notify courtroom deputy that debtor has satisfied the conditions and submit an order of confirmation forthwith.

- 2) OBJECTION TO CHAPTER 13 PLAN FILED BY DANIEL K. FUJIMOTO ON BEHALF OF JTF ROSE INC., A CALIFORNIA CORPORATION, DBA ROSE FINANCIAL. (Fr 1/18/12)

Tentative Ruling: **OFF CALENDAR.** Resolved.

ATTORNEY: AJAY GUPTA (SHELLY HEXIMER)

14 - 11-18434-LA Ch 13 DEL DAMIAN PHILLIPS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY TRUSTEE

Tentative Ruling: Objection to confirmation **SUSTAINED**; plan denied confirmation; case dismissed. Court has reviewed case status reports of counsel and trustee; debtor is delinquent in payments and has not supplied financial information requested by trustee. It appears this plan may not be feasible.

If counsel for debtor is prepared to accept the tentative ruling, she should notify the trustee and the courtroom deputy and appearances will be excused. In that event, counsel will be awarded an administrative claim in the amount of the guideline fee for cases of this type. She should notify the trustee of the amount of that fee to which she is entitled

ATTORNEY: MARJAN MORTAZAVI (DEL DAMIAN PHILLIPS)

15 - 11-18770-LA Ch 13 ALISE MICHELLE AMOUR

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY DAVID L. SKELTON

Tentative Ruling: Court has reviewed case status reports submitted by trustee and debtor's counsel. Counsel is reminded that "timely" as defined by LBR 3015-6 is one week in advance of the hearing (e.g., by the Wed. preceding the hearing). Also, a response to trustee's or creditor's objection to plan confirmation is required. See LBR 3015-5(c).

In view of counsel's statements in report, it appears a modified plan will be necessary to address the debtor's new financial difficulties (health-related) and removing one secured creditor from the plan. Counsel for debtor will be required to file a modified plan no later than 2/29/12 for a **CONTINUED HEARING** to be held **4/11/12 at 10:00 a.m.**

If counsel for debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and his appearance will be excused at this hearing.

ATTORNEY: THOMAS F. MILES (ALISE MICHELLE AMOUR)

10:00 AM

16 - 11-06954-LA Ch 13 MARK HENRY GUTIERREZ

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY TRUSTEE (fr. 2/1/12)

Tentative Ruling: Objection to confirmation **SUSTAINED**; plan denied confirmation; case dismissed. According to trustee's case status report and court's review of prior minute order from hearing held 2/2/12, debtor's "special appearance" counsel has not cured the defects raised by the trustee in his objection and has not filed a case status report as required by this court. Delay prejudicial to creditors.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and appearances will be excused. No administrative claim will be awarded at this time. If counsel seeks fees for his services in this case, he must file a fee application. Court will retain jurisdiction to hear said application for a period of 30 days from this hearing. If no application is filed, Court will not hear any further request for fees.

ATTORNEY: BILL PARKS (MARK HENRY GUTIERREZ)

11:00 AM

1 - 09-12582-LA Ch 13 RAMON E. & ELIZABETH VILLARREAL

MOTION TO DISMISS CASE BY TRUSTEE (Fr 1/18)

Tentative Ruling: Motion to Dismiss **GRANTED**. Debtor has not complied with conditions set by this court at hearing held 1/18/12.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and appearances will be excused. In that event, counsel will be awarded an administrative claim in the amount of the guideline fee for cases of this type. He should notify the trustee of the amount of that fee to which he is entitled

ATTORNEY: DON E. BOKOVOY (ELIZABETH VILLARREAL, RAMON E. VILLARREAL)

2 - 10-01442-LA Ch 13 JULIAN JAIRO URSULICH

MOTION TO DISMISS CASE BY TRUSTEE (Fr 1/18)

ATTORNEY: JOHN C. COLWELL (JULIAN JAIRO URSULICH)
ATTORNEY: DANIEL WIEDECKER (JULIAN JAIRO URSULICH)

3 - 11-15496-LA Ch 13 RONALD HINTON

DEBTOR'S MOTION FOR AN ORDER TO SHOW CAUSE RE: CONTEMPT OF THE AUTOMATIC STAY UNDER 11 U.S.C. §362 FILED BY KAREN SPICKER

Tentative Ruling: MATTER TO BE SET FOR EVIDENTIARY HEARING. Counsel for debtor is incorrect; there was a response filed to the motion for OSC re: Contempt. Counsel for debtor and the Condon's should confer prior to this hearing to discuss likely length of time such evidentiary hearing might take and whether any discovery will be required in advance of said hearing.

