

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
THURSDAY, NOVEMBER 13, 2014

10:30 AM

1 - 14-03642-LA Ch 7 STEVEN J. & FAITH A. BOLAM

ADV: 14-90167

IRVIN B. SILVERSTEIN, D.D.S. & DAVID L. SMITH, D.D.S. v. STEVEN J. BOLAM & FAITH A. BOLAM, D.D.S.

MOTION TO DISMISS COMPLAINT OR REQUIRING A MORE DEFINITE STATEMENT; FILED BY CHERYL L. STENDEL ON BEHALF OF STEVEN J. BOLAM & FAITH A. BOLAM, D.D.S.

Tentative Ruling: Motion to Dismiss or Require More Definite Statement **GRANTED IN PART; DENIED IN PART.**

Standards applied to this motion:

1. *In re Bell Atlantic v. Twombly*, 550 U.S. 544, 556(2007), a complaint must do more than merely provide notice to the defendant. It must contain facts that "plausibly suggest" the plaintiff's entitlement to relief, which requires more than labels and conclusions. A formulaic recitation of the elements will not suffice. *Twombly*, 550 U.S. at 555.

2. *In re Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), the "plausibility" standard requires "more than an unadorned, the defendant-unlawfully-harmed-me accusation." A "claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of the entitlement to relief." *Iqbal*, 556 at 678. A court need not accept as true "threadbare recitals of the elements of a cause of action." *Id.*

Granted without leave to amend as to all of the state law tort claims [trespass to chattel-wrongful alteration; trespass to chattel-wrongful removal; conversion; violation of Penal Code 496 and trade libel] and all Sec. 523(a) claims pled against Steven Bolam. Acts of one spouse are not automatically imputed to another solely by reason of marriage. *In re Huh*, 506 B.R. 257 (9th Cir. BAP 2014); *In re Tsurukawa*, 258 B.R. 192 (9th Cir. BAP 2001).

Granted without leave to amend as to Claim Five [fraud] and Claim Nine [Sec. 523(a)(2)(A)]. Complaint fails to plead any elements stating a claim for fraud under state law or under Sec. 523(a)(2)(A). The plaintiffs' theory (stated in its Opposition to this Motion) that Dr. Bolam's "fraud" was her implied promise--made 15 years earlier when she executed this lease--that she would not breach it neither comports with this Court's judicial experience nor common sense. *Sheppard v. David Evans & Assocs.*, 694 F.3d 1045, 1051 (9th Cir. 2012).

Granted without leave to amend as to Claim Ten [Sec. 523(a)(4)]. Complaint fails to plead any of the elements of nondischargeability due to fraud, defalcation of a fiduciary or larceny. There is no plausible ability to plead that Dr. Bolam was a fiduciary of plaintiffs. Further, larceny applies when a debtor unlawfully appropriates property at the outset. If the property was rightfully in the debtor's possession when taken, no claim for larceny can be pled. *In re Lau*, 2013 WL 5935616, *31 (Bankr. E.D. Tex. 2013). Complaint pleads that the fixtures and personal property were used in Dr. Bolam's dental practice; therefore, she was in rightful possession at the time she allegedly appropriated them.

Granted with leave to amend as Claim Eight [Sec. 523(a)(6)].

Complaint fails to plead any of the elements to state a claim for willful and malicious injury. This is a federal cause of action. Incorporation of para. 1-78 does not substitute for proper pleading of the elements.

Granted with leave to amend as to Claim Thirteen [Sec. 727(a)(2)]. The allegations in para. 98-101 are conclusory and threadbare; they fall far short of what is required to plausibly plead this claim. *Iqbal*, 556 U.S. at 678.

Granted with leave to amend as to Claim Fourteen [Sec. 727(a)(4)]. Claim fails to allege facts to plausibly infer the element of materiality. *In re Khalil*, 379 B.R. 163, 172 (9th Cir. BAP 2007). Further, the Opposition is inconsistent in that it now argues that the omitted shareholder loan was repaid and is likely a concealed preference. This theory was nowhere pled in the complaint.

Denied as to Claims One, Two, Three, Six and Seven [trespass to chattel-wrongful alteration; trespass to chattel-wrongful removal; conversion; violation of Penal Code 496 and trade libel]. A plausible right to relief has been pled; however, these claims will be discharged unless excepted under Sec. 523(a)(6) or by denial of discharge under Sec. 727.

