

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 5
JUDGE CHRISTOPHER B. LATHAM, PRESIDING
WEDNESDAY, MAY 13, 2015

10:00 AM

1 - 08-07234-CL Ch 13 SANDRA MORENO SOLANO

- 1) OPPOSITION TO CHAPTER 13 TRUSTEE'S INTERIM FINAL REPORT FILED BY CARLOS COZART (fr. 4/1/15)

- 2) OBJECTION TO CLAIM #9 OF CARLOS COZART FILED BY DEBTOR

ATTORNEY: PATRICK E. HERMAN (SANDRA MORENO SOLANO)
ATTORNEY: JON COOPER (SANDRA MORENO SOLANO)
ATTORNEY: MARK C. MAZZARELLA (SANDRA MORENO SOLANO)
OTHER: CARLOS COZART

2 - 09-18224-CL Ch 13 GENIA DENISE WHITE

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has reviewed the Trustee's motion to dismiss case, Debtor's opposition, and the Trustee's statement of case status. The Trustee's statement indicates that he no longer seeks dismissal of this case. And it requests that the court take this matter off calendar. The court notes the Trustee could have simply withdrawn his motion. But he did not, thus necessitating this tentative ruling. Regardless, the court treats the Trustee's statement as a withdrawal of his motion and takes the matter **off calendar**. It excuses appearances at the May 13, 2015 hearing.

ATTORNEY: JEFFREY D. SCHREIBER (GENIA DENISE WHITE)

3 - 11-07126-CL Ch 13 HERIBERTO BAUTISTA MARTINEZ & HILDA PACHUCA

- 1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/15/15)

- 2) MOTION TO EXCUSE MISSED PLAN PAYMENTS FILED BY DEBTORS (fr. 4/15/15)

- 3) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS (fr. 4/15/15)

ATTORNEY: RUBEN F. ARIZMENDI (HERIBERTO BAUTISTA MARTINEZ, HILDA PACHUCA)

4 - 11-17082-CL Ch 13 DAVID C & COBY L BURNS

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS (fr. 4/29/15)

Tentative Ruling: The court has reviewed the parties' statements of case status. It appears that the parties are close to resolving this motion through a PCM. To allow the Trustee time to review the PCM, the court **continues** this matter to **May 27, 2015 at 10:00 a.m.** It excuses appearances at the May 13, 2015 hearing.

ATTORNEY: HARLEY A. FEINSTEIN (COBY L BURNS, DAVID C BURNS)

10:00 AM

5 - 11-17196-CL Ch 13 ALVIN D & DAWNE M WHITE

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/15/15)

Tentative Ruling: The court has reviewed the Trustee's motion to dismiss case, Debtor's opposition, and the Trustee's statement of case status. The Trustee's statement indicates that he no longer seeks dismissal of this case. And it requests that the court take this matter off calendar. The court notes the Trustee could have simply withdrawn his motion. But he did not, thus necessitating this tentative ruling. Regardless, the court treats the Trustee's statement as a withdrawal of his motion and takes the matter **off calendar**. It **awards** Debtors' counsel guideline fees of \$450. And it excuses appearances at the May 13, 2015 hearing.

ATTORNEY: BRIAN J. MCGOLDRICK (ALVIN D WHITE, DAWNE M WHITE)

6 - 12-08336-CL Ch 13 DANIEL ENRIQUEZ & CHRISTINA HERLINDA VIDANA

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/1/15)

2) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS

Tentative Ruling: Nos. 6-1 & 6-2: The court has reviewed Debtors' motion to modify plan and the parties' statements of case status. The court notes that the Trustee's statement of case status is of limited utility because, although the Trustee's counsel apparently drafted the statement on May 1, 2015, she did not file it until May 5 - after Debtors had apparently already resolved most of the Trustee's issues. Regardless, objections to Debtors' modified plan are not due until June 5, 2015. Accordingly, the court **continues** these matters to **June 24, 2015 at 10:00 a.m.** to allow: (1) the parties time to resolve any remaining issues; and (2) notice to run on Debtors' modified plan. The court excuses appearances at the May 13, 2015 hearing.