ATTORNEY: MICHAEL G. DOAN (RONALD HINTON)
ATTORNEY: MICHAEL THOMAS NICHOLS (RONALD HINTON)
ATTORNEY: KAREN SPICKER (RONALD HINTON)

11:00 AM

4 - 11-05172-LA Ch 13 RICARDO TORRES

OPPOSITION TO CLASSIFICATION OF CLAIM #2 OF LBS FINANCIAL CREDIT UNION

ATTORNEY: MICHAEL G. DOAN (RICARDO TORRES)
ATTORNEY: MICHAEL THOMAS NICHOLS (RICARDO TORRES)

5 - 11-13150-LA Ch 13 JACOB & COTY BENRIMOJ

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY DAVID L. SKELTON (Fr 12/7)

Tentative Ruling: Objection to Confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Debtor apparently no longer objects to dismissal.

Appearance excused. If counsel for the debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and appearances will be excused. Court declines to award the guideline fee in this case as counsel has not fully performed his duties under the Local Rules. Court will retain jurisdiction over this case for 30 days from today's date to permit counsel to file a fee application. If he fails to do so, Court will consider no further requests for fees in this case.

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY PHILIP J. GILES ON BEHALF OF J.P. MORGAN CHASE BANK, N.A. (Fr 12/7)

ATTORNEY: RONALD M. TOIGO (COTY BENRIMOJ, JACOB BENRIMOJ)

6 - 11-10538-LA Ch 13 MARVEN D & JEAN G BANTA

AMENDED OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY TRUSTEE (Fr 2/1/12)

Tentative Ruling: **MATTER CONTINUED TO 2/29/12 at 11:00 a.m.** to permit lien strip hearing to occur on 2/22/12. Debtors to make one plan payment **in the full amount** of amended plan by the next hearing and remain current.

Appearance excused at this hearing.

ATTORNEY: DIANE C. MCDOWELL (JEAN G BANTA, MARVEN D BANTA)

7 - 11-19942-LA Ch 13 VINCENT & MICHELLE D. CASTREJON

MOTION FOR RELIEF FROM STAY, RS # M&B1 .00 FILED BY MARK T. DOMEYER ON BEHALF OF VEROS CREDIT, LLC.

Tentative Ruling: Motion for Relief from STay **DENIED**. It appears that debtor has filed modified plan which includes subject vehicle in plan and debtor is current on plan payments. Creditor is now adequately protected.

If counsel for creditor is prepared to accept the tentative ruling, he should notify the debtor's counsel and the courtroom deputy and appearances will be excused.

ATTORNEY: LARISSA L. LAZARUS (MICHELLE D. CASTREJON, VINCENT CASTREJON)
ATTORNEY: MARK L. MILLER (VINCENT CASTREJON)

02:00 PM

1 - 10-20619-LA Ch 13 DAVID E WILKINS

MOTION FOR RELIEF FROM STAY, RS # KSW-1 FILED BY KATHERINE WALKER ON BEHALF OF JPMORGAN CHASE BANK, N.A. SUCCESSOR IN INTEREST FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR WASHINGTON MUTUAL BANK (Fr 1/18/12)

ATTORNEY: BRIAN CROZIER WHITAKER (DAVID E WILKINS)

2 - 08-13235-LA Ch 13 RODNEY L. & JENNIFER LYNN CALLAHAN

DEBTOR'S MOTION TO MODIFY PLAN

Tentative Ruling: Motion to Modify Plan **GRANTED**. Unopposed.

Appearance of counsel excused at this hearing; an order confirming modified plan should be submitted forthwith. Counsel will be awarded an administrative claim in the amount of the guideline fee for motions of this type. He should notify the trustee of the amount of that fee to which he is entitled.

ATTORNEY: JOHN C. COLWELL (JENNIFER LYNN CALLAHAN, RODNEY L. CALLAHAN)

ATTORNEY: DANIEL WIEDECKER (JENNIFER LYNN CALLAHAN, RODNEY L. CALLAHAN)

3 - 10-07917-LA Ch 13 ESTELA RODRIGUEZ

DEBTOR'S MOTION FOR APPROVAL OF MODIFIED PLAN

Tentative Ruling: Motion to Modify Plan **GRANTED**. Unopposed.