Denied as to Claim Twelve [Sec. 727(a)(3)] and Claim Fourteen [Sec. 727(a)(4)]. Court has reviewed the allegations in these claims and concludes they contain sufficient factual allegations, including specific examples, to infer a "plausible" claim greater than mere speculation.

ATTORNEY: L. SCOTT KEEHN (DAVID L. SMITH, D.D.S., IRVIN B. SILVERSTEIN, D.D.S.)
ATTORNEY: CHERYL L. STENGEL (FAITH A. BOLAM, D.D.S., STEVEN J. BOLAM)

11:00 AM

1 - 12-07812-LA Ch 7 JEROLD DENNIS BURKE

ADV: 12-90311

FIBER-TECH MANUFACTURING, INC. v. JEROLD DENNIS BURKE

PETITION TO CERTIFY DECISION FOR INTERLOCUTORY APPEAL AND MOTION TO STAY PROCEEDINGS

(28. U.S.C §158(d) FILED BY FIBER-TECH MANUFACTURING, INC.

Tentative Ruling: Motion **GRANTED IN PART; DENIED IN PART.**

Granted as to request for certification of direct appeal to the 9th Circuit. Pursuant to Section 158(d)(2)(B)(II), the Court shall make the requested certification if the majority of the appellants and a majority of the appellees so request. Here plaintiff has asked for the certification and defendant consents to same.

Denied as to request for stay pending appeal. Sec. 158(d)(2)(D) provides that a direct appeal does not stay the pending adversary proceeding in the bankruptcy court. FTMI has not offered any argument in support of its request for a stay. In contrast, the debtor points out that this Court has already found the proposed Sec. 727 claim and pending Sec. 523(a)(6) claims are totally unrelated. Litigation of the Sec. 523(a)(6) claim will not prejudice plaintiff in proving its late-filed Sec. 727(a)(4) claim should it somehow survive appeal and a motion to dismiss to be brought by the debtor. Further, should the creditor prevail on the Sec. 523(a)(6) claim, its debt will be excepted from discharge thereby obviating the need to prevail on a Sec. 727 claim to revoke the debtor's discharge.

If counsel for FTMI is prepared to accept the tentative ruling, he should notify counsel for Burke and the courtroom deputy and appearances will be excused. In that event, counsel for Burke must prepare an order in accordance with the tentative ruling.

DEBTOR'S MOTION TO REOPEN CHAPTER 7 BANKRUPTCY CASE TO: (1) AMEND EXEMPTIONS, AND (2) FILE MOTION TO AVOID JUDICIAL LIENS OF FIBER-TECH MANUFACTURING, INC. FILED BY MARTIN A. ELIOPULOS

Tentative Ruling: Motion to Reopen **GRANTED.** It would be an abuse of this Court's discretion to deny this motion. Section 350(b) states that a court may reopen a closed case "to administer assets, to accord relief to the debtor or for other cause." The decision to reopen rests within the discretion of the judge, based on the circumstances of each case. *In re Lopez*, 283 B.R. 22, 26 (9th Cir. BAP 2002). The act of reopening is ministerial and presents only a narrow range of issues: (1) whether further administration appears warranted; (2) whether a trustee should be appointed; and (3) whether the circumstances of reopening necessitate payment of another filing fee. *Id.* See also, *In re Menk*, 241 B.R. 896, 916-7 (9th Cir. BAP 1999). The court's sole task is to determine whether the moving party has shown "cause" to reopen. *In re Jayo*, 206 WL 2551609, *2 (Bankr. D. Idaho 2006). Extraneous issues such as the merits of the respective parties' positions on matters to be litigated after reopening should be excluded from consideration. *In re Velasco*, 2007 WL 754010, *4-5 (9th Cir. BAP 2007).

Here, debtor seeks to reopen to amend his claims of exemption to claim at least \$1 exempt in his residence and then move to avoid FTMI's judicial liens as impairing that amended homestead exemption. FTMI's argument is that debtor's motion to reopen to seek the intended relief is futile due to the equitable defense of laches. FTMI's laches argument has been undercut--indeed, likely abrogated entirely--by the recent USSC holding in *Law v. Siegel*, 134 S. Ct. 1188 (2014) holding that the bankruptcy court does not have the discretionary power to deny an amended exemption claim due to equitable considerations such as laches, bad faith or unfair prejudice to creditors. See also *In re Arellano*, 2014 WL 4925277, *2-3 (Bankr. S.D. Cal. Sept. 26, 2014).

If counsel for FTMI is prepared to accept the tentative ruling, he should notify counsel for Burke and the courtroom deputy and appearances will be excused. In that event, counsel for Burke must prepare an order in accordance with the tentative ruling.