ATTORNEY: MICHAEL G. DOAN (CHRISTINA HERLINDA VIDANA, DANIEL ENRIQUEZ VIDANA)

ATTORNEY: CHRISTOPHER R. BUSH (CHRISTINA HERLINDA VIDANA, DANIEL ENRIQUEZ VIDANA)

7 - 13-08662-CL Ch 13 PATRICK CORY O'MALLEY

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Per the order on stipulation tracking plan payments (ECF No. 40), matter **continued** to **August 19, 2015 at 10:00 a.m.** The court excuses appearances at the May 13, 2015 hearing.

ATTORNEY: PAUL CAPRARA (PATRICK CORY O'MALLEY)

10:00 AM

8 - 13-09006-CL Ch 13 KEVIN D & CYNTHIA MCHUGH

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY TRUSTEE

Tentative Ruling: The court has reviewed the Trustee's motion to modify plan, Debtors' opposition, and the parties' statements of case status. On May 4, 2015, Debtors brought their own motion to modify plan. And objections to Debtors' modified plan are not due until June 4, 2015. Accordingly, the court **continues** this matter to **June 24, 2015 at 10:00 a.m.** to allow: (1) the parties time to resolve any remaining issues; and (2) notice to run on Debtors' modified plan. The court excuses appearances at the May 13, 2015 hearing.

ATTORNEY: THOMAS K. SHANNER (CYNTHIA MCHUGH, KEVIN D MCHUGH)

9 - 14-00020-CL Ch 13 RICHARD J & JEANETTE M SHAMLIAN

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS

Tentative Ruling: The court has reviewed Debtors' motion to modify plan, the Trustee's opposition, the parties' PCM, and their statements of case status. The Trustee's statement indicates he no longer objects to Debtors' modified plan and PCM. The court notes the Trustee could have simply withdrawn his opposition. But he did not. Regardless, the court treats the Trustee's statement as such a withdrawal. There being no remaining opposition, and good cause appearing, the court **grants** Debtors' motion to modify plan. Debtors' counsel is **awarded** guideline fees of \$650. The court excuses appearances at the May 13, 2015 hearing, and Debtors may upload an order consistent with this tentative ruling.

ATTORNEY: THOMAS K. SHANNER (JEANETTE M SHAMLIAN, RICHARD J SHAMLIAN)

10 - 14-00428-CL Ch 13 ROBERT B KRUEGER

- 1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/15/15)

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/15/15)

ATTORNEY: MICHAEL A. FELDMAN (ROBERT B KRUEGER)

11 - 14-00446-CL Ch 13 EDWARD B. IRVINE & ETHEL M. WILLS

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/29/15)

Tentative Ruling: Per the order on stipulation tracking plan payments (ECF No. 72), matter **continued** to **August 19, 2015 at 10:00 a.m.** The court excuses appearances at the May 13, 2015 hearing.

ATTORNEY: CHERYL L. STENGEL (EDWARD B. IRVINE, ETHEL M. WILLS)

10:00 AM

12 - 14-04800-CL Ch 13 SYRIL A & STACEY L GALINDO

MOTION FOR APPROVAL TO INCUR NEW DEBT FILED BY DEBTORS

ATTORNEY: GREGORY HIGHNOTE (STACEY L GALINDO, SYRIL A GALINDO)

13 - 14-07812-CL Ch 13 LUIS MARIO FELIX

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY CAM VII TRUST, ITS SUCCESSORS AND/OR ASSIGNEES (fr. 4/29/15)

Tentative Ruling: The court has reviewed Debtor's statement of case status and the case docket. It **continues** this matter to **May 27, 2015 at 10:00 a.m.** and excuses appearances at the May 13, 2015 hearing.

ATTORNEY: JEFFERY R. MENARD (LUIS MARIO FELIX)

ATTORNEY: JOSHUA L. SCHEER (CAM VII TRUST)

14 - 14-08536-CL Ch 13 EDILZA MARIA RINCON

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTOR

Tentative Ruling: The court has reviewed Debtor's motion to modify plan, the Trustee's opposition, the parties' PCM, and the Trustee's withdrawal of his opposition. There being no remaining objection, and good cause appearing, the court **grants** Debtor's motion and **awards** \$650 in guideline fees. It excuses appearances at the May 13, 2015 hearing, and Debtor may upload an order consistent with this tentative ruling.

