

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 5  
**JUDGE CHRISTOPHER B. LATHAM, PRESIDING**  
WEDNESDAY, NOVEMBER 26, 2014

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**02:00 PM**

**1 - 09-09333-CL Ch 13 WILLIAM W. & TERRY L. JORDAN**

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: THOMAS K. SHANNER (TERRY L. JORDAN, WILLIAM W. JORDAN)

**2 - 09-11847-CL Ch 13 STEVEN R. & MARIA A. BAKER**

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: THOMAS K. SHANNER (MARIA A. BAKER, STEVEN R. BAKER)

**3 - 09-12043-CL Ch 13 ERIKA YU AFFATIGATO**

MOTION FOR SANCTIONS FOR DEBTOR'S OPPOSITION TO MOTION FOR RELIEF FROM STAY, RS #MRG-1 (RE ONEWEST BANK NA) FILED BY DEBTOR

ATTORNEY: GREGORY HIGHNOTE (ERIKA YU AFFATIGATO)

ATTORNEY: MICHAEL GONZALES (ONEWEST BANK NA)

ATTORNEY: MARK D. ESTLE (THE BANK OF NEW YORK MELLON)

**4 - 09-13099-CL Ch 13 LUIS R. & MYRNA L. OSUNA**

1) MOTION TO DISMISS CASE FILED BY TRUSTEE

2) MOTION TO EXTEND CHAPTER 13 PLAN LENGTH FROM 60 TO 66 MONTHS FILED BY DEBTOR

ATTORNEY: MARK L. MILLER (LUIS R. OSUNA, MYRNA L. OSUNA)

ATTORNEY: LARISSA L. LAZARUS (LUIS R. OSUNA, MYRNA L. OSUNA)

**5 - 11-18835-CL Ch 13 GEORGE S & SUZANNE M HOLT**

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: GREGORY HIGHNOTE (GEORGE S HOLT, SUZANNE M HOLT)

02:00 PM

**6 - 12-12283-CL Ch 13 JUAN JOSE & MARIA LOURDES BRAVO ARREOLA**  
MOTION TO DISMISS CASE FILED BY TRUSTEE

**Tentative Ruling:** The court takes this matter **off calendar**. It has reviewed the Trustee's motion to dismiss and the parties' statements of case status. In his status report, the Trustee withdraws his motion and requests a three-month tracking order requiring timely monthly payments on December 1, 2014, January 1, 2015, and February 1, 2015. And Debtors do not oppose it. The Trustee may submit a tracking order. The court excuses appearances at the November 26, 2014 hearing. It also **grants** Debtors' counsel's request for \$490 in guidelines fees.

ATTORNEY: ALBERTO M. CARRANZA (JUAN JOSE BRAVO ARREOLA, MARIA LOURDES BRAVO)

**7 - 12-14049-CL Ch 13 NICHOLAS & ERICA G. DEI**  
MOTION TO DISMISS CASE FILED BY TRUSTEE

**Tentative Ruling:** The court has reviewed the Trustee's statement of case status. The Trustee no longer seeks dismissal, and so the court takes this matter **off calendar** and excuses appearances at the November 26, 2014 hearing. It also **grants** Debtors' counsel \$450 in guideline fees.

ATTORNEY: JULIAN MCMILLAN (ERICA G. DEI, NICHOLAS DEI)

**8 - 12-14239-CL Ch 13 LEO G & LORRAINE CARDENEZ**  
MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: D.J. RAUSA (LEO G CARDENEZ, LORRAINE CARDENEZ)

**9 - 13-06483-CL Ch 13 RAQUEL PUENTE**  
MOTION TO DISMISS CASE FILED BY TRUSTEE

**Tentative Ruling:** The court has reviewed the Trustee's and Debtor's statements of case status. The Trustee no longer seeks dismissal, and so the court takes the matter **off calendar** and excuses appearances at the November 26, 2014 hearing. It also **grants** Debtor's counsel's request for \$490 in guidelines fees.

