

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 5
JUDGE CHRISTOPHER B. LATHAM, PRESIDING
WEDNESDAY, NOVEMBER 12, 2014

10:00 AM

1 - 09-07786-CL Ch 13 PETER THOMAS & VALERIE ANN GROVE

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has reviewed the Trustee's motion to dismiss, Debtors' opposition, and the Trustee's statement of case status. The Trustee requests an order tracking plan payments for the next three months, beginning in November 2014. And the parties request that the court continue the matter to allow Debtors' time to resolve an issue with prepetition mortgage arrears. Good cause appearing, the court **grants** the Trustee's request for a tracking order. It further **continues** this matter to **December 10, 2014 at 10:00 a.m.** and awards Debtors' counsel guideline fees of \$490. If Debtors are prepared to submit on this tentative ruling, they may notify the courtroom deputy and the Trustee's counsel, and the court will excuse appearances at the November 12, 2014 hearing. The Trustee may then submit a tracking order consistent with this tentative ruling.

ATTORNEY: JOHN F. BRADY (PETER THOMAS GROVE, VALERIE ANN GROVE)

2 - 09-14020-CL Ch 13 KENNETH D. ROSS

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: GREGORY HIGHNOTE (KENNETH D. ROSS)

3 - 09-16136-CL Ch 13 M. ANNETTE GOWANS

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: EVELYN JOHNSON (M. ANNETTE GOWANS)

4 - 11-15364-CL Ch 13 MATTHEW SCOTT RHEAD & CHERYL ANN CALUYA-WILBER

MOTION FOR RELIEF FROM STAY, RS #HLL-1 FILED BY U.S. BANK NA, AS TRUSTEE, FOR BANC OF AMERICA FUNDING CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-B, ITS ASSIGNEES AND/OR SUCCESSORS IN INTEREST

ATTORNEY: CHRISTOPHER R. BUSH (CHERYL ANN CALUYA-WILBER, MATTHEW SCOTT RHEAD)

ATTORNEY: HALIE LEONARD (U.S. BANK NA)

5 - 12-10956-CL Ch 13 DAVID & CHRISTINA L. CONSTANTINO

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

ATTORNEY: GREGORY HIGHNOTE (CHRISTINA L. CONSTANTINO, DAVID CONSTANTINO)

10:00 AM

6 - 12-11050-CL Ch 13 YEN H PHAM

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, and Debtor's reply. Following entry of a PCM, the Trustee withdrew his opposition. See ECF Nos. 75 & 76. Having no remaining opposition, and good cause appearing, the court **grants** the motion. It excuses appearances at the November 12, 2014 hearing and Debtor may submit an order consistent with this tentative ruling.

ATTORNEY: THOMAS K. SHANNER (YEN H PHAM)

7 - 13-00650-CL Ch 13 OTIS O. & PHATTHANA N. INTILATH

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

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

ATTORNEY: JONATHAN N. VAKNIN (OTIS O. INTILATH, PHATTHANA N. INTILATH)

8 - 13-09162-CL Ch 13 STEPHEN L. & CARMEN W SKELTON

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 9/17/14)

ATTORNEY: STEVEN E. COWEN (CARMEN W SKELTON, STEPHEN L. SKELTON)

9 - 13-09604-CL Ch 13 DONALD G. & YVONNE M. WOODS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

ATTORNEY: JONATHAN N. VAKNIN (DONALD G. WOODS, YVONNE M. WOODS)

10 - 13-11206-CL Ch 13 ANTHONY WAYNE & MIRIAM JOE KATZDORN

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

ATTORNEY: TODD A. WARSHOF (ANTHONY WAYNE KATZDORN, MIRIAM JOE KATZDORN)

10:00 AM

11 - 13-12286-CL Ch 13 RONALD L. BROOKSHIRE

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

Tentative Ruling: The court has reviewed the Trustee's statement of case status. In it, the Trustee indicates that the parties have stipulated to a continuance. Accordingly, the court **continues** this matter to **February 4, 2014 at 10:00 a.m.** It excuses appearances at the November 12, 2014 hearing.

ATTORNEY: ALLAN CATE (RONALD L. BROOKSHIRE)

12 - 14-00042-CL Ch 13 ALFREDO CARLOS ACEVEDO

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: ANDREW H. GRIFFIN (ALFREDO CARLOS ACEVEDO)

13 - 14-01048-CL Ch 13 JOSE F & ROSA I VALDEZ

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

ATTORNEY: GREGORY HIGHNOTE (JOSE F VALDEZ, ROSA I VALDEZ)

14 - 14-01284-CL Ch 13 MITCHELL LAWRENCE & EMILY SHIREE MANION

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY RTED IRVINE LLC (fr. 10/15/14)

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/15/14)

Tentative Ruling: 1-2) The court has reviewed the Trustee's statement of case status and Debtors' case status report. Good cause appearing, the court **continues** these matters to **December 10, 2014 at 10:00 a.m.** It excuses appearances at the November 12, 2014 hearing.