ATTORNEY: RUBEN F. ARIZMENDI (EDILZA MARIA RINCON)

02:00 PM

1 - 09-10731-CL Ch 13 WILLIAM LEONARD ALDREDGE & LAURA DESS MITCHELL

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 4/15/15)

Tentative Ruling: The court has reviewed the parties' filings and the docket. To allow time for Escondido Federal Credit Union to respond to the Trustee's request, the court **continues** this matter to **June 10, 2015 at 2:00 p.m.** and excuses appearances at the May 13, 2015 hearing.

2) MOTION FOR HARDSHIP DISCHARGE FILED BY DEBTORS

Tentative Ruling: The court has reviewed the parties' filings and the docket. To allow time for Escondido Federal Credit Union to respond to the Trustee's request, the court **continues** this matter to **June 10, 2015 at 2:00 p.m.** and excuses appearances at the May 13, 2015 hearing.

ATTORNEY: SHAWN A. DOAN (LAURA DESS MITCHELL, WILLIAM LEONARD ALDREDGE)

ATTORNEY: TODD A. WARSHOF (LAURA DESS MITCHELL, WILLIAM LEONARD ALDREDGE)

ATTORNEY: WILFRED E. BRIESEMEISTER (LAURA DESS MITCHELL, WILLIAM LEONARD ALDREDGE)

02:00 PM

2 - 09-14891-CL Ch 13 SANTIAGO M. SANTANA

MOTION FOR APPROVAL OF LOAN MODIFICATION FILED DEBTOR (re Bank of America NA, its assignees and/or successors in interest)

Tentative Ruling: The court has reviewed Debtor's motion for approval of loan modification and the Trustee's statement of non-opposition. Having received no opposition, and good cause appearing, the court **grants** the motion and **approves** the loan modification. It excuses appearances at the May 13, 2015 hearing.

ATTORNEY: LARISSA L. LAZARUS (SANTIAGO M. SANTANA)
ATTORNEY: MARK L. MILLER (SANTIAGO M. SANTANA)

3 - 10-08581-CL Ch 13 ANIELLO JOSEPH PALLANTE

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has reviewed the Trustee's motion to dismiss, Debtor's opposition, and the parties' statements of case status. Debtor indicates a check paying off the case will post to the Trustee's lockbox soon. Accordingly, the court **continues** this matter to **May 27, 2015 at 2:00 p.m.** and excuses appearances at the May 13, 2015 hearing.

ATTORNEY: MAUREEN A. ENMARK (ANIELLO JOSEPH PALLANTE)

4 - 10-22065-CL Ch 13 NICK CASTRO & MARICELA PEREZ

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has reviewed the Trustee's motion to dismiss case, Debtors' opposition, and the Trustee's statement of case status. The Trustee requests an order tracking Debtors' June, July, and August 2015 plan payments. Good cause appearing, the court **grants** the Trustee's tracking order request. It **awards** Debtors' counsel guideline fees of \$490 for Debtors' opposition. If Debtors are prepared to submit on this tentative ruling, they may notify the Trustee's counsel and the courtroom deputy, and the court will excuse appearances at the May 13, 2015 hearing. The Trustee may then upload an order consistent with his statement of case status and this tentative ruling.

ATTORNEY: JOHN C. COLWELL (MARICELA PEREZ, NICK CASTRO)
ATTORNEY: DANIEL WIEDECKER (MARICELA PEREZ, NICK CASTRO)

5 - 11-00499-CL Ch 13 RICKY D. & KALLEE R. SHARPE

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: WILLIAM F. MCDONALD (KALLEE R. SHARPE, RICKY D. SHARPE)

02:00 PM

6 - 11-05929-CL Ch 13 ALFONSO AGUIRRE & MARTHA ROMERO SERRATOS

MOTION FOR APPROVAL OF LOAN MODIFICATION OR IN THE ALTERNATIVE FOR ORDER AUTHORIZING PARTIES TO ENTER INTO SUCH AN AGREEMENT FILED BY DEBTORS (ON SHORTENED TIME) (re Wells Fargo Home Mortgage)

Court Deputy Note: Off calendar. Order on Debtors' Motion to Approve Modification entered 5/12/15 (re ECF No. 82).