ATTORNEY: MARTIN A. ELIOPULOS (JEROLD DENNIS BURKE)

02:00 PM

1 - 14-05982-LA Ch 13 PERRY CLARK

MOTION FOR RELIEF FROM STAY, RS # CJO-001 .00 FILED BY CHRISTINA O ON BEHALF OF GREEN TREE SERVICING LLC

Tentative Ruling: If parties manage to craft an APO in advance of this hearing, notify courtroom deputy and appearances will be excused.

In that event, counsel for debtor will be awarded the guideline fee for defense of a r.p. stay relief motion and should notify the trustee of the net amount of his admin. exp. claim.

ATTORNEY: JOHN F. BRADY (PERRY CLARK)

2 - 13-01105-LA Ch 13 JOSE G. & ROSEANA CASTILLO

MOTION FOR RELIEF FROM STAY, RS # ASW-1 .00 FILED BY DANIEL K. FUJIMOTO ON BEHALF OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, FOR THE WAMU MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR4

Tentative Ruling: Unless debtors provide proof of having applied for a loan modification at this hearing, stay relief will be granted. Debtors are \$24K post-petition delinquent in their mortgage payments and are in serious breach of their Ch. 13 plan.

ATTORNEY: LARISSA L. LAZARUS (JOSE G. CASTILLO, ROSEANA CASTILLO)
ATTORNEY: MARK L. MILLER (JOSE G. CASTILLO, ROSEANA CASTILLO)

3 - 14-04560-LA Ch 13 NABIH SALEEM & LYNN MARIE DUCUSIN GEHA

MOTION FOR RELIEF FROM STAY, RS # CJR-1 .00 FILED BY CASSANDRA J. RICHEY ON BEHALF OF U.S BANK NATIONAL ASSOCIATION, ET AL

Tentative Ruling: If debtor's counsel and movant manage to craft an APO in advance of this hearing, notify the courtroom deputy and appearances will be excused. In that event, counsel for debtor will be awarded a guideline fee for defense of a r.p. stay relief motion.

NOTE TO DEBTOR'S COUNSEL: The declaration in Opposition to this motion is insufficient; it does not state with particularity (responsive to the original motion) the amount of the post-petition delinquency, etc. Please use the form 1161 plus a declaration of debtor in the future.

ATTORNEY: THOMAS M. LOCKHART (LYNN MARIE DUCUSIN GEHA, NABIH SALEEM GEHA)

02:00 PM

4 - 12-16150-LA Ch 13 JOSEPH STEIN

MOTION FOR RELIEF FROM STAY, RS # PD-1 .00 FILED BY JOSEPH DELMOTTE ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, S

Tentative Ruling: Motion for Relief from Stay **GRANTED**. Debtor is post-petition delinquent for 20 mortgage payments. This is a serious breach of his obligations under his Ch. 13 plan to keep this secured creditor current. It is irrelevant that there is a substantial amount of equity in this property. Debtor has failed to propose any solution that **promptly** cures this enormous delinquency.

Request for accounting **DENIED**. Movant attached one to the motion; it is complete.

If counsel for the debtor is prepared to accept the tentative ruling, he should notify counsel for movant and the courtroom deputy and appearances will be excused. In that event, counsel for movant shall prepare and lodge an order granting stay relief. Counsel for debtor awarded guideline fees; notify trustee of the amount of your admin. exp. claim.

ATTORNEY: D.J. RAUSA (JOSEPH STEIN)

5 - 13-12082-LA Ch 13 JUAN VIRAMONTES

MOTION FOR RELIEF FROM STAY, RS # GAR-1 .00 FILED BY GAIL A. RINALDI ON BEHALF OF NATIONSTAR MORTGAGE LLC

ATTORNEY: ANDREW H. GRIFFIN (JUAN VIRAMONTES)

6 - 14-08145-LA Ch 13 JOSE ANTONIO ARROYO & NORA ROCHA

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: Motion **GRANTED**. However, as noted by counsel for secured creditor TBSF4 LLC, debtors' lawsuit against that creditor is NOT stayed (despite debtor's counsel's assertion to the contrary). Only affirmative relief against the debtors is stayed (and the court is NOT relieving this creditor of the need to seek stay relief in the event it is proceeding on affirmative relief against the debtors.)

If counsel for the debtors is prepared to accept the tentative ruling, he should notify counsel for the creditor and the courtroom deputy and appearances will be excused. In that event, counsel for debtors shall prepare an order in accordance with the tentative.