ATTORNEY: DAVID G. WEIL (RAQUEL PUENTE)  
ATTORNEY: JONATHAN N. VAKNIN (RAQUEL PUENTE)

**10 - 14-00903-CL Ch 13 JAY S. BERNSTEIN**

MOTION FOR DAMAGES AND SANCTIONS AGAINST WILLARD MICHLIN & ALON HACOHEN, ESQ. FOR VIOLATION OF AUTOMATIC STAY FILED BY DEBTOR

**Tentative Ruling:** The court will **hear** the matter. The court has reviewed the parties' submissions. And it is aware that a closely connected, parallel motion is before Judge Adler. *See* Case No. 11-05316-LA7. There, Richard Dehart - Debtor Jay Bernstein's business associate - filed a motion for damages and sanctions against Willard Michlin for violating his bankruptcy discharge. And Judge Adler issued a tentative ruling on November 18, 2014, heard the matter on November 20, 2014, and sent a letter of opinion on November 24, 2014.

This case is under Chapter 13, not Chapter 7, and this motion is for violation of the automatic stay, not the discharge injunction. But the operative facts in this matter appear to be substantially similar to those in the related matter. And the standards for violation of the automatic stay and the discharge injunction are similar. The court intends to resolve the matter in accord with Judge Adler's findings and conclusions in *In re Dehart*. The parties should come prepared to discuss these matters.

ATTORNEY: MAUREEN A. ENMARK (JAY S. BERNSTEIN)  
ATTORNEY: JULIAN MCMILLAN (JAY S. BERNSTEIN)  
ATTORNEY: CHARLES R. GREBING (ALON HACOHEN, ESQ.)  
ATTORNEY: MATTHEW ABBASI (WILLARD MICHLIN)

**11 - 14-02719-CL Ch 13 RENE R. ACEVEDO**

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

ATTORNEY: GREGORY HIGHNOTE (RENE R. ACEVEDO)

**12 - 14-03951-CL Ch 13 JANA R. BRYANT**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE WITH 180-DAY BAR FROM REILING FILED BY TRUSTEE

ATTORNEY: GREGORY HIGHNOTE (JANA R. BRYANT)

**13 - 14-04061-CL Ch 13 TERRENCE D. BELLAMY**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/1/14)

ATTORNEY: AHREN TILLER (TERRENCE D. BELLAMY)

**14 - 14-04541-CL Ch 13 JOSHUA FAASUA**

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

**Tentative Ruling:** The court has reviewed the Trustee's objection to plan confirmation and case status report. Debtor has not responded to the Trustee's objection. *See* LBR 3015-5(c). Although Debtor amended his plan after the objection (ECF No. 59), the amended plan does not address the Trustee's objections - it merely changes the name of a junior lienholder. If a modified plan does not address an objection, the objecting party need not re-file its objection. LBR 3015-7(c). Accordingly, the court treats the motion as unopposed, **sustains** the Trustee's objection, and **dismisses** the case. Further, Debtor did not file a status report, as required by LBR 3015-6. So the court reduces Debtor's counsel's guideline fees by \$150. If Debtor is prepared to submit on this tentative ruling, he may notify the courtroom deputy and the Trustee, and appearances at the November 24, 2014 hearing will be excused. The Trustee may then upload an order consistent with this tentative ruling.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY NORTH ISLAND FINANCIAL CREDIT UNION DBA NORTH ISLAND CREDIT UNION

**Tentative Ruling:** The court will **hear** the matter. It has reviewed North Island Financial Credit Union's objection to plan confirmation. Debtor has since filed a modified plan. But the modified plan does not address the arrears objection. So the parties should come prepared to discuss this matter.