Appearance of counsel excused at this hearing; an order confirming modified plan should be submitted forthwith. Counsel will be awarded an administrative claim in the amount of the guideline fee for motions of this type. She should notify the trustee of the amount of that fee to which she is entitled.

ATTORNEY: EVELYN JOHNSON (ESTELA RODRIGUEZ)

4 - 11-07303-LA Ch 13 ALAN PRESLEY & REBECCA MELANIE GABALDON

DEBTORS' MOTION FOR LEAVE TO INCUR NEW DEBT FILED BY KRISTIN LAMAR

Tentative Ruling: Motion GRANTED. Unopposed.

Appearance of counsel excused; order should be submitted forthwith. Counsel will be awarded an administrative claim in the amount of the guideline fee for motions of this type. She should notify the trustee of the amount of that fee to which she is entitled.

ATTORNEY: KRISTIN LAMAR (ALAN PRESLEY GABALDON, REBECCA MELANIE GABALDON)

02:00 PM

5 - 11-19683-LA Ch 13 CRAIG S & CHRISTINE E SNYDER

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF JPMORGAN CHASE BANK. WITH ATTACHED EXHIBITS A, B1-4, AND C FILED BY EVAN A. DREXL

Tentative Ruling: Motion **GRANTED** with conditions recited in Local Form CSD 1171.2, with respect to Affected Lienholder.

The Property is valued at no more than \$360,000.00;
The balance owing on the deeds of trust, mortgages or other liens encumbering the Property which are senior in priority to the Affected Lien exceeds the value of the Property and the Affected Lien is wholly unsecured. Pursuant to § 1322(b), Affected Lienholder's Claim will be paid pursuant to the Plan as a non-priority general unsecured claim to the extent allowed.

Counsel is excused from attending the hearing and instructed to submit an order which substantially conforms to Local Form CSD 1171.2 within 14 days of the hearing date.

Appearances are excused.

ATTORNEY: EVAN A. DREXL (CHRISTINE E SNYDER, CRAIG S SNYDER)

6 - 09-19079-LA Ch 13 PHILLIP A. & ROBIN S. PULIDO

MOTION FOR RELIEF FROM STAY, RS # PD-1 .00 FILED BY CHAD L. BUTLER ON BEHALF OF DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR HARBORVIEW MORTGAGE LOAN TRUST 2007-6

ATTORNEY: DON E. BOKOVOY (PHILLIP A. PULIDO, ROBIN S. PULIDO)

7 - 10-12721-LA Ch 13 PAUL D & DOMINIQUE D. ARGRAVES

MOTION FOR RELIEF FROM STAY, RS # PD-1 .00 FILED BY CHAD L. BUTLER ON BEHALF OF US BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE (SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION)AS TRUSTEE FOR MORGAN STA

ATTORNEY: JEFFERY S. STYERS (DOMINIQUE D. ARGRAVES, PAUL D ARGRAVES)

8 - 10-22229-LA Ch 13 DOUGLAS P. TRUJILLO

MOTION FOR RELIEF FROM STAY, RS # KW-1 FILED BY KATHERINE WALKER ON BEHALF OF JPMORGAN CHASE BANK, N.A., SUCCESSOR IN INTEREST FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR WASHINGTON MUTUAL BANK

ATTORNEY: CHERYL L. STENGEL (DOUGLAS P. TRUJILLO)

02:00 PM

9 - 12-00815-LA Ch 13 ENRIQUE R. & BERTHA A. SUFFLE

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: **MATTER CONTINUED TO 2/29/12 at 2:00 p.m.** to permit time to run on opposition, if any, to this motion (deadline for opposition expires 2/16).

No appearance required at this hearing.

ATTORNEY: ANDREW H. GRIFFIN (BERTHA A. SUFFLE, ENRIQUE R. SUFFLE)

10 - 11-02539-LA Ch 13 GARRY CROCHERON & PATRICIA ELAINE ALLEN

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY PHILIP J. GILES ON BEHALF OF DEUTSCHE BANK NATIONAL TRUST COMPANY (Fr 12/7)

Tentative Ruling: Per joint case status report filed, this **MATTER CONTINUED TO 4/11/12 at 2:00 p.m.** to permit further efforts to obtain loan modification.

No appearance required at this hearing.

