

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

3	In re:)	
4	PATRICIA BEZAD,)	Case No. 20-23868-C-7
5	Debtor.)	
6	_____)	
7	J. MICHAEL HOPPER, in his)	Adversary No. 21-02047-C
8	capacity as successor Chapter 7)	
9	trustee of the Bankruptcy Estate)	
10	of Patricia Bezaad,)	
11	Plaintiff,)	
12	v.)	
13	BABAK BAHMANPOUR,)	
14	Defendant.)	
15	_____)	

Memorandum

Plaintiff trustee of the estate of Patricia Bezaad brought this action to recover damages resulting from Defendant exclusively occupying and failing to turnover property of the estate located at 18725 Redwing Street, Tarzana, California over an extended period of time.


Plaintiff filed the original complaint in this Adversary Proceeding on July 2, 2021. The complaint alleged counts for declaratory relief, turnover of the Tarzana Property, authority to sell the Tarzana Property, and damages. The Adversary was bifurcated into two parts: (1) trial on the resolution of the first three causes of action; and, if necessary, (2) trial on the amount of damages. Judgment on the first part was entered on behalf of the Plaintiff on January 15, 2024. The Judgment specifically noted that the claim for damages was not adjudicated and that the adversary proceeding would proceed further after the

1 trustee could reasonably ascertain the amount for damages after
2 he sold the property.

3 An amended complaint was filed on August 8, 2024 seeking
4 monetary damages based upon the fair rental value of the Tarzana
5 Property during the extended period of time Defendant exclusively
6 occupied and failed to turnover the Tarazana Property. The
7 amended complaint alleged the monthly fair rental value of the
8 Tarzana Property during the period Defendant occupied it is
9 \$5,315.20. It is further alleged that Defendant occupied the
10 Property for forty-three months. Additionally, the Trustee
11 alleged he incurred costs of \$1,180.00 to clean and secure the
12 Property after the Defendant surrendered the Property. No answer
13 to the amended complaint was filed and Defendant's default was
14 entered by the Clerk on August 29, 2024.

15 A hearing on Plaintiff's motion for default judgment was
16 held on November 6, 2024. Plaintiff and Defendant appeared at the
17 hearing on November 6, 2024. Defendant commented at the hearing
18 on his perceived unfairness of the situation, however; at the
19 hearing, Defendant did not contest the amount of the damages
20 sought. Therefore, default judgment is proper and will be entered
21 against the Defendant.

22 **Dated: November 08, 2024**

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26 United States Bankruptcy Judge
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**INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Estela O. Pino
1520 Eureka Rd., Suite 101
Roseville, CA 95661

Babak Bahmanpour
14804 Calvert Street
Van Nuys, CA 91411