ATTORNEY: JEFFERY R. MENARD (JOSE ANTONIO ARROYO, NORA ROCHA)

02:00 PM

7 - 14-01861-LA Ch 11 IRMA A GONZALES

FIRST AND FINAL FEE APPLICATION FOR FINAL PROFESSIONAL COMPENSATION FOR ANDREW H. GRIFFIN III, DEBTOR'S ATTORNEY, PERIOD: 3/13/2014 TO 9/26/2014, FEE: \$ 21,015.00, EXPENSES: \$844.63.

ATTORNEY: ANDREW H. GRIFFIN (IRMA A GONZALES)

8 - 14-05158-LA Ch 7 MARIA PAWLIK

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND JPMORGAN CHASE BANK, N.A.

Tentative Ruling: Motion to Reaffirm Debt to JP Morgan Chase **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. If debtor(s) still desires to reaffirm this debt, 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**. Court notes that debtor(s) original schedules and information in reaffirmation agreement show a deficit of income/expenses of in excess of \$461./mo. 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.

ATTORNEY: HENRY AHRENS (MARIA PAWLIK)

9 - 14-05524-LA Ch 7 CHRISTOPHER SCOTT WILLIAMS

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND FORD MOTOR CREDIT COMPANY LLC

Tentative Ruling: Motion to Reaffirm Debt to Ford Motor Credit **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.

If debtor(s) still desires to reaffirm this debt, 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**.

Court notes that debtor(s) original schedules show a deficit of income/expenses of in excess of \$4500./mo. Income/expense information contained in the reaffirmation agreement show an even greater disparity--a shortfall of in excess of \$4800/mo. 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. Court will not issue a *Moustaffi* order in lieu of reaffirmation in this case; debtor failed to file a Statement of Intent to reaffirm this debt.

ATTORNEY: JEFFREY D. LARKIN (CHRISTOPHER SCOTT WILLIAMS)

10 - 14-05726-LA Ch 7 CLAUDIA H. LOPEZ

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND TOYOTA MOTOR CREDIT CORPORATION

Tentative Ruling: Motion to Reaffirm Debt to Toyota Motor Credit **DENIED**. Debtor's budget was negative by more than \$1000/mo. when she filed this case. She claims to have reduced her already minimal monthly expenses to a mere \$850/mo--an amount which is unrealistic. She has not rebutted the presumption of undue hardship. Reaffirmation is not in debtor's best interest. Court is willing to issue a *Moustaffi* order in the event debtor is current with her payments to Toyota. She should consult with counsel about this.

11 - 14-05882-LA Ch 7 HOWARD ROGERS

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND SANTANDER CONSUMER USA INC

Tentative Ruling: Motion to Reaffirm debt to Santander Consumer USA **DENIED**. Debtor's initial income/expense schedules show a shortfall of income/expenses of in excess of \$3600; his reaffirmation income/expense schedule reports exactly the same shortfall. He has failed to rebut the presumption of undue hardship.

Apparently, debtor was not represented by his counsel in negotiating this reaffirmation agreement (with its 25.99% interest rate). There is no way that he can afford to make this payment without undue hardship. Further, debtor has a BMW and a Ducati motorcycle so does not require this vehicle for transportation.

Court declines to offer debtor a *Moustaffi* order as debtor failed to file a statement of intent to retain this collateral within the time frame provided in Sec. 521(a)(2)(A).

ATTORNEY: PAUL STALEY (HOWARD ROGERS)

12 - 14-06936-LA Ch 7 CHRISSY BUI

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND TOYOTA MOTOR CREDIT CORPORATION

Tentative Ruling: Motion to Reaffirm Debt to Toyota Motor Credit **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 II income/expenses and those on originally filed Schedules I and J. If debtor(s) still desires to reaffirm this debt, the court will give debtor(s) a **ONE TIME CONTINUANCE** to file a declaration under penalty of perjury explaining the differences and attaching to the declaration new Schedules I and J showing current income and expenses. Additionally, she must describe her employment status as she was unemployed when this reaffirmation agreement was filed. Further, if debtor(s) is relying on contributions from family members, separate declarations from each family member who contributes must be filed, stating: (1) he or she is financially able to contribute an amount sufficient to cover the payment to this creditor in the event debtor is unable to do so and (2) he or she is willing to make this contribution, if required, until the end of the contract with this creditor.