ATTORNEY: JOHN A. VARLEY (ALFONSO AGUIRRE SERRATOS, MARTHA ROMERO SERRATOS)
ATTORNEY: LENNIE ANN ALZATE (ALFONSO AGUIRRE SERRATOS, MARTHA ROMERO SERRATOS)

7 - 12-06025-CL Ch 13 NORMA A. GONZALEZ-MORALES

- 1) MOTION FOR AUTHORITY TO INCUR NEW DEBT (RE PERSONAL PROPERTY) FILED BY DEBTOR

- 2) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTOR

Court Deputy Note: 1-2) Off calendar. Debtor's motions withdrawn 5/11/15 (re ECF Nos. 54 & 55).

ATTORNEY: JOHN F. LENDERMAN (NORMA A. GONZALEZ-MORALES)

8 - 12-09715-CL Ch 13 ERIC JOSEPH & KERRIE ANN HUERTA

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: D.J. RAUSA (ERIC JOSEPH HUERTA, KERRIE ANN HUERTA)

9 - 12-11161-CL Ch 13 ANDREW R. & JODI K. KELTESCH

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: D.J. RAUSA (ANDREW R. KELTESCH, JODI K. KELTESCH)

10 - 12-14967-CL Ch 13 IBOLYA BENCZE BALAZS

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: ALBERTO M. CARRANZA (IBOLYA BENCZE BALAZS)

11 - 13-04593-CL Ch 13 COURTNEY S. BUENO

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTOR

ATTORNEY: AHREN TILLER (COURTNEY S. BUENO)

02:00 PM

12 - 14-04459-CL Ch 13 LORI ANN BLACK

APPLICATION FOR ALLOWANCE OF CHAPTER 7 ADMINISTRATIVE CLAIM
(RE FEES & COSTS) FILED BY FORMER CHAPTER 7 TRUSTEE
CHRISTOPHER BARCLAY

Tentative Ruling: The court has reviewed former Chapter 7 Trustee Christopher Barclay's application for allowance of a Chapter 7 administrative claim. Having received no objection, and good cause appearing, the court **grants** the application and **awards** applicant \$2,958.50 in fees and \$857.54 in costs. The court excuses appearances at the May 13, 2015, and applicant may submit an order consistent with this tentative ruling.

ATTORNEY: BRIAN CROZIER WHITAKER (LORI ANN BLACK)

13 - 14-05945-CL Ch 13 EDUARDO DE LEON BARRIOS

MOTION FOR RELIEF FROM STAY, RS #JLS-001 FILED BY PACIFICA REAT
2013-1 (fr. 4/15/15)

ATTORNEY: ALBERTO M. CARRANZA (EDUARDO DE LEON BARRIOS)
ATTORNEY: JOSHUA L. SCHEER (PACIFICA REAT 2013-1)

14 - 14-08637-CL Ch 13 REYNALDO LOZADA

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY
DEBTOR

Tentative Ruling: The court has reviewed Debtor's motion to modify, the Trustee's opposition, and the parties' statements of case status. To allow Debtor time to provide documents to the Trustee, the court **continues** this matter to May 27, 2015 at 2:00 p.m. It excuses appearances at the May 13, 2015 hearing.

ATTORNEY: KERRY A. DENTON (REYNALDO LOZADA)

15 - 14-08665-CL Ch 13 REGINA J. DESARNO

APPLICATION FOR AUTHORITY TO REFINANCE DEBT ON REAL PROPERTY
FILED BY DEBTOR

Tentative Ruling: The court has reviewed Debtor's application to refinance and the Trustee's statement of non-opposition. Having received no opposition, and good cause appearing, the court **grants** the application and awards Debtor's counsel \$545 in guideline fees. It excuses appearances at the May 13, 2015 hearing, and Debtor may submit an order consistent with this tentative ruling.

ATTORNEY: AHREN TILLER (REGINA J. DESARNO)