ATTORNEY: JOHN C. COLWELL (GARRY CROCHERON ALLEN, PATRICIA ELAINE ALLEN)

ATTORNEY: ALISON JONES (GARRY CROCHERON ALLEN, PATRICIA ELAINE ALLEN)

11 - 11-05111-LA Ch 13 FABIAN ALFREDO FELIX

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS FILED BY TODD HEADDEN ON BEHALF OF TRUSTEE

Tentative Ruling: **MATTER CONTINUED TO 2/29/12 at 2:00 p.m.** to permit time to run on modified plan filed 1/13/12.

No appearances required. In future, counsel is reminded that modified plans with substantive amendments require **39 days' notice**.

ATTORNEY: ROGER STACY (FABIAN ALFREDO FELIX)

12 - 11-19069-LA Ch 13 LONNIE RODRIGUE

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY BRIAN H. TRAN, LLP ON BEHALF OF BANK OF AMERICA, N.A.

Tentative Ruling: Objection to confirmation of Ch. 13 Plan **SUSTAINED**. Unopposed. Plan denied confirmation. If modified plan is not filed and noticed for confirmation within one week of this hearing, counsel for movant shall submit an order dismissing this case.

Appearance of counsel for B of A excused.

Counsel for debtor has utterly failed in her duties to respond to this objection [LBR 3015-5(c)] or file a timely case status report [LBR 3015-6].

ATTORNEY: DIANE C. MCDOWELL (LONNIE RODRIGUE)

02:00 PM

13 - 11-18709-LA Ch 13 JESUS & BERTHA VILLASENOR

OBJECTION TO CONFIRMATION OF CH. 13 PLAN FILED BY BANK OF NEW YORK MELLON FILED BY VY T. PHAM

Tentative Ruling: Objection to confirmation **SUSTAINED**. Plan denied confirmation. Unopposed. If debtor fails to file an amended plan within one week of this hearing and fails to notice same for confirmation, counsel for movant is directed to file an order dismissing this case.

Appearance of counsel for movant excused.

Counsel for debtors has utterly failed in his responsibility to file a response to this objection (LBR 3015-5(c)) or a timely case status report [LBR 3015-6]

ATTORNEY: Ruben F. Arizmendi (Jesus Villasenor, Bertha Villasenor)

03:00 PM

1 - 11-13943-LA Ch 13 MARCIA MEYER

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY VY T. PHAM ON BEHALF OF THE BANK OF NEW YORK MELLON (Fr 12/7)

ATTORNEY: JASON E. TURNER (MARCIA MEYER)

2 - 11-11213-LA Ch 13 BERT L & DEBORA J HUFF

MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF COUNTRYWIDE FILED BY DANIEL J. WINFREE ON BEHALF OF DEBTORS (fr. 12/7/11)

Tentative Ruling:

Motion to Strip Junior Lien **GRANTED**. Per unopposed valuation, house is valued at no more than \$535K; the balance owing on the deed(s) of trust or other liens encumbering this property and senior to this Affected Lien exceeds the value of the property. Court finds Affected Lien wholly unsecured. Pursuant to Sec. 1322(b) the Affected Lienholder's claim will be paid pursuant to the plan as a non-priority general unsecured claim to the extent allowed and the lien may be stripped off the Debtor's interest in the property upon completion of the Ch. 13 plan and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the presumptively reasonable fee of \$450.00 plus costs according to proof.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

Appearances excused.

ATTORNEY: DANIEL J. WINFREE (BERT L HUFF, DEBORA J HUFF)

03:00 PM

3 - 11-06815-LA Ch 13 JACQUELINE GIBBS

CHAPTER 13 TRUSTEE APPLICATION FOR ORDER TO SHOW CAUSE FOR ATTORNEY JOSEPH REGO TO APPEAR AND EXPLAIN AS TO WHY FEES SHOULD NOT BE DISGORGED FOR IMPROPER HANDLING OF CHAPTER 13 CASE FILED BY JENNY JUDITH HA

ATTORNEY: EVELYN JOHNSON (JACQUELINE GIBBS)

4 - 12-00533-LA Ch 13 YUN AH SONG

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: **MATTER CONTINUED TO 2/29/12 at 2:00 p.m.** to permit deadline for opposition to expire (deadline is 2/16).

Appearances excused.

ATTORNEY: ALLAN CATE (YUN AH SONG)