ATTORNEY: JONATHAN R. DESIMONE (CHRISSY BUI)

02:00 PM

13 - 14-07066-LA Ch 7 RUSSELL E. DAY

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND CAPITAL ONE
AUTO FINANCE

Tentative Ruling: Motion to Reaffirm Debt to Capital One 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 II income/expenses and those on originally filed Schedules I and J.

If debtor(s) still desires to reaffirm this debt, the court will give debtor(s) a **ONE TIME CONTINUANCE** to file a declaration under penalty of perjury explaining the differences and attaching to the declaration new Schedules I and J showing current income and expenses. Further, if debtor(s) is relying on contributions from family members, separate declarations from each family member who contributes must be filed, stating: (1) he or she is financially able to contribute an amount sufficient to cover the payment to this creditor in the event debtor is unable to do so and (2) he or she is willing to make this contribution, if required, until the end of the contract with this creditor.

ATTORNEY: RONALD M. TOIGO (RUSSELL E. DAY)

ATTORNEY: DAVID G. WEIL (RUSSELL E. DAY)

14 - 12-16684-LA Ch 11 VAIL LAKE RANCHO CALIFORNIA, LLC

TELE

CHAPTER 11 PETITION 1) SETTING STATUS CONFERENCE; 2) SETTING COMPLIANCE DEADLINES; 3) SETTING DISCLOSURE STATEMENT AND PLAN FILING DEADLINES, AND 4) SETTING SANCTIONS, IF APPROPRIATE, INCLUDING DISMISSAL, CONVERSION OR APPOINTMENT OF A CHAPTER 11 TRUSTEE OR EXAMINER BECAUSE OF NONCOMPLIANCE WITH ABOVE-REFERENCE REQUIREMENTS (FR 8/7/14)

ATTORNEY: J. BARRETT MARUM (VAIL LAKE RANCHO CALIFORNIA, LLC)

15 - 14-03642-LA Ch 7 STEVEN J. & FAITH A. BOLAM

OBJECTIONS TO DEBTOR'S CLAIM OF EXEMPTIONS FILED BY L. SCOTT KEEHN ON BEHALF OF IRVIN SILVERSTEIN, DAVID L. SMITH.

Tentative Ruling: Objection to Claims of Exemption **OVERRULED IN PART; SUSTAINED IN PART.**

Overruled as to objections to claims of exemption for GemSoft profit sharing plan; Steven Bolam's IRA and Faith Bolam's IRA. A debtor's claims of exemption are "presumptively valid"; therefore, it is burden of the objecting party to adduce sufficient evidence to prove the exemptions are not properly claimed. FRBP 4003(c); *In re Carter*, 182 F.3d 1027, 1029, n.3 (9th Cir. 1999). Initially, the objecting party has the burden of production and persuasion. *Carter*, at 1039, n. 3. If the objecting party produces enough evidence to rebut the presumptive validity, then the burden of production shifts to the debtor to go forward with unequivocal evidence that the exemption is proper. *Id.*; *In re Neff*, 2014 WL 448885, *8 (9th Cir, BAP Feb. 14, 2014). However, the burden of persuasion always remains with the objecting party. *Carter*, at n.3; *Neff* at *8.

In this case, creditor has filed a conclusory declaration of counsel opining that debtors are not entitled to their exemptions. This "evidence" is nothing more than speculation; it is insufficient to shift the burden of production to the debtors. *Neff*, at *8-9. Assuming *arguendo* that counsel's declaration did, in fact, shift the burden to the debtors, the debtors have submitted evidence confirming the exemptions are both "presumptively valid" and properly claimed. Specifically, Mr. Bolam's declaration explains the origin of the retirement funds which he rolled over and/or contributed to the GemSoft "profit sharing plan" and the IRAs. He sets forth the debtors' intentions and actual use of the funds, and he provides supporting plan documents. In their reply, creditors distort the use of funds, claiming they were invested in an annuity; this is clearly incorrect. GemSoft, the plan founder and administrator, invested its funds in an annuity. This does not make the GemSoft plan an annuity. The actual fund documents clearly state it is a profit sharing plan. Additionally, their reply attaches IRS Publication 590, for use in preparing 2013 tax returns, to establish the debtors' IRA contributions made in 1982, 1984 and 1997 are not exempt. This "evidence" is speculation; it is insufficient to shift the burden or proof or carry the ultimate burden of persuasion.

Sustained w/r/t the personal injury cross-claim exemption. CCP Sec. 704.140 limits this exemption to claims for "personal injury," or an award of damages or settlement for personal injury which is exempt only to the extent necessary for the debtor's support. *In re Sylvester*, 220 B.R. 89, 91 (9th Cir. BAP 1998). No admissible evidence has been submitted by the debtors establishing this exemption is proper. Disallowed without prejudice.