ATTORNEY: ANDREW MOHER (EMILY SHIREE MANION, MITCHELL LAWRENCE MANION)

ATTORNEY: MICHELLE R. GHIDOTTI-GONSALVES (RTED IRVINE LLC)

15 - 14-02264-CL Ch 13 JOHN TODD ARNOLD

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

ATTORNEY: STEVEN J. DIAMOND (JOHN TODD ARNOLD)

10:00 AM

16 - 14-04334-CL Ch 13 DAVID KENT & MICHELE ANN WALTER
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: LARISSA L. LAZARUS (DAVID KENT WALTER, MICHELE ANN WALTER)

17 - 14-05362-CL Ch 13 RODNEY PHILLIP TAYLOR
1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE
2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY BANK OF AMERICA NA
3) OBJECTION TO CONFIRMATION OF PLAN AND JOINDER IN BANK OF AMERICA NA'S OBJECTIONS FILED BY THIRD AVENUE HOMEOWNERS ASSOCIATION

ATTORNEY: LAURI CROCE (THIRD AVENUE HOMEOWNERS ASSN)
ATTORNEY: DARREN J. DEVLIN (SETERUS INC)
ATTORNEY: DANE EXNOWSKI (BANK OF AMERICA NA)
OTHER: RODNEY PHILLIP TAYLOR

18 - 14-05622-CL Ch 13 LEU N FREYCINET
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

Court Deputy Note: Off calendar. Case converted to Chapter 7 on 11/6/14 (re ECF Nos. 33 & 35).

ATTORNEY: ANDREW H. GRIFFIN (LEU N FREYCINET)

19 - 14-05698-CL Ch 13 MICHAEL F. & DENA L. SCHNEEMANN
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: JULIAN MCMILLAN (DENA L. SCHNEEMANN, MICHAEL F. SCHNEEMANN)

20 - 14-06218-CL Ch 13 JESUS & MARIA ROSARIO VALENCIA
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: TODD A. WARSHOF (JESUS VALENCIA, MARIA ROSARIO VALENCIA)

10:00 AM

21 - 14-06304-CL Ch 13 ASHLEY SCIBILIA

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

Court Deputy Note: Court Modified Order on Stipulation to Continue Hearing entered 11/10/14 (re ECF No. 29) -- **Matter continued to 12/10/14 at 10:00 AM, Dept 5.**

ATTORNEY: D.J. RAUSA (ASHLEY SCIBILIA)

22 - 14-06426-CL Ch 13 MICHAEL A CHAVEZ

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

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY ONEWEST BANK NA FKA ONEWEST BANK FSB

ATTORNEY: DANIEL J. WINFREE (MICHAEL A CHAVEZ)

ATTORNEY: YALE K KIM (ONEWEST BANK NA)

23 - 14-06528-CL Ch 13 NICHOLAS GORDON & KAREN ANN KNOLLENBERG

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND REQUEST FOR DISMISSAL FILED BY U.S. BANK TRUST NA, AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS INC, AS ITS ATTORNEY IN FACT

Tentative Ruling: The court has reviewed U.S. Bank Trust, N.A.'s objection to confirmation of Chapter 13 plan, Debtors' opposition, and Debtors' statement of case status. The status report indicates that the parties have agreed to continue the matter. The court notes that the parties could have filed a stipulation to that effect, but did not. They are strongly encouraged to do so next time. Nonetheless, the court **continues** this matter to **December 10, 2014 at 10:00 a.m.** It excuses appearances at the November 12, 2014 hearing.

ATTORNEY: CRAIG S. TRENTON (KAREN ANN KNOLLENBERG, NICHOLAS GORDON KNOLLENBERG)

ATTORNEY: ROBERT ZAHRADKA (U.S. BANK TRUST NA)

10:00 AM

24 - 14-06676-CL Ch 13 REGINALD JOHN LINDEMUTH

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HARBORVIEW MORTGAGE LOAN TRUST 2006-14, MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2006-14 (adv. fr. 11/26/14)

Tentative Ruling: The court has reviewed Deutsche Bank National Trust Company's objection to confirmation of Chapter 13 plan and the parties' case status reports. Debtor's counsel represents that the parties would like a continuance so they can resolve the matter. The court notes that the parties could have filed a stipulation to that effect, but did not. They are strongly encouraged to do so next time. Nonetheless, the court continues this matter to **December 10, 2014 at 10:00 a.m.** It excuses appearances at the November 12, 2014 hearing. Finally, the court's docket shows that Debtor's counsel filed his LBR 3015-6 status report one day late. His presumptive attorney fee is therefore reduced by \$50 to \$4,325.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: ANDREW MOHER (REGINALD JOHN LINDEMUTH)

02:30 PM

1 - 12-11710-CL Ch 11 MAM RESTAURANT GROUP, INC.

TELE

STATUS CONFERENCE ON CHAPTER 11 PETITION (fr. 10/20/14)

ATTORNEY: RUBEN F. ARIZMENDI (MAM RESTAURANT GROUP, INC.)

ATTORNEY: PHILLIP BOHL (LITTLE CAESARS ENTERPRISES)

ATTORNEY: DAVID A. ORTIZ (U.S. TRUSTEE)