ATTORNEY: JULIAN MCMILLAN (JOSHUA FAASUA)  
ATTORNEY: EDWARD JUN FETZER (NORTH ISLAND FINANCIAL CREDIT UNION)

**15 - 14-04835-CL Ch 13 JOHN T. & PAMELA M. ROZAR**

- 1) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS
- 2) OBJECTION TO CLAIM #5-1 OF SPECIALIZED LOAN SERVICING LLC FILED BY DEBTORS

ATTORNEY: D.J. RAUSA (JOHN T. ROZAR, PAMELA M. ROZAR)  
ATTORNEY: MARK D. ESTLE (THE BANK OF NEW YORK MELLON)

**16 - 14-05055-CL Ch 13 MARK KEVIN MCDANIEL**

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

**Tentative Ruling:** The court will **hear** the matter. It has reviewed the parties' statement of case status. Debtor filed a PCM, but it is unclear if the PCM resolves the Trustee's objection. The parties should come prepared to discuss it. Debtor's LBR 3015-6 is one day late, so counsel's guideline case fee is reduced by \$50 to \$3,550.

ATTORNEY: STEVEN R. HOUBECK (MARK KEVIN MCDANIEL)

**17 - 14-05645-CL Ch 13 FANNY HARTLETT**

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WELLS FARGO BANK NA (re Promissory Note) (fr. 10/1/14)
- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY U.S. BANK NATIONAL ASSOCIATION (fr. 10/1/14)
- 3) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WELLS FARGO BANK NA (re SmartFit Home Equity Account Agreement)

**Tentative Ruling:** 1-3) The court will **hear** these matters. At the last hearing, the court directed Debtor to file an amended plan by October 22, 2014. Debtor filed her amended plan on November 20, 2014 - nearly a month late. This tardiness could have led to dismissal without further notice if a motion to dismiss had been pending. As it stands, Debtor's counsel's guideline case fee is reduced by \$150 to \$4,200.

ATTORNEY: CHRISTOPHER R. BUSH (FANNY HARTLETT)  
ATTORNEY: AUSTIN P. NAGEL (WELLS FARGO BANK NA)  
ATTORNEY: ROBERT ZAHRADKA (WELLS FARGO BANK NA)  
ATTORNEY: MARK D. ESTLE (U.S. BANK NATIONAL ASSOCIATION)

**18 - 14-05945-CL Ch 13 EDUARDO DE LEON BARRIOS**

MOTION FOR RELIEF FROM STAY, RS #KEH-1 FILED BY TOYOTA MOTOR CREDIT CORPORATION

ATTORNEY: ALBERTO M. CARRANZA (EDUARDO DE LEON BARRIOS)  
ATTORNEY: KEITH E. HERRON (TOYOTA MOTOR CREDIT CORPORATION)

**19 - 14-06631-CL Ch 13 MICHAEL SCOTT & LEORA COLLEEN SLOCUM**

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BE WELLS FARGO BANK NA DBA WELLS FARGO DEALER SERVICES (re 2011 Ford Escape) (fr. 10/29/14)
- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BE WELLS FARGO BANK NA DBA WELLS FARGO DEALER SERVICES (re 2010 Ford Focus) (fr. 10/29/14)

**Tentative Ruling:** 1-2) The court has reviewed its minute order and Wells Fargo's Declaration of Compliance with LBR 3015-6. The parties request a continuance to finalize their settlement of the matters. The court **continues** these matters to **January 21, 2015 at 2:00 p.m.** It excuses appearances at the November 24, 2014 hearing.

ATTORNEY: TODD A. WARSHOF (LEORA COLLEEN SLOCUM, MICHAEL SCOTT SLOCUM)  
ATTORNEY: JOHN H. KIM (WELLS FARGO BANK NA)

02:00 PM

20 - 14-06865-CL Ch 13 FRANCES K JACKSON

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY  
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SAXON  
ASSET SECURITIES TRUST 2007-4 MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2007-4

**Tentative Ruling:** The court has reviewed Deutsche Bank's objection to plan confirmation and its status report. Deutsche Bank requests a continuance so Debtor can review Deutsche Bank's proof of claim. But Deutsche Bank has not yet filed a proof of claim, and the claims deadline is January 2, 2015. Accordingly, the court **continues** the matter to **January 21, 2015 at 2:00 p.m.** It excuses appearances at the November 24, 2014 hearing.

ATTORNEY: MONICA MONTGOMERY (FRANCES K JACKSON)

ATTORNEY: LESLIE KLOTT (DEUTSCHE BANK NATIONAL TRUST COMPANY)