ATTORNEY: CHERYL L. STENGEL (FAITH A. BOLAM, STEVEN J. BOLAM)

02:00 PM

16 - 11-16303-LA Ch 13 DANIEL C. & JANET L. JACOBSON

MOTION FOR RELIEF FROM STAY, RS # CJR-1 .00 FILED BY CASSANDRA J. RICHEY ON BEHALF OF THE BANK OF NEW YORK MELLON, ET AL, C/O PROBER & RAPHAEL, A LAW CORP.

Tentative Ruling: **MATTER CONTINUED TO DEC. 17, 2014 at 2:00 p.m.** Movant directed to provide an accounting no later than December 4, 2014 of payments claimed to have been recently made by debtors. If parties achieve an APO in advance of the continued hearing, notify the courtroom deputy and appearances will be excused.

In that event, counsel for debtors will be awarded a guideline fee for his services.

Appearances excused at this hearing.

ATTORNEY: CAROLINA KOTZIAS TILLER (DANIEL C. JACOBSON, JANET L. JACOBSON)
ATTORNEY: AHREN TILLER (DANIEL C. JACOBSON, JANET L. JACOBSON)

17 - 14-05519-LA Ch 7 JENNIFER LYNN GOODEN

NOTICE OF OBJECTIONS TO DEBTORS CLAIM OF EXEMPTIONS FILED BY RICHARD KIPPERMAN, TRUSTEE

Tentative Ruling: **OFF CALENDAR AS MOOT.** Debtor's amended homestead exemption filed 10/3/14 (ECF 13) moots the trustee's objection to her initial homestead, thereby affording the trustee another 30 day period to object. Debtor is encouraged to provide the trustee with documentation to confirm her disability as income sources as of the petition date.

No appearances required.

ATTORNEY: JOHN F. BRADY (JENNIFER LYNN GOODEN)

18 - 14-05875-LA Ch 7 KEILA HURTADO

REAFFIRMATION AGREEMENT BETWEEN DEBTOR AND CAPITAL ONE AUTO FINANCE

Tentative Ruling: Motion to Reaffirm Debt to Capital One Auto Finance **GRANTED.** Although debtor has a slight negative of income/expenses of less than \$100/mo. and her budget post-bankruptcy has not changed from her pre-bankruptcy situation, it appears she has made payment of this debt a priority and is current on these car payments. As this motion is unopposed, debtor is excused from attending this hearing. Court will prepare order approving reaffirmation.

ATTORNEY: CYNTHIA ENCISO (KEILA HURTADO)

02:00 PM

19 - 14-08173-LA Ch 13 TRACY EVANS & JANICE ROSE HENRY
MOTION TO EXTEND AUTOMATIC STAY

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

Appearances excused; submit order.

ATTORNEY: STEVEN J. DIAMOND (JANICE ROSE HENRY, TRACY EVANS HENRY)

20 - 13-08893-LA Ch 13 ALEJO CABRAL

MOTION FOR RELIEF FROM STAY, RS # CJO-001 .00 FILED BY CHRISTINA O ON BEHALF OF CENTRAL MORTGAGE COMPANY DBA CENTRAL MORTGAGE LOAN SERVICING COMPANY

Tentative Ruling: **MATTER OFF CALENDAR** per joint request of parties. Stipulation at ECF #29 resolves this matter.

Counsel for debtor awarded guideline fees for defense of r/s motion for real property; please notify trustee of the net amount of your admin. exp. claim.

Appearances excused.

ATTORNEY: EUGENIO RAMOS (ALEJO CABRAL)

21 - 11-02105-LA Ch 13 JOSE REYES & MARIA LOURDES TAPIA

MOTION FOR RELIEF FROM STAY, RS # EAT-1 .00 FILED BY DARLENE C. VIGIL ON BEHALF OF WILMINGTON TRUST, COMPANY, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS SUCCESSOR TRUSTEE TO CITIBANK, N.A. AS TRUSTEE TO LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-3

Tentative Ruling: Per request of both parties, **MATTER CONTINUED TO JAN. 14, 2015 at 2:00 p.m.** to permit movant to provide an accounting and for parties to enter an APO.

Appearances excused at this hearing.

ATTORNEY: DAYNA C. CHILLAS (JOSE REYES TAPIA, MARIA LOURDES TAPIA)